Norway

“Apple Mobile Phone Screens”

Decision of the Supreme Court of Norway

2 June 2020 – Case No. HR-2020-1142-A (19-141420SIV-HRET)

Henrik Huseby v. Apple Inc

Trademarks Act, Sec. 4

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Keywords Trademark covered with a marker · Infringement · Importation · Unoriginal mobile phone screens · Unlawfully affixed logo · Risk of confusion

1. The import of mobile phone screens, unlawfully affixed with a trademark covered by a permanent marker amounts to trademark infringement under Sec. 4 subsec. 1(a), cf. subsec. 3 of the Trademarks Act.
2. The removal or covering of the affixed trademarks by a permanent marker alone does not eliminate the risk of harm to the trademark’s functions, since the ink from the marker may be removed. Protection in such a case cannot be weaker than in cases where the original trademark has been permanently removed.

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