

The present document reproduces amendments to the Act of 15 December 1967 No. 9 relating to patents and the Patent Regulations of 20 December 1996 No. 1162, in order to implement the General Council Decision of 30 August 2003¹ on paragraph 6 of the Doha Ministerial Declaration on the TRIPS Agreement and Public Health.

Sections 49 and 50 to the Act of 15 December 1967 No. 9 relating to patents as amended by Act of 19 December 2003 no. 127:

Section 49

A compulsory licence may only be granted to a person who has made efforts to obtain a licence on reasonable commercial terms by agreement without succeeding in this within a reasonable time, and who may be presumed able to exploit the invention in a manner which is acceptable and in compliance with the terms of the licence.

A compulsory licence shall not prevent the patent holder from exploiting the invention himself or from granting licences.

A compulsory licence shall only be assignable in conjunction with the enterprise where it is exploited or in which exploitation was intended. Furthermore, a compulsory licence obtained pursuant to section 46, first paragraph, may only be assigned in conjunction with the dependent patent.

In the case of semi-conductor technology, a compulsory licence may only be granted for public non-commercial use or pursuant to section 47 (2).

A compulsory licence shall primarily be granted with a view to supply of the domestic market. The King may by regulations lay down rules that deviate from this.

Section 50

A compulsory licence shall be granted by the court pursuant to this section or by the Norwegian Competition Authority pursuant to section 50 a.

In a decision concerning a compulsory licence, it shall be decided to what extent the invention may be exploited as well as the amount of remuneration and the other terms of the licence. The remuneration shall be adequate in relation to the circumstances of each case. Assessment shall take into account the economic value of the licence.

¹ WTO Doc. WT/L/540