



Luxembourg, 4 April 2017

PRESS RELEASE 02/2017

The Court's public sitting for the delivery of the judgment in Case E-5/16 *Municipality of Oslo* will be held on Thursday, 6 April 2017 at 10:00 a.m.

On 22 March 2016, the Norwegian Board of Appeal for Industrial Property Rights (*Klagenemnda for industrielle rettigheter*) referred questions to the Court on the interpretation of Directive 2008/95/EC to approximate the laws of the Member States relating to trade marks. The case before it concerns an appeal brought by the Municipality of Oslo against a decision of the Norwegian Intellectual Property Office, by which it rejected applications for trade marks consisting of, or including works of art by the Norwegian sculptor Gustav Vigeland. The Board of Appeal referred the following questions to the Court:

1. *May trade mark registration of copyright works, for which the protection period has expired, under certain circumstances, conflict with the prohibition in Article 3(1)(f) of the Trade Marks Directive on registering trade marks that are contrary to 'public policy or ... accepted principles of morality'?*
2. *If Question 1 is answered in the affirmative, will it have an impact on the assessment that the copyright work is well-known and of great cultural value?*
3. *If Question 1 is answered in the affirmative, may factors or criteria other than those mentioned in Question 2 have a bearing on the assessment, and, if so, which ones?*
4. *Is Article 3(1)(e)(iii) of Directive 2008/95/EC applicable to two dimensional representations of sculptures?*
5. *Is Article 3(1)(c) of Directive 2008/95/EC applicable as legal authority for refusing trade marks that are two or three-dimensional representations of the shape or appearance of the goods?*
6. *If Question 5 is answered in the affirmative, is Article 3(1)(b) and (c) of Directive 2008/95/EC to be understood to mean that the national registration authority, in assessing trade marks that consist of two or three-dimensional representations of the shape or appearance of the goods, must apply the assessment criterion of whether the design in question departs significantly from the norm or customs of the business sector, or may the grounds for refusal be that such a mark is descriptive of the shape or appearance of the goods?*

The Report for the Hearing for the case can be found here:

http://www.eftacourt.int/uploads/tx_nvcases/31_Report_for_the_Hearing_EN_01.pdf

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