

GENERAL STATEMENT 2013 – **NORWAY** – WIPO Assemblies, 51st Series of Meetings, September 23 to October 2, 2013

The Norwegian Delegation wishes to express its satisfaction seeing the Chairman on the podium and wishes him the best of luck in guiding this Assembly to a successful conclusion. We would also like to welcome the Vice-Chairmen.

Further, we commend the Secretariat and Director General Francis Gurry for their excellent preparatory work for these assemblies

Norway maintains the importance of improving the Member States' ability to monitor the economy of WIPO and welcomes the efforts to this end.

Norway congratulates and thanks our Moroccan hosts for the successful outcome of the diplomatic conference in June, with the adoption of the Marrakesh treaty to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled. We also thank DG Francis Gurry and the WIPO secretariat for their hard work during the conference, as well as their efforts in the weeks and months of preparation.

Norway welcomes this balanced treaty that will improve access to works for the blind, visually impaired or print disabled. We join others in the hope that the Marrakesh spirit of success will continue in more WIPO discussions.

Norway is happy to note the progress made in the work of the Standing Committee on Copyright and Related Rights. The SCCR should continue its balanced focus both on rights and on exceptions and limitations. Furthermore, we should retain a clear and precise focus on the issue of broadcaster's rights. The discussions regarding exceptions and limitations for libraries and in education cover several very wide and complex topics. We welcome the timely debate on the use of works in libraries and in education, but stress the importance in having clear objectives with our work.

The Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore has met three times in 2013 and worked hard. The three texts represent, however, work in progress and this delegation thinks that more focused work is needed before it is timely to decide on convening a Diplomatic Conference. Norway supports the proposal from the Indigenous Caucus and Peru to hold a meeting, conditional on the ability to secure funds, to exchange views between Member States and observers from indigenous and local communities on issues relating to all three texts.

In respect of the ongoing work on WIPO's Development Agenda this Delegation looks forward to continuing the work of the Committee on Development and Intellectual Property and other agreed projects in relevant committees.

Turning now to the work in the Standing Committee on Patent Law, Norway finds it very important that we can make progress within the agreed balanced work plan and move the issues forward in a concrete manner. Any duplication of work with other WIPO Committees and other international organizations should be avoided.

In the Standing Committee on Trademarks, we are pleased to note progress on the work towards a Design Law Treaty. The maturity of the draft Articles and the proposals with regard to technical assistance and capacity building – form together a solid basis for a Diplomatic Conference. The announcement of the Russian Federation of the intention to host the Conference is warmly welcomed.

The Norwegian delegation commends the International Bureau for its continued focus on securing the best available global services under the PCT, Madrid and Hague systems. Smooth systems, ongoing dedication to simplification and cost-savings for the benefit of the users - these are crucial to continued

and increased use of these global IP-services. The working groups under these systems are making progress for improving regulations, guidelines and practices. Norway is committed to this work, in the interest of the existing and future users of the systems.

The issue of IT-standards and technological infrastructure remains an essential issue for WIPO expert discussions, and this delegation looks forward to continuing the work of the Committee on WIPO Standards, whose Member State experts in our view make a very significant and practical contribution to the international and national registration systems.

The last year has been an active year with regard to new legislation in Norway. A new Act regulating the Industrial Property Office and the Board of Appeals replaced the old Act from the year 1910, the Act entered into force April 1st 2013. The Act codifies the earlier practices with regard to separation of the Office and the Board and underlines both instances' independence from Government in its assessments. Furthermore the Act introduces the right to claim costs in cases relating to administrative re-evaluation for both instances.

Effective enforcement measures are crucial to safeguard strong protection of intellectual property rights. Norway has adopted legislative amendments to strengthen the enforcement of intellectual property rights.

The amendments in the Copyright Act regarding enforcement of digital copyright include measures against illegal file-sharing and other copyright infringements on the Internet. The amendments entered into force July 1st 2013. The amendments are balanced and take due consideration to conflicting interests, such as privacy, legal protection and freedom of speech. The amendment contains three types of measures against copyright infringements on the Internet:

- Right holders are given the opportunity to monitor and store IP addresses which have been used for copyright infringement.
- A new provision is introduced in the Copyright Act regulating availability of the identity behind an IP address which has been used for copyright infringement. The amendment clarifies the procedure for courts to impose an Internet Service Provider (ISP) to reveal the identity behind such an IP address to the right holder.
- ISPs can be imposed to hinder access to web sites where copyright evidently and extensively is infringed. It is the courts of general jurisdiction that can decide such an injunction.

Norway has also adopted legislative amendments to strengthen the enforcement of industrial property rights. The amendments entered also into force July 1st 2013. The adopted amendments, *inter alia*, significantly strengthen the provisions on damages and criminal sanctions in Norwegian law and introduce a right of information on origin and distribution networks of infringing goods and services.

The right holder can, for intentional or negligent infringement, claim compensation and damages based on the most favourable of the three following grounds:

1. Compensation equivalent to a reasonable fee or royalty for the infringement, together with damages for any additional loss caused by the infringement and which would not have incurred by voluntary licensing;
2. Damages equivalent to the economic loss suffered by the right holder as a result of the infringement; or
3. Compensation equivalent to at least the profits made by the infringer.

Further, if the infringer acted intentionally or with gross negligence, the right holder may instead claim a compensation of twice the amount of a reasonable fee or royalty.

The rules on damages extend to also cover infringements of geographical indications. Further, the rules on damages, except the provision on twice the amount of a reasonable fee, covers infringements

of the provisions in the marketing control act relating to product look a likes, trade secrets and technical aids.

Regarding criminal sanctions the maximum sentences for infringements have been raised to imprisonment for up to one year in normal cases, and up to three years in the serious cases. The normal maximum sentences in the previous provisions were three months imprisonment.

Further, the provisions on injunctions have been strengthened and clarified. Also the opportunity to order corrective measures is extended compared to previous legislation. An opportunity for the court to order the infringer to inform the public about the infringement decision is also introduced.

Norway is ready to share our experiences in the Advisory Committee on Enforcement.

A first ever White Paper on Government policy in the field of IP was presented to the Norwegian Parliament before the summer break. The White paper contains an analysis of the current status and trends in the field of IPR. A lot of Norwegian businesses, especially SMEs, still make too little use of IPR in developing their business concepts and strategies. This is largely due to a lack of awareness, competencies and training.

The core areas of policy measures announced in the White Paper are:

- Raising awareness and competencies
- Increase the coherence, quality and supply of information and counselling services aimed at SMEs
- Develop further the field of activities and the roles of the Norwegian Industrial Property Office, for example to prepare a web portal for up to date information on combating Counterfeiting & Piracy
- Keep our legislation in the field of IPR up to date
- Finally, to improve the knowledge base of policy making in this field

By way of conclusion, the Norwegian Delegation underlines its commitment to contribute in a positive and constructive way to the success of these General Assemblies.