

To SCP Forum,

With reference to Circular 8940 regarding follow-up on the *Standing Committee on the Law of Patents (SCP/31)*, the Norwegian Industrial Property Office has the following comments concerning the following item:

- (ii) National and regional laws on opposition systems and other administrative revocation and invalidation mechanisms: Under "Opposition and Administrative Revocation Mechanisms" → "Submission of information by third parties" → "National/regional laws" → "Norway", it appears that there has been a mistake, as the document currently available concerns re-examination systems. We suggest that you replace the current version with this text:

"Protest before grant of patent

If, before the patent has been granted, the Norwegian Industrial Property Office receives a protest that is of significance to the assessment of the application, the Norwegian Industrial Property Office shall notify the applicant hereof. If other novelty-destroying elements than obvious use of the invention are claimed in the protest, the Norwegian Industrial Property Office shall immediately examine whether this means that the applicant should be notified hereof in writing.

A protest will not result in any party rights. The protesting party is, as a main rule, informed of the possibility to submit an opposition."

Protest after grant of patent

It is also possible to file a protest during processing of an opposition.

If such a protest is submitted, the Norwegian Industrial Property Office has to take account of it during its processing of the case. The person who has submitted a protest does not, however, become a party to the case. A general letter is merely sent, in which the Norwegian Industrial Property Office confirms that the protest has been received.

If the protest is of significance to the assessment of the opposition, the protest is sent to the parties in the case concerned, and they are given the opportunity to comment upon the protest."

As regards the other items mentioned in C. 8940, we do not have any amendments to the information available or any new information to submit.

Should you have any questions or comments, please do not hesitate to contact me. We would also like to take the opportunity to thank you for your valuable assistance in keeping information about applicable laws and systems in Member States and Regional Patent Offices up to date.