

**REPUBLIC OF LITHUANIA  
LAW ON PATENT ATTORNEYS**

29 June 2017 No XIII-546  
Vilnius

**CHAPTER ONE  
GENERAL PROVISIONS**

**Article 1. Purpose of the Law**

This Law shall regulate requirements for individuals seeking to become patent attorneys, recognition as a patent attorney, suspension or termination of activities of patent attorneys, conditions of professional activities and self-regulation of patent attorneys, professional rights and duties of patent attorneys.

**Article 2. Definitions**

1. **‘Patent attorney’** means a natural person providing services in the area of the protection of industrial property pursuant to this Law.

2. **‘Institute of patent attorneys’** (hereinafter: the ‘Institute’) means a public legal person of limited civil liability uniting patent attorneys and implementing their professional self-regulation. The legal form of the Institute shall be an association.

**Article 3. Professional activities of patent attorneys**

1. A patent attorney shall be a client’s independent advisor and representative in the area of the protection of industrial property.

2. Patent attorneys shall provide services (provide advice, prepare documents, represent clients) in the area of the protection of industrial property. Patent attorneys shall also have the right to provide services in other areas of the protection of intellectual property, unless otherwise set forth in other laws.

**Article 4. Principles of professional activities of patent attorneys**

Main principles of professional activities of patent attorneys shall be as follows:

- 1) freedom and independence of professional activities;
- 2) democracy, collegiality of relations and fair competition between patent attorneys;
- 3) lawfulness of professional activities;
- 4) duty of professional secrecy.

## **CHAPTER TWO**

### **REQUIREMENTS FOR CANDIDATES FOR PATENT ATTORNEYS**

#### **Article 5. Requirements for individuals seeking to become patent attorneys**

An individual seeking to become a patent attorney must:

- 1) have a bachelor's or master's degree in physical, biomedical, technological or social sciences or education recognised by a competent authority as equivalent to the said degree;
- 2) have at least two-year practical work experience in the area of the protection of industrial property. Practical work experience in the area of the protection of industrial property shall be considered to be the performance of regular functions in the area of the protection of industrial property after acquiring by an individual who seeks to become a patent attorney the education specified in point 1 of this Article.
- 3) be of good repute;
- 4) take the qualifying examination for patent attorneys.

#### **Article 6. Good repute**

1. An individual seeking to become a patent attorney shall not be considered to be of good repute where:

- 1) he has been convicted for a crime against property, property rights or property interests, intellectual or industrial property, electronic data and information system safety, the economy, the order of business, the financial system, civil service and public interests, governance order as well as a crime against governance order relating to forgery of documents or corruption of measuring instruments and has an unexpired or unexpunged conviction;
- 2) the right to engage in activities of patent attorneys in the Republic of Lithuania or a foreign country has been withdrawn in accordance with the criminal procedure;
- 3) he has been dismissed from his job or post or has lost the right to engage in a certain activity because of the failure to meet the requirement of good repute or he has been dismissed from his job or post for serious breach of work duties or violations of professional or official activities, and less than three years have lapsed from the dismissal from his job or post or the loss of the right to engage in a certain activity;
- 4) his name has been removed from the Register of Patent Attorneys due to a disciplinary sanction – the withdrawal of the right to provide services of patent attorneys and less than three years have lapsed from the imposition of such sanction;
- 5) he abuses alcohol, psychotropic, narcotic or other psychoactive substances.

2. In order to determine whether individuals meet the requirements laid down in points 1 and 2 of paragraph 1 of this Article, the State Patent Bureau of the Republic of Lithuania (hereinafter: the 'State Patent Bureau') shall have the right to obtain data of the Register of Suspects, Accused and Convicts.

#### **Article 7. Qualifying examination for patent attorneys**

1. The qualifying examination for patent attorneys (hereinafter: the 'examination') shall be organised by the State Patent Bureau and held by the qualifying examination commission (hereinafter: the 'Examination Commission'). The examination syllabus and the procedure for organising and holding the examination shall, after consultation with the Institute, be established by the Minister of Justice of the Republic of Lithuania (hereinafter: the 'Minister of Justice').

2. The examination may be taken by individuals meeting the requirements referred to in points 1, 2 and 3 of Article 5 of this Law.

3. An individual's knowledge relating to industrial property, intellectual property, civil rights, civil procedural law and professional ethics shall be evaluated during the examination. Ability to apply practical knowledge acquired when preparing an application for registration of a patent, a trade mark, a design or a topography of a semiconductor product and when carrying out other procedures of the protection of industrial property shall also be evaluated during the examination. The examination shall be held in the state language.

4. The examination shall be held at least once a year, unless no applications to take the examination have been received. There is no limit to the number of times an individual may retake the examination.

#### **Article 8. Examination Commission**

1. The Examination Commission shall comprise seven members. The Institute and the State Patent Bureau shall each appoint three members of the Commission and the Minister of Justice shall appoint one member of the Commission. The Examination Commission may not include more than three patent attorneys.

2. The Minister of Justice shall, for a three-year period, approve the Examination Commission and, on the recommendation of the Institute, the Commission's chair from amongst its members.

3. The Minister of Justice shall, after having consulted the Institute, lay down the rules of procedure of the Examination Commission. The Examination Commission shall be technically supported by the State Patent Bureau. Members of the Examination Commission shall not be remunerated for the participation in the Commission activities.

4. The Examination Commission shall, in accordance with the procedure laid down by the State Patent Bureau, recognise practical work experience in the area of the protection of industrial property.

5. Decisions of the Examination Commission may be appealed against to the court in accordance with the procedure laid down in the Law of the Republic of Lithuania on Administrative Proceedings.

### **CHAPTER THREE**

#### **RECOGNITION AS A PATENT ATTORNEY.**

#### **SUSPENSION AND TERMINATION OF ACTIVITIES OF PATENT ATTORNEYS**

##### **Article 9. Recognition as a patent attorney**

1. A person meeting the requirements referred to in Article 5 of this Law must, before commencing the provision of services of a patent attorney, submit to the Institute a request for his recognition as a patent attorney, provided that not more than five years have lapsed from the taking of the qualifying examination for a patent attorney.

2. An individual requesting to be recognized as a patent attorney must provide the following:

1) a document confirming the patent attorney's professional civil liability insurance which satisfies the requirements referred to in Article 11 of this Law. When a patent attorney acts under an employment contract and his employer does not provide services of the protection of industrial property to third parties, the abovementioned document shall not be required;

2) a declaration on the form of chosen activity referred to in Article 12 of this Law.

3. A decision regarding recognition of an individual as a patent attorney shall be taken by the Institute not later than within 14 days from the receipt of the request referred to in this Article and properly executed documents.

4. The Institute may take a reasoned decision to refuse to recognise an individual as a patent attorney if it transpires that the individual does not meet the requirements referred to in Article 5 of this Law.

5. The applicant shall be informed about the decision taken by the Institute not later than within seven days from the date of the decision.

6. An individual shall be regarded as a patent attorney from the date of the decision to recognise him as a patent attorney.

7. The State Patent Bureau shall provide information to the Institute about the taking of the qualifying examination for patent attorneys as well as other information regarding patent attorneys.

The procedure for providing information shall be laid down by the State Patent Bureau, after having consulted the Institute.

#### **Article 10. List of Patent Attorneys**

1. The Institute shall establish and manage the List of Patent Attorneys. All individuals who are recognised as patent attorneys shall be entered on the List of Patent Attorneys. Patent attorneys shall be entered on the List of Patent Attorneys at the date on which the decision to recognise an individual as a patent attorney is taken.

2. The List of Patent Attorneys shall contain the following particulars of a patent attorney: name, surname, unique registration number, decision to recognise this individual as a patent attorney, form of activity, contact details (address in the Republic of Lithuania, telephone number, fax number, e-mail address, other data specified by the patent attorney), information about the suspension or resumption of activities of the patent attorney, or termination of such activities.

3. Rules of compilation and management of the List of Patent Attorneys shall be approved by the Institute, after having consulted the State Patent Bureau.

4. The List of Patent Attorneys shall be published on the websites of the Institute and the State Patent Bureau.

5. Patent attorneys must inform the Institute in writing about the changes in the particulars specified in the List of Patent Attorneys.

#### **Article 11. Compulsory professional civil liability insurance of patent attorneys**

1. Professional civil liability of patent attorneys for the damage caused to natural or legal persons by activities of the patent attorneys, where the amount of such damage exceeds EUR 200, shall be subject to compulsory insurance. When a patent attorney acts under an employment contract and his employer does not provide services of the protection of industrial property to third parties, professional civil liability insurance of patent attorneys shall not be compulsory.

2. The object of the compulsory professional civil liability insurance of patent attorneys shall be the civil liability of a patent attorney for the damage caused by unlawful actions of the patent attorney in carrying out his activities.

3. An insured event shall be unlawful actions (act or omission) committed by a patent attorney during the period of validity of the insurance contract and resulting in the damage.

4. Patent attorneys shall be covered by compulsory professional civil liability insurance under a compulsory professional civil liability insurance contract of a patent attorney. The minimum amount of insurance cover in respect of compulsory insurance of each patent attorney against professional civil liability shall be EUR 20 000 for each insured event.

5. The rules for compulsory professional civil liability insurance of patent attorneys shall be approved by the Government of the Republic of Lithuania or an institution authorised by it.

6. Patent attorneys must submit to the Institute copies of the certificate (policy) of compulsory professional civil liability insurance of patent attorneys.

7. Damage caused by unlawful actions of a patent attorney in carrying out his activities shall be compensated by the insurer paying out the insurance benefit not exceeding the insurance cover. If the insurance benefit is not sufficient to cover the whole damage, a patent attorney who has caused the damage and where a patent attorney acts under an employment contract and his employer provides services of industrial property to third parties, the employer of the patent attorney covers the difference between the actual amount of damage and the insurance benefit.

8. Patent attorneys may take out additional insurance against professional civil liability of patent attorneys for the damage caused to natural or legal persons in carrying out activities of patent attorneys.

#### **Article 12. Forms of activities of patent attorneys**

1. Patent attorneys may act:

1) individually;

2) in the forms set out in the Law of the Republic of Lithuania on the Bar – patent attorneys who are advocates;

3) having an employment contract indicating the job function – protection of industrial property;

4) choosing other lawful forms of activities.

2. A patent attorney may act choosing activities of one or several forms; he may also change the form of activities.

#### **Article 13. Suspension and resumption of activities of patent attorneys**

1. Activities of a patent attorney shall be suspended:

1) on the basis of a request submitted by the patent attorney to the Institute to suspend his activities;

2) upon the imposition of a disciplinary sanction – suspension of the professional activities of the patent attorney.

2. In order to resume his professional activities after their suspension in the case referred to in point 1 of paragraph 1 of this Article, a patent attorney shall submit to the Institute a request to resume his professional activities together with the documents referred to in Article 9(2) of this Law.

3. The activities of a patent attorney, suspended pursuant to point 1 of paragraph 1 of this Article for more than five years, may be resumed after taking of the examination in accordance with the procedure laid down in Article 7 of this Law and verification of compliance with the requirements referred to in Article 6 of this Law.

#### **Article 14. Termination of activities of patent attorneys**

1. Activities of patent attorneys shall be terminated if:

- 1) a patent attorney submits to the Institute a request to terminate his activities;
- 2) the court adopts a decision to withdraw the special right to engage in activities of patent attorneys;
- 3) it transpires that an individual does not comply with the requirements laid down in Article 5 of this Law;
- 4) an individual continues the activity of the patent attorney after the suspension thereof;
- 5) a patent attorney engages in activities without professional civil liability insurance of patent attorneys and has been imposed a disciplinary sanction for this;
- 6) a decision to impose a disciplinary sanction has been taken, i.e. to withdraw the right to provide services of patent attorneys;
- 7) a patent attorney has died, has been declared dead or his whereabouts are recognised unknown.

2. The Institute shall take reasoned decisions regarding the termination of activities of patent attorneys, except for the cases referred to in points 2 and 3 of paragraph 1 of this Article. In the cases referred to in point 3 of paragraph 1 of this Article, reasoned decisions regarding the termination of activities of patent attorneys shall be taken by the Staten Patent Bureau.

### **CHAPTER FOUR**

#### **PROFESSIONAL RIGHTS AND DUTIES OF PATENT ATTORNEYS**

#### **Article 15. Restrictions on activities of patent attorneys**

1. A patent attorney may not accept the client's order that relates to the same object of industrial property for which he has provided consultation to other clients who have adverse interests or prepared documents for them, or represented them, except for the cases where the consent of all the clients is obtained.

2. The restrictions indicated in this Article shall also apply to employers of patent attorneys.

#### **Article 16. Professional duties of patent attorneys**

Patent attorneys must:

- 1) perform their professional duties in an honest manner;
- 2) be bound by the Code of Professional Conduct of Patent Attorneys;
- 3) use only legitimate measures and methods to defend the interests of their clients;
- 4) observe professional secrecy and confidential information obtained in providing the services and not disclose them, except for the cases provided for by law;
- 5) manage and store documents pertaining to activities of patent attorneys;
- 6) engage in continuous professional development in accordance with the procedure laid down by the Institute and notify the Institute about the professional development every five years;
- 7) provide to the State Patent Bureau and/or the Institute the information necessary for the performance of the functions set out by this Law;
- 8) immediately inform clients about the suspension or termination of his activities as a patent attorney;
- 9) pay subscription fees intended to finance activities of the Institute.

#### **Article 17. Protection of professional secrets**

1. A professional secret of a patent attorney shall comprise the fact of applying to the patent attorney, terms and conditions of an agreement with a client, information and other data provided by a client, nature of the consultation as well as the data collected by the patent attorney based on the client's order, except for the information and data which have been published by the client himself or to the publication of which the client has clearly expressed his consent.

2. Patent attorneys must safeguard professional secrets from third parties and ensure that professional secrets are also safeguarded by other persons engaged by patent attorneys in the provision of services; and they shall be liable for it.

#### **Article 18. Professional rights of patent attorneys**

Patent attorneys shall have the right to provide consultation on the matters of the protection of industrial property and represent natural and/or legal persons before the State Patent Bureau as well as in their relations with other natural and legal persons, i.e.:

- 1) to draft and file applications, requests, appeals, protests and other documents relating to the registration of patents, trademarks, designs, topographies of semiconductor products or other objects of industrial property;
- 2) to represent clients before the State Patent Bureau when obtaining documents relating to the protection of inventions, trademarks, designs, topographies of semiconductor products or other objects of industrial property;



3) to represent clients' interests when concluding and registering licence agreements, agreements on the transfer of industrial property rights, and other agreements;

4) to represent clients' interests relating to the protection of industrial property when importing or exporting goods;

5) to represent clients' interests before the court together with the persons specified in Article 56(3) of the Republic of Lithuania Code of Civil Procedure;

6) to represent clients' interests before international bodies of the protection of industrial property;

7) to request from natural and legal persons documents or their copies necessary to provide services of the legal protection of industrial property;

8) to gather by lawful means and present evidence, to attest copies of documents relating to the legal protection of industrial property that are submitted to the State Patent Bureau, courts or other institutions or bodies;

9) to choose specialisation.

#### **Article 19. Relationship between a client and a patent attorney**

1. A client or his representative shall choose a patent attorney.

2. A patent attorney shall provide services to his client on the basis of an agreement or authorisation. In addition, an agreement may be concluded with the employer of the patent attorney.

#### **Article 20. Fees for services provided by patent attorneys**

The fees payable for the services provided by patent attorneys and the arrangements for payment shall be defined by mutual agreement between a patent attorney and a client or his representative.

### **CHAPTER FIVE**

#### **SELF-REGULATION OF PATENT ATTORNEYS**

#### **Article 21. The Institute and its functions**

1. Patent attorneys of Lithuania shall join into the Institute.

2. In its work, the Institute shall be guided by this Law, the Law of the Republic of Lithuania on Associations, other laws, other legal acts and the statutes of the Institute.

3. Each patent attorney who is entered on the List of Patent Attorneys shall be a member of the Institute.

4. The Institute shall:

- 1) co-ordinate the activities of patent attorneys;
- 2) represent interests of patent attorneys before state institutions and international organisations;
- 3) submit proposals regarding draft legal acts on activities of patent attorneys and the protection of industrial property;
- 4) supervise patent attorneys' compliance with the requirements of this Law and the Code of Professional Conduct of Patent Attorneys;
- 5) organise and implement professional development of patent attorneys;
- 6) take decisions concerning the imposition of disciplinary sanctions on patent attorneys;
- 7) draw up and manage the List of Patent Attorneys;
- 8) perform other functions stipulated in the statutes of the Institute.

#### **Article 22. Bodies of the Institute**

1. Bodies of the Institute shall be as follows:

- 1) general meeting of patent attorneys;
- 2) Board of the Institute;
- 3) Chair of the Institute;
- 4) Commission on Professional Conduct of Patent Attorneys;
- 5) other bodies stipulated in the statutes of the Institute.

2. The same person may be a member of only one elective body of the Institute at a time, except the Chair of the Institute who is concurrently the Chair of the Board of the Institute. A person may not be elected as a member of the same body of the Institute for more than two consecutive terms of office.

3. Decisions of the bodies of the Institute may be appealed against to Vilnius Regional Court within 30 days from the service of the decision on the person concerned.

#### **Article 23. General meeting of patent attorneys**

1. A general meeting of patent attorneys shall be the highest body of the Institute.

2. A general meeting of patent attorneys shall be convened at least once a year in accordance with the procedure laid down by the statutes of the Institute. An extraordinary meeting of patent attorneys must be convened at the request of at least one half of the members of the Institute.

3. A general meeting of patent attorneys shall:

- 1) approve the statutes of the Institute;
- 2) elect and recall the Chair of the Institute, other members of the Board and, if deemed

necessary, a deputy Chair of the Institute;

3) set the number of members of the Board of the Institute;

4) elect and recall members of the Commission on Professional Conduct of Patent Attorneys or other bodies of the Institute;

5) set the amount of subscription fees of patent attorneys intended to finance activities of the Institute;

6) approve the Code of Professional Conduct of Patent Attorneys;

7) approve the description of the Rules of Procedure of the Commission on Professional Conduct of Patent Attorneys;

8) resolve other matters specified in the statutes of the Institute.

4. A general meeting of patent attorneys shall be valid if attended by more than half of all the patent attorneys. Decisions of a general meeting of patent attorneys shall be taken by a majority vote of the patent attorneys attending the meeting. Should voting result in a tie, the Chair of the Institute shall have a casting vote.

#### **Article 24. Board of the Institute**

1. The Board of the Institute shall be the management body of the Institute. Patent attorneys who have served as patent attorneys for at least three years may be members of the Board of the Institute. Members of the Board of the Institute shall be elected for three years. The Board of the Institute shall be led by the Chair of the Institute.

2. Meetings of the Board of the Institute shall be convened in accordance with the procedure laid down by the statutes of the Institute. Decisions of the Board of the Institute shall be taken by a majority vote of the members of the Board of the Institute attending the meeting. Should voting result in a tie, the Chair of the Institute shall have a casting vote.

3. The Board of the Institute shall:

1) nominate three patent attorneys to the examination commission;

2) take decisions on the recognition of individuals as patent attorneys, suspension or resumption of activities of patent attorneys, termination of activities of patent attorneys, except where the activities of patent attorneys are terminated by the decision of the court or the State Patent Bureau, or the Commission on Professional Conduct of Patent Attorneys takes a decision to impose a disciplinary sanction – withdrawal of the right to provide services of patent attorneys;

3) manage the List of Patent Attorneys;

4) convene a general meeting of patent attorneys, draw up its agenda and prepare draft decisions;

5) take a decision to initiate a disciplinary case in respect of a patent attorney;

6) perform other functions stipulated in the statutes of the Institute.

**Article 25. Chair of the Institute**

1. The Board of the Institute shall be led by the Chair of the Institute.

2. The Chair of the Institute shall:

- 1) represent the Institute in its relations with other persons;
- 2) conclude agreements with other persons on behalf of the Institute;
- 3) convene and preside over meetings of the Board of the Institute;
- 4) perform other functions stipulated in the statutes of the Institute.

3. Where a deputy Chair of the Institute is elected, he may, as necessary, carry out the duties of the Chair of the Institute.

**CHAPTER SIX**

**DISCIPLINARY RESPONSIBILITY OF PATENT ATTORNEYS**

**Article 26. Disciplinary responsibility of patent attorneys**

1. A disciplinary case may be initiated against a patent attorney for infringements of this Law and the Code of Professional Conduct of Patent Attorneys.

2. A decision to initiate a disciplinary case shall be taken by the Board of the Institute or the Director of the State Patent Bureau.

3. A person who has applied to initiate a disciplinary case, and a patent attorney, the initiation of a disciplinary case against whom is being considered or a disciplinary case against whom is being examined, shall have the right to participate when considering the initiation of the disciplinary case or in the course of examination of such a case.

4. Disciplinary cases against patent attorneys shall be examined by the Commission on Professional Conduct of Patent Attorneys.

5. The procedure for examining disciplinary cases against patent attorneys shall be laid down in the description of the rules of procedure of the Commission on Professional Conduct of Patent Attorneys.

6. Having examined a disciplinary case, the Commission on Professional Conduct of Patent Attorneys may impose the following disciplinary sanctions on a patent attorney for the infringements of this Law and the Code of Professional Conduct of Patent Attorneys:

- 1) a warning;
- 2) suspension of the activities of the patent attorney from one to three months;

3) withdrawal of the right to provide services of patent attorney.

7. Having examined a disciplinary case, the Commission on Professional Conduct of Patent Attorneys may confine itself to consideration of that disciplinary case.

#### **Article 27. Commission on Professional Conduct of Patent Attorneys and the Code of Professional Conduct of Patent Attorney**

1. The Commission on Professional Conduct of Patent Attorney shall consist of five members. Three members of the Commission on Professional Conduct of Patent Attorneys shall be elected by a general meeting of patent attorneys and two members of the said Commission shall be appointed by the Minister of Justice. The Commission on Professional Conduct of Patent Attorneys as well as its Chair from amongst its members shall, for a three-year period, be approved by the Minister of Justice.

2. The Code of Professional Conduct of Patent Attorneys shall be approved by a general meeting of patent attorneys. The Code of Professional Conduct of Patent Attorneys shall be published on the websites of the Institute and the State Patent Bureau.

### **CHAPTER SEVEN**

#### **RIGHT TO PROVIDE SERVICES IN THE REPUBLIC OF LITHUANIA OF PATENT ATTORNEYS WHO HAVE ACQUIRED THEIR PROFESSIONAL QUALIFICATION IN OTHER STATES**

#### **Article 28. Right to provide services in the Republic of Lithuania of patent attorneys who have acquired their professional qualification in other states**

Patent attorneys who have acquired their professional qualification in other states shall have the right to provide services in the Republic of Lithuania in compliance with the Law of the Republic of Lithuania on the Recognition of Regulated Professional Qualifications and legal acts regulating recognition of regulated professional qualifications of third country nationals. The Institute shall perform the functions of a competent authority recognising the professional qualification of patent attorneys acquired in other states. The procedure for recognising the professional qualification of patent attorneys in the Republic of Lithuania shall be laid down by the State Patent Bureau.

### **CHAPTER EIGHT**

#### **FINAL PROVISIONS**

#### **Article 29. Entry into force, implementation and application of the Law**

1. This Law, except for paragraphs 2, 3, 4 and 5 of this Article, shall enter into force on 1 May 2018.

2. The Association of Patent Attorneys shall, by 1 January 2018, change its name into the Institute of Patent Attorneys and amend the statutes of the Association in accordance with the provisions of this Law.

3. The Government of the Republic of Lithuania, the Minister of Justice, the State Patent Bureau and the Institute shall, by 30 April 2018, adopt legal acts implementing this Law.

4. Patent attorneys, entered in the Register of Patent Attorneys prior to the entry into force of this Law shall be regarded as patent attorneys and entered on the List of Patent Attorneys, provided that by 30 April 2018 they submit to the Institute the documents referred to in Article 9(2) of this Law. Before entering the individuals on the List of Patent Attorneys, the Institute shall verify whether they meet the requirements laid down in Article 6 of this Law.

5. Decisions on applications to take the examination for patent attorneys that were submitted before the entry into force of this Law shall be taken in accordance with the procedure laid down by legal acts valid before the entry into force of this Law.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ