

Counterfeits in Norway – Brand owner's rights improved at the Norwegian customs

On 1 July 2021, new rules in the Norwegian Customs Act on withholding of goods that infringe on intellectual property rights will become effective. The purpose of the new rules is to strengthen brand owner rights in fighting counterfeits entering Norway.



One of the game changers is that the new rules aim to make the process for smaller consignments easier. This applies both to the request for withholding goods and the actual destruction of goods.

Based on a new electronic application that needs to be in place by the brand owners, the Norwegian customs authorities may withhold goods suspected of violating intellectual property rights. Here the brands owners can use a simplified procedure for the destruction of smaller consignments. This will save time and resources. Smaller parcels are defined as five (5) products or less or a parcel that has a gross weight of less than three (3) kilos.

If there is a decision on assistance from the customs authorities, goods withheld may be destroyed if the consignee has been notified and has not objected to any destruction within ten (10) working days. The advantage of the new system is that the customs authorities can now ensure the destruction of these goods without having to initiate the court to determine whether there is a violation of intellectual property rights, etc.

Another problem that the new rules aim to solve is the requirement that imports must be of a business nature and not for private consumption. Under the old Norwegian legislation, both the consignor and the consignee must act in the course of business. According to the European Court of Justice, in C-98/13, the famous Rolex case, the business concept in the new rules must be understood in such a way that it is only now the consignor that needs to be acting in the course of business.

NJORD Law Firm has been assisting both leading world brands as well as less famous brands in Norway since the early 2000's and has worked closely with the Norwegian Authorities. We are proud and happy to see the positive direction and the resources that Norway invests in the fight against counterfeits not only entering Norway, but also leaving Norway for the European and other markets.