

To Whom It May Concern,

Lawyer in charge:
Rune Ljostad

Our ref.:
22165503

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Statement on the use of MMSE-NR3

The Norwegian law firm Simonsen Vogt Wiig has been tasked by the Norwegian National Centre for Ageing and Health ("Ageing and Health"),¹ to assess the use of MMSE-NR3 in scientific publications.

MMSE-NR3 (Norsk revidert Mini Mental Status Evaluering, versjon 3; in English, The Mini-Mental State Examination – Norwegian Revised Version 3) is a screening test used for cognitive assessment developed by Carsten Strobel and Knut Engedal on behalf of Ageing and Health, and is inspired by the method proposed in Folstein, M.F., Folstein S.E., & McHugh, P.R. (1975) *"Mini-Mental State": A practical method for grading the cognitive state of patients for the clinician*, Journal of Psychiatric Research, 12, 189-198.

The method proposed in 1975 has been widely used for 35 years, and one of the authors, Marshal Folstein, wrote the following in an article published in the International Journal of Geriatric Psychiatry in 1998:

"All individual graduate students and clinicians are welcome to the Mini-Mental for their research and clinical work. No need to call or write."

A fundamental principle within copyright law is that copyright protection does not extend to the idea behind a work, only the expression or form in which the work is presented.² Accordingly, the mere idea of a "mini test" to assess a patient's cognitive mental status as such is not protected by copyright. Additionally, copyright does not protect factual information, professional opinions, scientific theories and so on.³ Instead, the subject matter which is potentially eligible for protection in such tests is its specific expression (such as the composition and choice of words), granted that this constitutes an intellectual creation of the author reflecting the author's personality and expressing the author's free and creative choices.⁴

¹ Norwegian: Nasjonalt senter for aldring og helse.

² Cf. for example *Opphavsrett* (2. utg.), Rognstad, 2019, page 91.

³ Ibid page 106.

⁴ Case C-145/10 (Painer) of the Court of Justice of the European Union (ECLI:EU:C:2011:798).

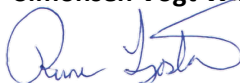
We have been informed that MMSE-NR3 is a test that has been developed independently from other similar tests and which has been given a unique composition by its Norwegian authors. Although the test is inspired by the method from 1975, these ideas are not copyright protected, and in any event, the authors (Folstein et al.) have consented to its use.

Furthermore, we have been informed that "mental status examination" is a well-established term to describe screening examinations of mental and cognitive functions aimed at identifying abnormalities in cases of (suspected) neurological or organic brain damage/disease. We have also been informed that there exist many examples of such screening tests today, including Mini Mental State Examination (MMSE), which draw on professional recommendations from scientific textbooks and educational institutions,⁵ supporting that these are based on common scientific theories on the assessment of cognitive impairment.

On this basis, we consider MMSE-NR3 to be an independent work, and its use in scientific publications is permissible without third-party consent.

Yours sincerely,

Simonsen Vogt Wiig



Rune Ljostad

Lawyer

rlj@svw.no

⁵ E.g. <https://www.msmanuals.com/professional/neurologic-disorders/neurologic-examination/how-to-assess-mental-status> (visited 26 May 2025).