

World Intellectual Property Organization  
SCP Secretariat  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

Oslo, 2023.03.20

## **WIPO Circular C. 9141**

With reference to WIPO Circular C.9141 dated December 7, 2022 please find our inputs for the preparation of the documents bellow.

### ***i.Foreign vessels, aircrafts and land vehicles***

Patent exemptions related to foreign vessels, aircrafts and land vehicles are regulated in Norwegian Patents Act section 5:

“An invention may, notwithstanding a patent, be utilized on a foreign vehicle, vessel or aircraft in connection with the use of such means of transportation during their temporary or accidental stay in this country.

Where a foreign country grants similar rights in respect of Norwegian aircraft, the King may provide that, notwithstanding a patent, spare parts and accessories for aircraft may be imported into and used in this country for the repair of aircraft belonging to that country.”

Furthermore it is stated in the Patent regulation Section 101 that:

“Notwithstanding any granted patent, spare parts and accessories for aircraft may be imported into Norway and used in Norway for the repair of aircraft registered in a foreign state that is a party to the Convention on International Civil Aviation of December 7, 1944 (the Chicago Convention) and that is either a party to the Paris Convention on Protection of Intellectual Property of March 20, 1883, or has patent legislation that recognises inventions made by nationals of another state that is a party to the Chicago Convention and that provides such inventions with a level of protection that is essentially in conformity with the protection provided under the Paris Convention.”

These exemptions have not been applied very often, however there are some court cases where these exemptions have been relevant.

### **iii. Expedited examination programs**

The Norwegian Industrial property Office offers two types for expedited examination programs, Patent Prosecution Highway (PPH) program and Accelerated proceedings.

The PPH program:

Norway is a part of the Global PPH and has a bilateral PPH agreement with China. If an application is considered to fulfil the PPH requirement the first written opinion should be issued within three months.

Accelerated Proceedings

The Norwegian Industrial Property Office (NIPO) offers accelerated proceeding for national applications. Accelerated proceedings are not restricted to specific technical fields or situations. Any national application may be subject to accelerated proceedings. The applicant has to request for accelerated proceedings by the time of filling the application. A request for accelerated proceedings may be rejected if formalities requirements are not fulfilled on time.

When accelerated proceedings are requested, NIPO will provide a first written opinion within four months from filling date. Normal time from filling to first written opinion is seven months. When an accelerated proceeding is provided, it is possible to grant the patent within one year provided that the application is not too complicated and the applicant respond swiftly to office actions.

A request for accelerated proceeding is free of charge.

NIPO introduced the accelerated proceedings program in June 2022 and has experienced a very positive response to the program with increasing requests for accelerated proceedings.

### **IV. Artificial intelligence (AI)**

The concept of inventorship is regulated in the Norwegian Patent Act § 1: "*Within any technical field, any person who has made an invention which is susceptible of industrial application, or his successor in title, shall, in accordance with this Act, have the right on application to be granted a patent for the invention...*"

The wording "any person" refer to a natural person, not a juridical person. Consequently, legal entities, companies or an employer can not be an inventor according to the Norwegian Patent Act. The questions regarding inventorship of AI inventions has not been addressed in applications or court cases in Norway. However, it is our assumption that the Norwegian approach to this question will be in line with EPO practice.

Sincerely,

Ingrid Mauritzen  
Head of Legal Section