



Patents in the Arctic – how to protect your invention in Greenland

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In recent years, there has been a massively growing interest in excavating oil and gas as well as mining of minerals and rare metals in Greenland. This means that large investments are required in new technologies to be developed for e.g. deep sea oil and gas excavation and mining in arctic conditions. This also entails an increased demand for patent protection of these technologies. At HØIBERG we have experienced an increased interest in obtaining patent protection in Greenland and receive numerous inquiries concerning the legal situation concerning patent protection in Greenland.

Facts and Conditions

Greenland is an autonomous country within the Kingdom of Denmark. The Kingdom of Denmark consists of Denmark, Greenland and the Faroe Islands. Denmark is a member of the European Union and a contracting state to the European Patent Convention (EPC). However, Greenland and the Faroe Islands are not parties to these treaties and Conventions and are therefore not members of the EU or a contracting state to the EPC. As a consequence, a European patent designating Denmark does not have territorial effect in Greenland and the Faroe Islands, but only in Denmark. When the European patent with unitary effect (an EU patent) takes effect such a

patent will neither have any territorial effect in Greenland or the Faroe Islands.

Filing Strategies

However a national Danish patent do have territorial protection also in Greenland. So in order to secure patent protection in Greenland a national Danish patent application must be filed. A national filing of a Danish patent application can be made as a first filing or by a 12 month conversion of a priority founding application of another state of the Paris Convention as well as entering a PCT application into the national phase in Denmark. Unlike many other European countries, the national route via the PCT system is not closed with respect to Denmark. The deadline for entering a PCT application into the national phase in Denmark is 31 months from the earliest priority.

The legal system for enforcing a patent in Greenland

Greenland has its own legal system with district Courts and the Greenland high Court. A decision from the Greenland high Court is appealable to the Supreme Court in Copenhagen, Denmark. Under the current patent laws, a patent infringement law suit therefore will be heard in the Greenland high court with the possibility of appeal to the Supreme

Court. The district Courts will hear requests for preliminary injunctions.

Where to go?

If your firm has a client or a project where you are considering securing patent protection in Greenland, or if you have any questions concerning this matter or other aspects of IPR, please do not hesitate to contact us at HØIBERG.



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