

<b>Key Figures 2005</b>	
Applications filed for patent	5 985
Applications for trademark registration	14 456
Applications for design registration	730
Searches and Examinations	1 773



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# Joining Europe

Jørgen Smith - NPO Director General

With the Government's decision to apply for membership in the European Patent Organisation (EPO), a significant step has been taken towards giving Norwegian companies the same conditions as their most important overseas competitors.

This means Norwegian companies are ensured an easier and cheaper way of protecting their innovations on the European market.

For the Government, it also gives a better opportunity to influence the future development of patent legislation and regional patent cooperation in Europe. This decision should therefore be received with enthusiasm.



*Jørgen Smith  
NPO Director  
General*

At the same time however, this decision also means a new appreciation of the challenges to come. To begin with, the number of patent applications will be reduced by 80%, as foreign companies will no longer apply for a patent directly to Norway, but via the EPO. Also, the number of foreign patents valid for Norway, will probably treble over the following few years. This will lead to a situation where our small and medium-sized companies, knowing little about the patent system, will require more information. They will need to learn how to exploit a potentially useful strategic tool, and to be able to defend themselves against increasing competition. Those not mastering this tool can easily be squeezed out.

A substantial part of all specialised patent knowledge in this country at the present time, is found either in those companies specialising as patent agents, or at the Norwegian Patent Office. This knowledge is very important for the future of Norwegian trade and industry. It will therefore be a significant challenge for us to prevent the disappearance of foreign applications leading to a loss of specialised patent knowledge.

Experience from other countries joining the EPO shows, however, that patent agents not only survive, but manage very well as long as they can make the transition to the new situation and to new demands. The Norwegian Patent Office will do the same. Instead of being replaced by the European system, the Norwegian national patent system will continue to exist and develop parallel to the European system in the future.

The EPO wishes to build a European patent network consisting of The European Patent Office and national offices, where local knowledge and close proximity to users is a principle element. One of the most important factors is division of labour. In this network, the Norwegian Patent Office aims to be an active participant.

# Easier to protect rights

by Odd Eriksen, Minister for Trade and Industry

The Government aims to make Norway one of the world's leading innovative, dynamic and knowledge-based economies in fields where we already have the advantage. We are going to make Norway a desirable country to do business in.

In a declaration from the new coalition government (The Soria Moria Declaration), the Government states that Norwegian patent policy is to be upgraded, enabling us to protect patent rights at the same high level as do our competitors. As a result of this, Norway has now applied for membership in The European Patent Organisation (EPO).



Membership in EPO will make it cheaper and easier for Norwegian companies to protect the rights to their innovations, which constitute some of their most important assets, in the face of strong international competition.

By becoming a member of EPO, Norway will become a more attractive country for foreign investors. Investors can rely on the patent system functioning in the same way in Norway as in the rest of Europe.

I hope, that as a result of EPO membership, more companies will choose a more ambitious strategy to protect their industrial property rights.

In the future, a growing number of foreign patents will be valid in Norway. This means Norwegian companies will have to learn to compete under new conditions, also here at home. Although we see many companies making active use of their industrial property rights as a competitive tool, research shows that a substantial number of Norwegian companies require more information concerning IPR.

We therefore have an important challenge ahead of us to increase the IPR awareness and competence of small and medium-sized companies. The Norwegian Patent Office has a central role in this work.

# Patents

- Increase in total number of patent applications

## Applications filed

The number of patent applications filed in Norway in 2005 was approx. 5990. This is an increase of about 9% in relation to 2004 and after declining figures 4 years running, the number of applications is again on the way up.

The percentage of international applications filed under the international patent cooperation agreement PCT (Patent Cooperation Treaty) was approx. 70%.

There are only very small variations over time in the distribution of applications between the technical fields. Changes in these proportions from 2004 to 2005 were less than 2% for all technical fields. The most pronounced change was an increase in the field of chemistry and metallurgy of 1.5%.

IPC Sections	2005	2004	% change 2004-2005
Human necessities	1261	1202	-0,9 %
Performing operations; Transport	763	726	-0,5 %
Chemistry; Metallurgi	1598	1381	1,5 %
Textiles; Paper	91	74	0,2 %
Fixed Constructions; Mining	706	696	-0,9 %
Mechanical Engineering; Lighting; Heating; Weapons; Blasting	475	407	0,5 %
Physics	609	517	0,7 %
Electricity	482	480	-0,7 %

## Norwegian applicants

The number of patent applications filed by Norwegian residents in 2005 was approx. 1230, a slight increase in relation to the previous year, and approx. 21% of the total number of patent applications.

## Decisions

In 2005, final decisions were made concerning 6185 patent applications, a slight decline (approx. 1%) from 2004. Our goal of submitting a first technical opinion within 7 months was achieved for 58% of cases, while 96% of new applications received a first technical opinion within 10 months.

## Cases under examination

The number of applications under examination (backlog) decreased by approx. 200 in 2005 and is now down to 25 870. Our capacity to handle the workload must be viewed in the light of the fact that several case officers have resigned during the year without being replaced, pending a clarification concerning the question of Norwegian membership in the EPC.

## Quality factors

An important factor in the further development of the patent field is the harmonisation of our methods of examination with those of the EPO (The European Patent Office). A number of industrial companies and patent agents have been interviewed for the third year running, concerning their views on the harmonisation process.

Results indicate a lesser degree of harmonisation than in previous years, but this can be interpreted partly by the fact that respondents have assumed that harmonisation means concurrence in all similar cases. In later investigations we will attempt to clarify the terms better, and corrections will be made when comments given in connection with the investigation, require it.

An important initiative to ensure harmonisation in case handling is an agreement with the EPO granting us a license for use of the examination tool EPOQUE. This will be implemented in 2006.

# Trademarks

- Increase in the number of trademark applications filed
- Reduced examination time

## Applications filed

In 2005 the Norwegian Patent Office received 14 456 applications for trademark registration. The number of filings increased by 1760 compared with 2004, an increase of almost 14%.

## Norwegian and overseas applicants

The number of national applications remained stable compared with 2004. The proportion of trademark applications filed by Norwegian residents decreased to approx. 21% (approx. 23% in 2004) of all incoming cases. This is mainly due to an increase in international registrations. From 2004 to 2005 the number of applications filed by Norwegian residents increased by almost 5%. This is not a large increase, but indicates a positive trend amongst Norwegian companies after three years with figures below 3000 applications.

International registrations filed via the Madrid Protocol constitute 58% of total incoming cases. This is almost 1400 designations more than in 2004, an increase of almost 20%.

## Trademark registration in OHIM and WIPO

OHIM (Office for Harmonization in the Internal Market) received 86 applications for Community Trademark registration from Norwegian residents, a considerably lower figure than in 2003 and 2004. This may be due to the fact that it became possible to designate the EU via the Madrid Protocol, and that Norwegian applicants preferred to make use of this system.

WIPO received 234 applications for international trademark registration from Norwegian residents. This is an increase in relation to 2004, when WIPO received 218 international applications from Norway.

The Norwegian Patent Office is working actively to keep up to date with international procedures, especially European trademark procedures. In addition, we will do what is necessary to make it possible for Norway to accede to the Trademark Law Treaty (TLT). The aim of TLT is to simplify the application process, making it easier for applicants to move within various markets. TLT members will obligate themselves to having a maximum number of formal demands for filing an application, and to having very similar procedures, deadlines etc in case handling.

## Future Developments

EU became a member of the Madrid Protocol in 2004. We are still not able to see whether the link between the Community Trademark and the Madrid Protocol have had any consequences for Norway in relation to the number of designations. One thing is certain though, the Madrid Protocol has become a more practical and user-friendly registration system for Norwegian trade and industry now that it is possible to designate for example Japan, China, USA and EU.

We expect the number of trademark applications and international registrations to be approx. 14 000 in 2006. This prognosis is based on an average month in 2005. WIPO has informed us that the large increase in international registrations in the last quarter 2005 is not a trend that is expected to continue, but was caused by internal circumstances at WIPO.

## Final decisions and cases under examination

Final decisions were made in approximately 13 566 trademark cases in 2005, up from 9300 in 2004, an increase of about 45%. This increase is mainly due to the fact that we are now able to take full advantage of a new data system which was implemented in 2004.

Whereas the average examination time at the beginning of the year was a little over 12 months, this was reduced by three months during the course of the year, thereby achieving our goal of 9 months. As a reduction in examination time is extremely important for the trademark field, we aim to make further reductions, down to an average of 6 months examination time by the end of 2006.

Our goal for 2005 was to handle at least as many cases as there were new filings. This goal was not realized in spite of increased effectiveness, mainly due to a large and unexpected growth in international registrations during the same period. This has also had negative repercussions for the number of applications still being handled (backlog).

## Administrative review of business name registration

- System still used infrequently
- Short examination time

**Incoming cases**

The Norwegian Patent Office (NPO) received 62 claims concerning administrative review of business name registration in 2005 (44 in 2004). This is a lower figure than previously expected (100-200 cases). Since the system is still relatively new, we expect only a slight increase also next year, up to about 100 cases.

**Final decisions and cases under examination**

During 2005, final decisions were made for 74 cases (4 in 2004). All cases involving a preliminary examination of the facts (47) were processed within one month of being prepared for a decision. At the end of the year, 28 cases were awaiting a decision.

[Final decisions are published on the NPO web site \(in Norwegian\)](#)

# Designs

- more design applications
- reduced examination time

## Applications filed

In 2005 the Norwegian Patent Office (NPO) received 731 applications for design registration, an increase of approx. 11% from the previous year, when the NPO received 655 applications. The tendency over the last five years towards a lower level of applications has therefore been suspended. The number of designs was approx. 1750, an average of 2.4 designs per application, which further confirms this year's positive developments.

## Norwegian and foreign applicants

The number of applications from foreign applicants remained stable compared with 2004. The number of applications received from Norwegian residents increased by so much as 25%, constituting 45% of the total number (40% in 2004). Whilst the number of applications filed during the first half-year of 2004 and 2005 were very similar (146 and 149 applications respectively), the low figure for the second half-year of 2004 (119 applications) was replaced by a high figure for incoming applications in the second half-year of 2005 (183 applications).

This is a very welcome development after many years of gradual decline in the number of Norwegian applicants. At the same time we know with a relatively large degree of certainty that the number of designs has increased since 2002/2003. This is mainly due to positive economic developments and increasing attention to industrial property rights in trade and industry, and amongst public authorities and branch organisations. It also appears that the implementation of the new Designs Act has had a more positive effect than was earlier supposed. It is also possible that such activities as The Norwegian Design Council campaign "Design on the Road" in which the NPO participated in the autumn 2004, may have influenced incoming applications in 2005.

## Design registration at OHIM

Norwegian companies filed 156 applications for Community Design registration to OHIM during 2005, a decrease of 25% in relation to the previous period (209 designs in 2004). The Community Design was established in April 2003, and it is positive to see Norwegian companies making use of this system.

## International design registration (Hague Agreement)

By the end of 2005, 18 states had become party to the Geneva Act of the Hague Agreement. The NPO is now waiting for the Government to ratify the treaty, probably in the summer of 2006. As a member, the NPO expects to receive an increasing number of international design registrations. New members expected by the end of 2005 are Croatia, Egypt, Estonia, Georgia, Hungary, Iceland, Kyrgyzstan, Latvia, Liechtenstein, Namibia, Moldova, Romania, Singapore, Slovenia, Spain, Switzerland, Turkey and Ukraine. The EU intends to become a contracting member, but it is as yet uncertain when this will happen. Membership will make it easier for Norwegian citizens to obtain design protection abroad and for foreign companies to obtain protection in Norway.

## Final decisions and cases under examination

825 applications were processed in 2005. Our aim was to process at least as many applications as there were incoming applications and this aim was fulfilled. During 2005, the number of design applications under examination was reduced by about 100. This reduction is mainly due to effective case handling, despite a growth in the number of applications.

At the end of 2004, examination time was up to 11 months. Our aim for 2005 was to give a preliminary examination of the facts or make a decision on a design application within nine months. This aim was fulfilled.

# Information

- Increase in number of course participants and express searches
- Increased interest in industrial property rights at universities and colleges

## Growing number of participants at courses

The Norwegian Patent Office (NPO) held 23 open courses and five private courses in 2005. There was a greater demand for private courses in 2005, resulting in five different types of courses designed especially for individual companies.

Income derived from courses and seminars increased by a total of 17% from 2004. This is mainly due to invoicing procedures for the biotechnology conference Biotent. During the year we had a total of 600 course participants spread over 28 events – an increase of 7% from 2004.

## Biotent 2005

For the second time, the NPO arranged the biotechnology conference Biotent on the subject of commercialisation and patenting. The conference was attended by 150 participants from research institutions, public authorities and companies. The programme was extended to include parallel sessions, enabling us to offer a variety of themes and interesting events.

## Growth in revenue from commercial searches

The number of technical searches declined slightly (5%) from 2004, a development comparable to the period 2003-2004. However, commissions were of a more advanced nature with a greater margin of expenditure, leading to an increase in the number of invoiced hours. During the same period, the number of trademark commissions rose by about 10%, while design commissions declined slightly compared to 2004. The number of express deliveries (commissions carried out within 24 hours) has almost doubled since 2004. All in all, the number of commissions has remained relatively stable from 2004 to 2005.

## Improvements in the quality of our services

As part of our efforts to improve the quality of the services we provide, we make continual assessments in accordance with the feedback given to us by course participants, as well as carrying out larger surveys amongst our customers. In this way we receive ideas for improvements and new types of services. The evaluation of the participants in the category "Total impression of the course" resulted in a score of 4.9 on a scale of 1 to 6 where 6 is the highest – a better result than in 2004.

We continually evaluate the quality of our search services and the overall result was a score of 4.6 for patent and 4.3 for trademarks. In the same survey 75% replied that they agreed with or completely agreed with the statement: "I can make use of the results of a search as a foundation for making decisions in future development processes", while 15% answered that they neither agreed nor disagreed.

## Communication

In 2005 the Norwegian Patent Office (NPO) continued to work for a higher degree of awareness concerning industrial property rights (IPR) as a strategic tool. Activities have focused particularly on small and medium-sized companies (SMEs), universities and colleges.

The NPO held 13 free lunch seminars in seven different cities in Norway in 2005. The purpose of these seminars was to assist Norwegian industry, especially small and medium-sized companies (SMEs), to protect the assets they create. The seminars were very popular in 2005. Of the approximately 400 participants, 86% came from companies with 50 employees or less. The seminars were carried out in cooperation with the district offices of Innovation Norway. Several of these seminars resulted in an agreement to cooperate on new projects.

In 2005 the NPO registered a growing demand for speakers and other forms for cooperation with several universities and colleges in Norway. We carried out a series of lectures, and supported tuition carried out by others.

Cooperation agreements with The Norwegian Design Council, Innovation Norway, SIVA (The Industrial Development Corporation of Norway), and Norwegian Research Council were intensified in 2005. One result of this cooperation is the success of the Norwegian Research Council in making costs for search services, patenting of inventions, registering of trademarks and registering of designs in an approved "Skattefunn" project, eligible for tax deduction.

We also continue to have a fruitful dialogue with various associations, networks and research groups, which have the same objectives as the NPO.

## Availability

Research by the NPO indicates that the number of companies with any knowledge of industrial property rights is still at a low level.

In 2005, we began a systematic campaign to meet businesses and industry in those arenas in Norway where one would expect a national competence centre to be represented.



The Information Centre received approx. 20 000 telephone enquiries, maintaining the same level as over the last few years, while a significant increase in the use of the NPO's web site was registered.

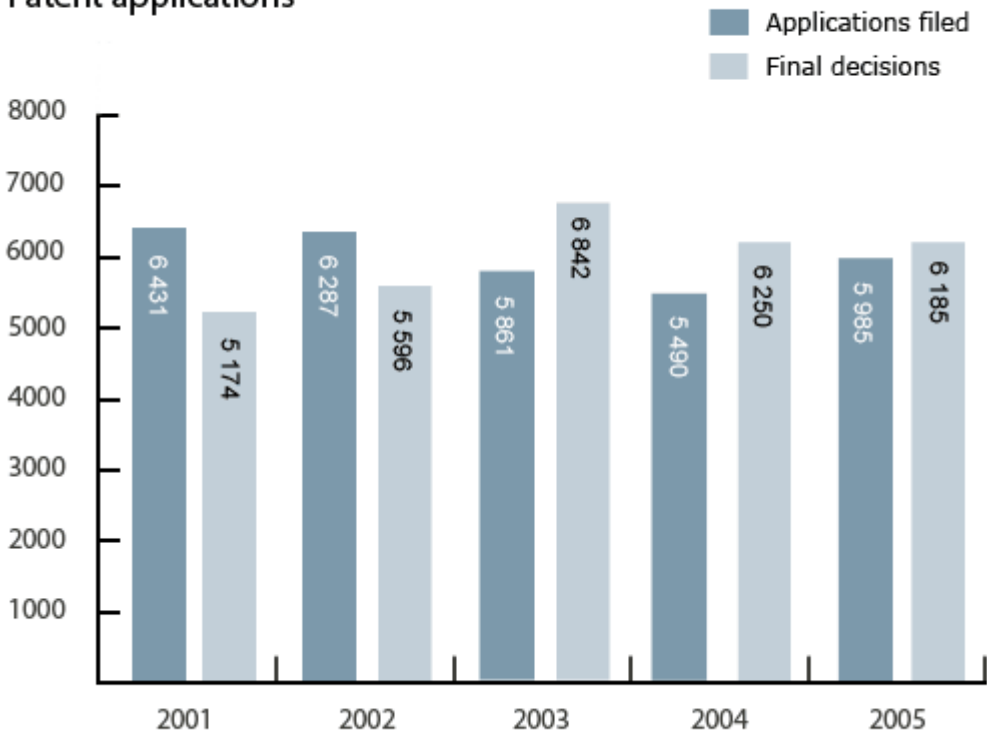
**What does the future hold?**

There has been considerable interest in the NPO's free information meetings, and in 2006 we plan to hold 20 such meetings (Fremtidsprat) in 17 different cities. The purpose of these meetings is to heighten the awareness of IPR as a strategic tool for innovation.

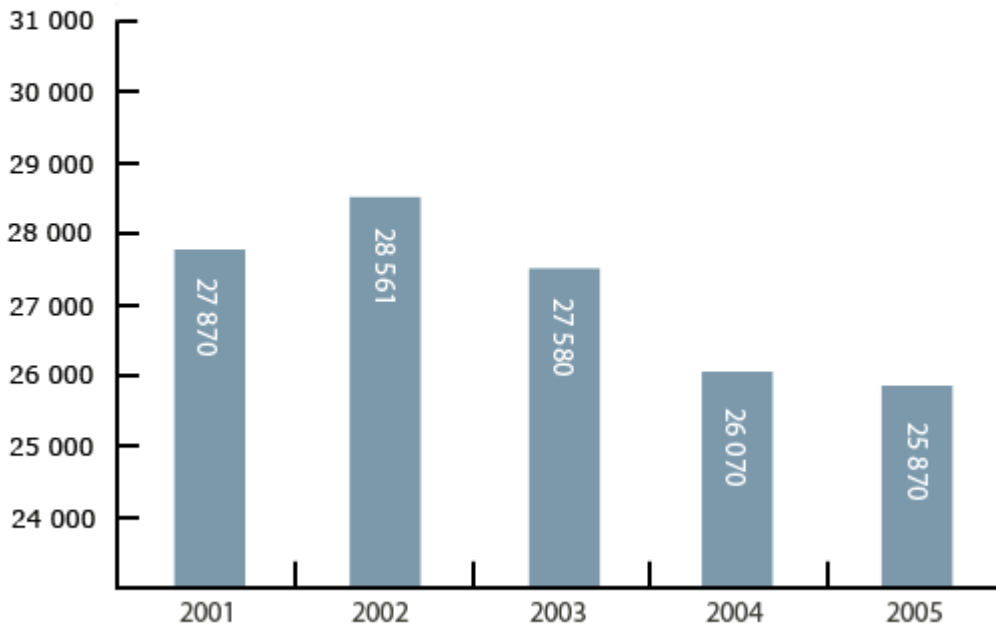
It will become possible to search the NPO database during the course of the first quarter.

## Activities and Trends in Graphs

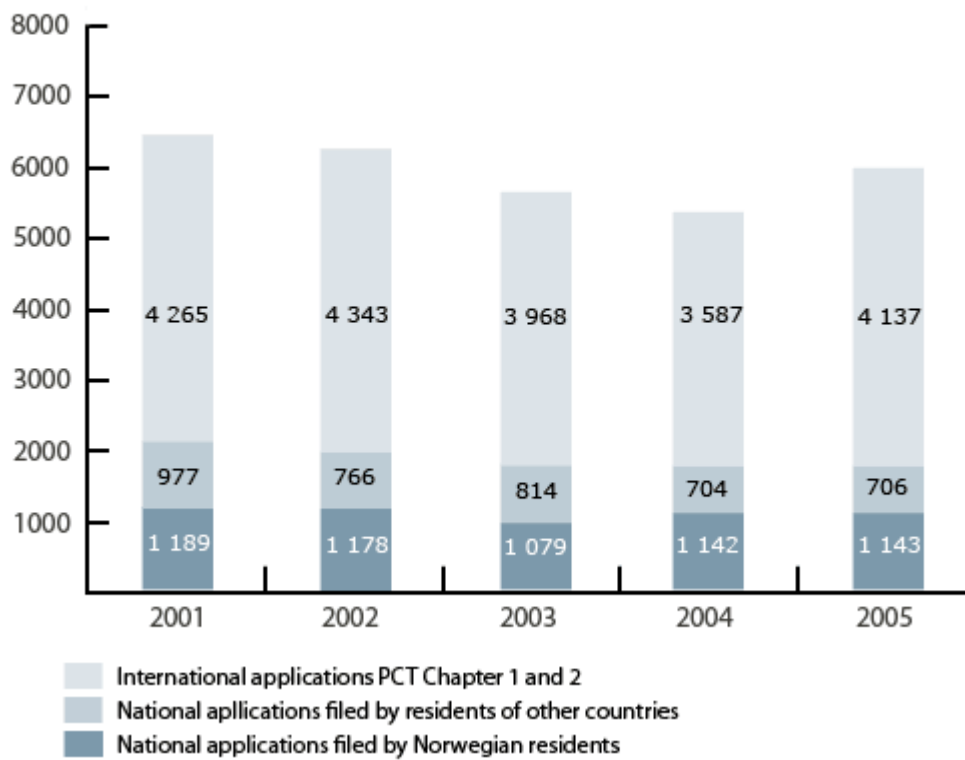
### Patent applications



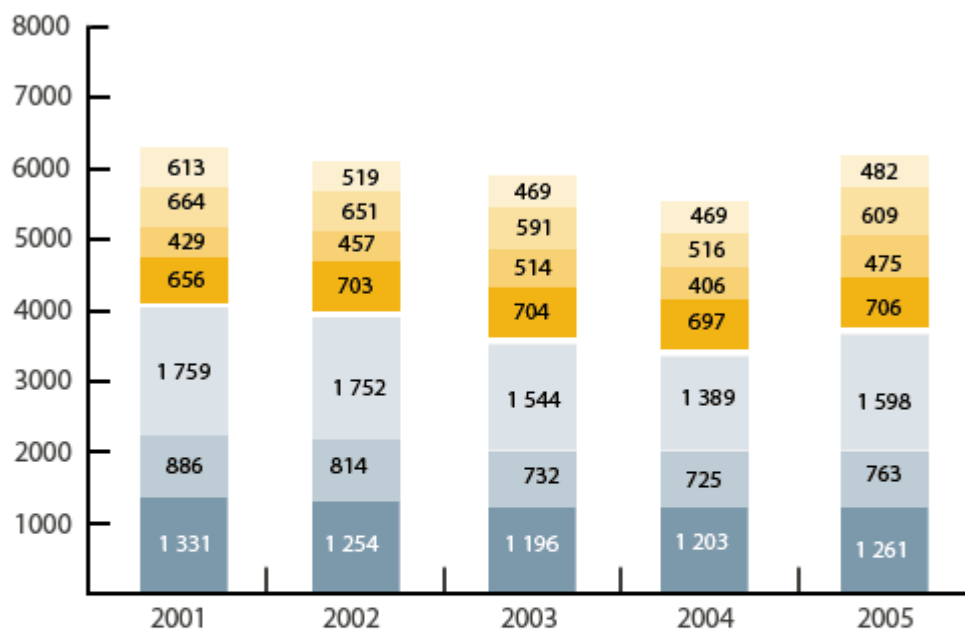
### Patent applications under examination



## National and international patent applications

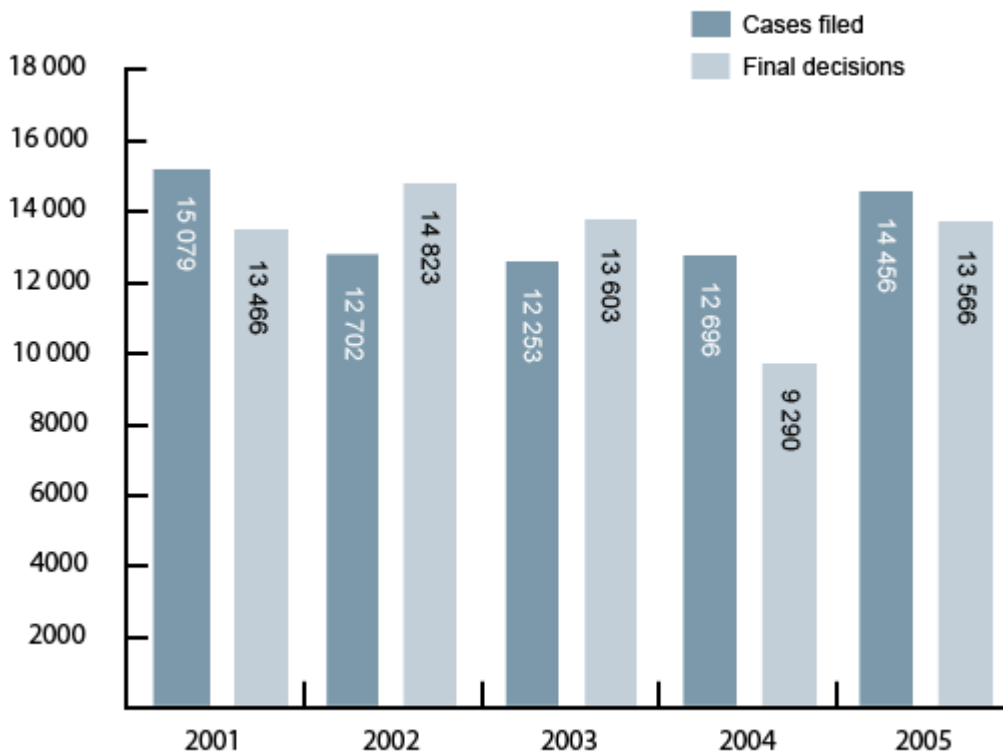


## Patent applications according to technical field

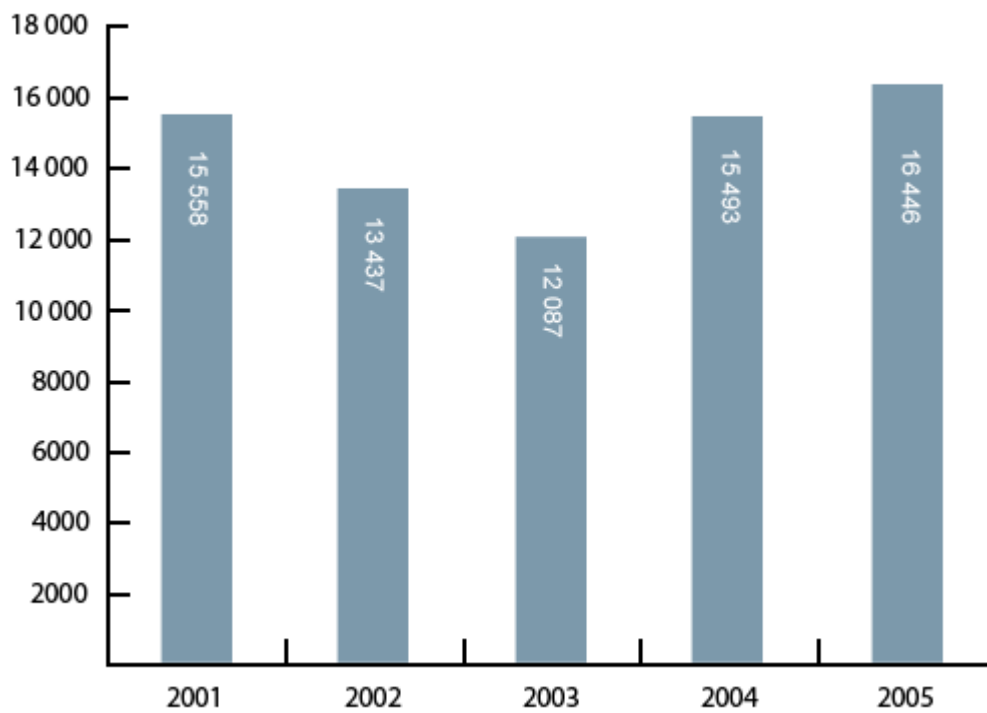


- Electricity
- Physics
- Mechanical engineering, lighting, heating, weapons, blasting
- Fixed constructions, mining
- Textiles, paper
- Chemistry, metallurgy
- Performing operations, transport
- Human necessities

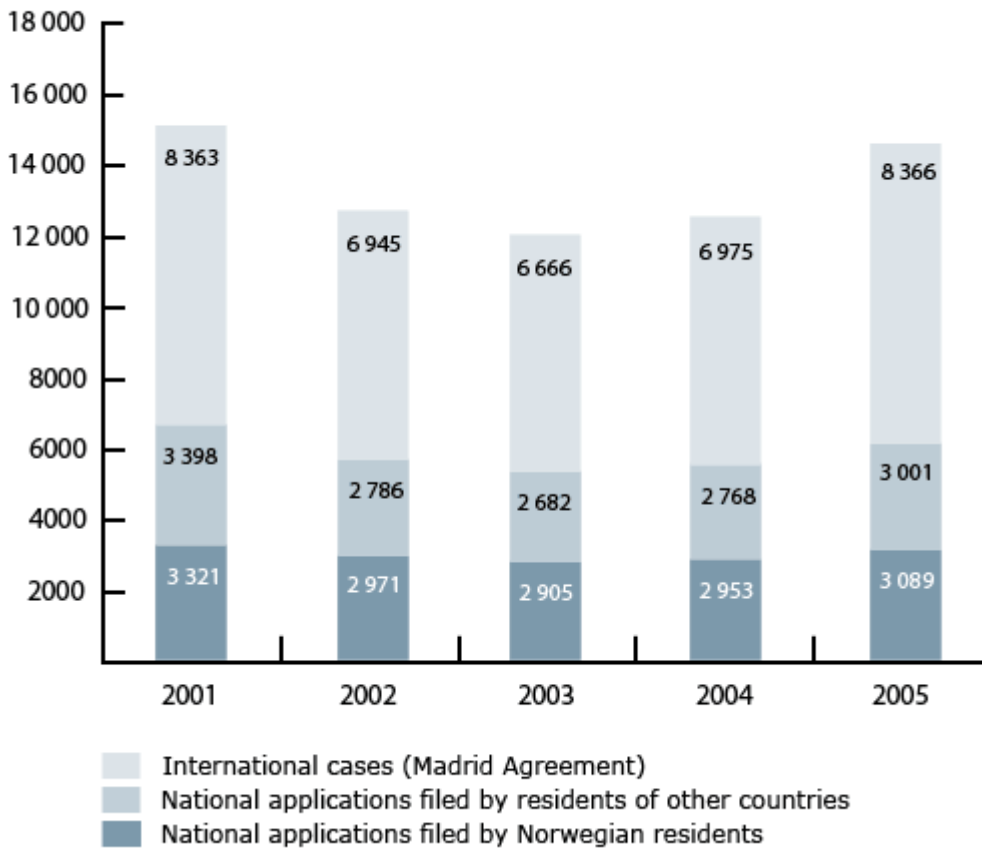
## Trademark cases



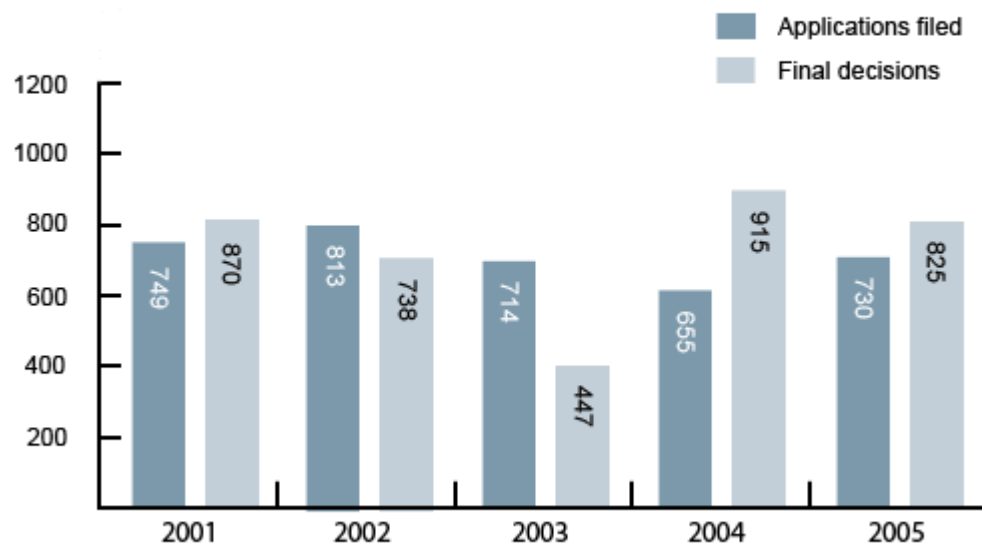
## Trademark cases under examination



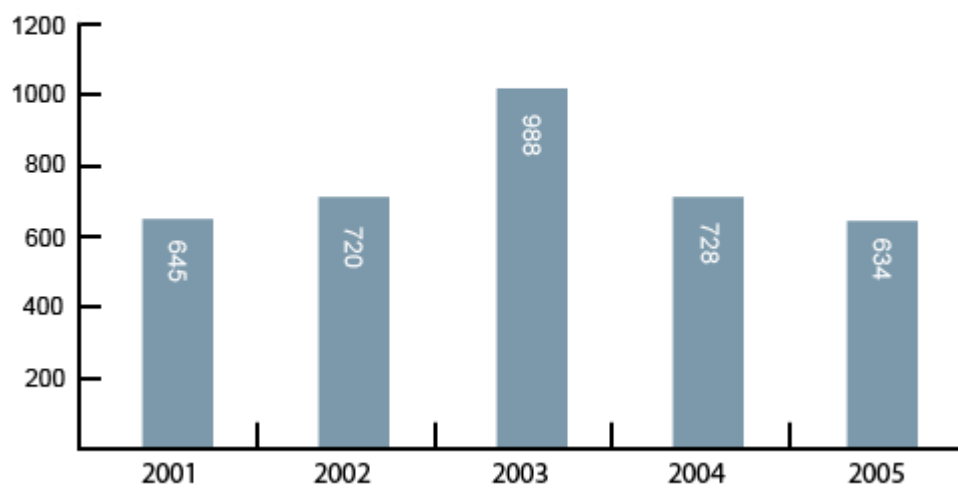
## National and international trademark cases



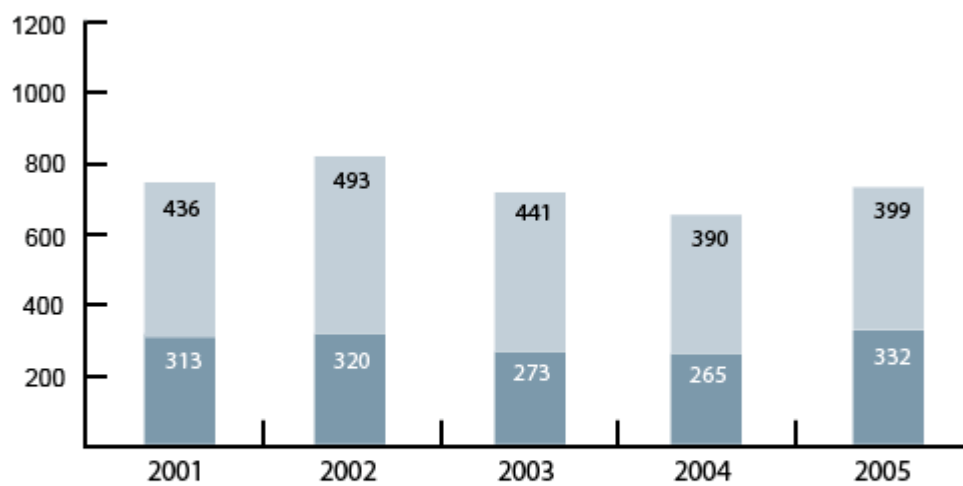
## Design applications and decisions



## Design applications under examination

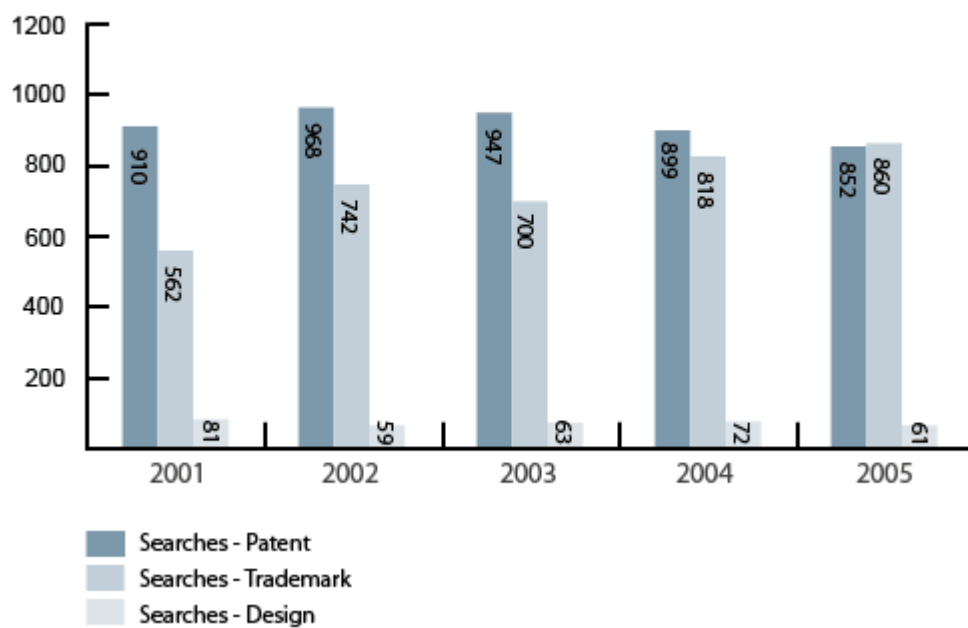


## National design applications



- Applications filed by non-Norwegian residents
- Applications from Norway

## Commercial searches and examinations





# Accounts

<b>Revenue</b>	<b>2004</b>	<b>2005</b>	<b>(+/-) in %</b>	<b>Grants</b>
Patent annual fees	74 238	80 611	8,5 %	
Patent printing fees	8 269	10 132	22,5 %	
Patent application fees	15 441	17 651	14,3 %	
Patent extra fees	8 688	11 259	29,5 %	
<b>Total patent fees</b>	<b>106 636</b>	<b>119 653</b>	<b>12,2 %</b>	<b>119 000</b>
Trademark application fees	29 365	35 738	21,7 %	
Trademark renewal fees	11 796	11 602	-0,0 %	
<b>Total trademark fees</b>	<b>41 161</b>	<b>47 340</b>	<b>15 %</b>	<b>45 000</b>
Design application fees	1 719	2 032	18,2 %	
Design renewal fees	1 360	1 392	0,0 %	
<b>Total design fees</b>	<b>3 079</b>	<b>3 424</b>	<b>11,2 %</b>	<b>3 400</b>
Other fees	2 202	3 298	49,7 %	3 000
Revenue from Information Services	6 480	7 111	9,7 %	7 400
Misc. revenue	269	1 881		100
<b>Total revenue</b>	<b>159 827</b>	<b>182 707</b>	<b>14,3 %</b>	

<b>Expenditure</b>	<b>2004</b>	<b>2005</b>	<b>(+/-) in %</b>	<b>Grants</b>
Salaries and allowances	117 528	125 625	6,8 %	
Goods and services	71 829	66 092	-7,9 %	
Refunds	-5 769	-7 835		
<b>Total expenditure</b>	<b>183 598</b>	<b>183 882</b>	<b>0,0 %</b>	<b>182 100</b>
Surplus	- 23 771	-1 175		

# Organization Chart

