

Law on Industrial Design 4 July 1995
No. I—1006 (As amended by 11 May 2000 No.VIII—1676)
Vilnius

TABLE OF CONTENTS

		<i>Article</i>
Chapter I:	General Provisions	
	Objective of the Law	1
Chapter II:	Definition and Protection of an Industrial Design	
	Definition of an Industrial Design	2
	Novelty	3
	Individual Characters	4
	Rights Conferred by a Registration	5
	Right of Prior Use	6
	The Term of Validity of a Registered Industrial Design	7
	The Right to the Protection of an Industrial Design	8
	Ownership to an Industrial Design Created during the Execution of a Commission or an Employment Contract	9
	Mention of Author's Name	10
Chapter III:	Registration of Industrial Design	
	Filing of an Application	11
	Industrial Design Application Documents	12
	Granting the Filing Date	13
	Priority Right	14
	Examination of Industrial Design Application	15
	Withdrawal or Correction of Application	16
	Registration of an Industrial Design	17
	Publication of Registration of an Industrial Design and the Procedure for Opposition	18
	Granting of Industrial Design Certificate	19
Chapter IV:	Transfer of Industrial Design and Granting License to Use it	
	Transfer of Industrial Design	20
	The Licence to Use an Industrial Design	21
Chapter V:	Invalidation and Revocation of Industrial Design Registration	
	Invalidation of Registration	22
	Revocation of Registration	23
Chapter VI:	Dispute Settlement. Defence of Rights	
	Dispute Settlement Institutions	24
	Enforcement of Rights	25
	Persons Having Right to File Claims	26
	Invalidation of Industrial Design Registration in the Industrial Design Register of the Republic of Lithuania	27

Chapter VII:	International Agreements International Agreements, Rights of Foreign Natural and Legal Persons	28
Chapter VIII:	Final Provisions Coming into Force of the Law	29

Chapter I General Provisions

Objective of the Law

1. This law shall establish the procedure for registration, legal protection and use of an industrial design.

An industrial design shall acquire legal protection upon the registration with the State Patent Bureau of the Republic of Lithuania.

Chapter II Definition and Protection of an Industrial Design

Definition of an Industrial Design

2. Industrial design shall be the aesthetic appearance of the whole product or a part of it, composed of specific lines, contours, colours, forms and (or) materials.

A product shall be an object manufactured industrially or handicraft, or its separate parts, as well as assortments of objects or compositions, packaging, graphic symbols and typographic typefaces.

An industrial design must be new and must have individual characters and be not contradictory to the principles of public morality.

Novelty

3. An industrial design shall be new, if up to the filing of an application or priority dates, it shall not be identical to another disclosed to the public and familiar in Lithuania, product.

An industrial design shall be publicly accessible or known, if it had been published in the Official Bulletin of the State Patent Bureau, exhibited at an exhibition, submitted for marketing or demonstrated to the public in another way.

Novelty of an industrial design shall not be disturbed by dissemination of information about it, if this information has been disseminated within a period of six months prior to the filing date of an application, or the priority date and if the information has been disseminated by:

1. the author himself or his successor in title, who had the right to acquire the right to an industrial design; and
2. another person wishing to harm the author or his successor.

Individual Characters

4. An industrial design shall possess individual character, if an informed user is able to differentiate one industrial design on the basis of its general appearance, from another industrial design:

1. submitted to the market of the Republic of Lithuania; and
2. registered with the State Patent Bureau and published in the procedure established by this law and having validity period, not yet expired.

Rights Conferred by a Registration

5. The holder of a registered industrial design shall have an exclusive right to permit or to prohibit other persons, who do not have his permission, from manufacturing, offering to sell, selling, putting on the market, importing or exporting, accumulating and using products or parts thereof which are a copy of the registered industrial design or a copy in general, when such actions are performed for commercial purposes.

The actions enumerated in the first part of this article shall not be deemed in violation of industrial design owner's rights, if:

1. they shall be carried on in order to meet own needs and shall not contradict the economic interests of the holder of a design;
2. they shall be carried on for science or scientific investigation and experimentation purposes; and
3. industrial design shall be used on board of the vessels, aircraft or other transport means registered in foreign countries, and their equipment and imported spare parts and other necessities, intended for repairs of these transportation means, while these vessels, aircraft and other transport means are temporarily situated within the territory of the Republic of Lithuania.

Right of Prior Use

6. Natural and legal persons, who were legally using or were making effective or serious preparations for the use of an industrial design before the filing date of an application for issuing of an industrial design certificate, or, where priority is claimed, the priority date of an application, may continue such use or to use the industrial design as envisaged in such preparations without taking into consideration the will of the owner of the industrial design.

The right of prior use may only be transferred together with the enterprise or activities, or with that part of the enterprise or activities in which the use of an industrial design or preparations for such use have been made.

The Term of Validity of a Registered Industrial Design

7. Industrial design protection shall be valid for 5 years from the filing date of an application.

The term of validity of an industrial design may in addition be extended four times, for 5-year periods, for up to 25 years, counting from the date of filling the application.

The renewal of the term of validity of the protection of an industrial design shall be subjected to the following conditions:

1. the filing of a request for renewal of the term of validity within the last six months of the validity of the industrial design; and
2. the payment of the fee for the next 5-year period.

A request for renewal may be filed up to six months after the end of the term specified in item 1 of Paragraph 2 of this Article, upon payment of a 50 per cent higher fee.

The Right to the Protection of an Industrial Design

8. The owner of an industrial design or his successor in title, shall hold exclusive right to it. Joint owners, unless they agree otherwise, shall have equal rights to an industrial design.

Ownership to an Industrial Design Created during the Execution of a Commission or an Employment Contract

9. The right of ownership to an industrial design created by an employee during the execution of a commission or an employment contract shall belong to the employer if this is provided for in the contract made by an employer and employee.

The employer shall be obligated to pay to the employee an equitable remuneration, the amount of which is provided for in the contract made by an employer and employee, taking into account the economic value of the industrial design and any benefit derived by the employer from the utilisation of the industrial design.

Mention of Author's Name

10. An industrial design application must contain mention of the name of the author or authors.

The State Patent Bureau, in publishing data concerning the registration of an industrial design, must mention the names of the author or authors.

In the event an author files a declaration with the State Patent Bureau requesting not to mention his name, the State Patent Bureau shall not mention it.

Chapter III Registration of Industrial Design

Filing of an Application

11. A person, wishing to register an industrial design, shall file an application with the State Patent Bureau.

A representative of the applicant may file the application on his behalf. Foreign legal and natural persons shall file applications with the State Patent Bureau, through a patent attorney of the Republic of Lithuania.

An application may be filed for one or several industrial design examples, belonging to the same international class of the classification for industrial design, under the Locarno Treaty On International Industrial Design Classification. One application may include up to 10 examples of the design applied for.

On filing an application, the applicant must pay the fee for the application and every additional example of industrial design.

An application shall be filed in the Lithuanian language.

Industrial Design Application Documents

12. An industrial design application shall comprise:

1. a request to grant an industrial design certificate;
2. photos and graphic representations of the industrial design;
3. description of the industrial design;
4. document confirming the payment of the fee;
5. document certifying powers of the representative, if the application is filed by the representative; and
6. document confirming to the transfer of author's rights.

Granting the Filing Date

13. Filing date for application of an industrial design shall be considered the day when the State Patent Bureau has received the following documents:

1. a request to grant industrial design certificate;
2. photos or graphic representation of industrial design; and
3. document confirming payment of the fee.

In the event the applicant has failed to file one of the documents listed in part one of this article, the filing date shall not be granted.

Priority Right

14. The application may contain a request to grant priority to one or more earlier applications to register the same industrial design within the state, which is a party to the Paris Convention for the Protection of Industrial Property, if the applicant or his successor in title shall file an application to the State Patent Bureau within 6 months from the first application or application filing date.

The application may contain a request to recognise the priority date, when the industrial design was displayed in an official or officially recognised international exhibition, if the application shall be filed with the State Patent Bureau within 6 months of the day of opening of the exhibition.

The applicant desiring to make use of the provisions of Paragraphs 1 and 2 of this Article, must produce to the State Patent Bureau copies of the first application or applications certified as correct by a patent office of that state, or a certificate issued by the administration of the exhibition, in which the industrial design was displayed for the first time. Such documents may be furnished at the time of filing of an application in the Republic of Lithuania or within 3 months from the filing date.

Upon determining that the requirements of Paragraph 3 of this Article are not complied with, the State Patent Bureau shall regard the applications specified in Paragraphs 1 and 2 of this Article as not have been filed.

Examination of Industrial Design Application

15. The State Patent Bureau shall perform examination of an industrial design application. The State Patent Bureau examiner shall verify the industrial design application documents, named in Articles 12 and 14 of this Law.

The examiner of the State Patent Bureau, having established that the documents named in Articles 12 and 14 of this Law, are not included in the application, or these documents are not prepared according to the requirements, shall inform the applicant or his representative of this. If, in the course of 3 months from the day of dispatching of this information, the application documents shall not be prepared in accordance with requirements, the expert of the State Patent Bureau shall adopt the decision not to register the industrial design.

If an applicant disagrees with the decision of the State Patent Bureau, he shall have the right to appeal to the Section of Appeals of the State Patent Bureau, within 3 months from the day the examiner's decision had been dispatched. The applicant shall have the right to participate at meetings of the Section of Appeals, when his appeal is being settled. The applicant shall be informed of the decision adopted by the Section of Appeals.

Withdrawal or Correction of Application

16. Prior to the date of registration of an industrial design an applicant shall have the right to withdraw his/her application or to reduce the number of design examples contained in it.

Registration of an Industrial Design

17. Following his decision to register an industrial design, the examiner of the State Patent Bureau shall notify the applicant of this. The applicant must within 3 months from the day of being informed pay the fee for registration, publication and granting certificate. In the event the applicant fails to pay the fee in due time, the industrial design shall not be registered.

The State Patent Bureau shall enter the industrial design into the Industrial Design Register of the Republic of Lithuania.

A representation of the industrial design shall be produced in the Industrial Design Register of the Republic of Lithuania and the data concerning the issuance of the industrial design certificate, its use and protection shall be included in it.

The State Patent Bureau shall issue an extract from the Industrial Design Register of the Republic of Lithuania to every person who had paid the fee. The confirmed extract from the Register shall be regarded as an official document.

Publication of Registration of an Industrial Design and the Procedure for Opposition

18. Inclusion of an industrial design into the Industrial Design Register of the Republic of Lithuania shall be published in the official Bulletin of the State Patent Bureau.

Interested persons, who have paid the fee, and are basing themselves on Articles 2-4 of this Law, may file an opposition against the registration of an industrial design within a period of 3 months from the date of publication. The opposition must be motivated and presented in writing, to the Section of Appeals of the State Patent Bureau. The author of the registered industrial design shall be acquainted with the content of opposition and shall be granted the right of a just cause reply, within a 3-month period from the day of the receipt of opposition.

If the opposition shall be rejected, the Section of Appeals of the State Patent Bureau shall inform both the person who had submitted the opposition and the owner of the industrial design.

If the opposition shall be acknowledged as justifiable, registration shall be totally or partially abolished. The decision adopted by the Section of Appeals of the State Patent Bureau shall be published in the official bulletin.

Granting of Industrial Design Certificate

19. If the opposition was not submitted in accordance with the conditions established in Paragraphs 2 and 3 of Article 18, or was rejected, the State Patent Bureau shall grant the registered industrial design certificate to the design owner.

Based upon Paragraph 3 of Article 17 of this Law, data from the Industrial Design Register of the Republic of Lithuania, shall be inscribed on the industrial design certificate.

Chapter IV Transfer of Industrial Design and Granting License to Use it

Transfer of Industrial Design

20. The owner may transfer a registered industrial design according to the contract, with or without his own business.

An industrial design transfer agreement shall only be valid following its inclusion in the Industrial Design Register of the Republic of Lithuania.

The Licence to Use an Industrial Design

21. The owner of an industrial design shall have the right to grant an exclusive or non-exclusive licence to use an industrial design throughout the entire territory of the Republic of Lithuania.

Licence agreement, upon payment of fee, shall be included in the Industrial Design Register of the Republic of Lithuania and shall become effective from the date of registration.

Chapter V Invalidation and Revocation of Industrial Design Registration

Invalidation of Registration

22. Upon the request of any interested person, the court may invalidate the registration because the industrial design does not correspond to the requirements in Articles 2-4 of this Law.

The court, having adopted the decision to invalidate the registration of the industrial design, shall prescribe to enter it in the Industrial Design Register of the Republic of Lithuania and publish it in the Official Bulletin.

Revocation of Registration

23. The owner of an industrial design may revoke the registration by submitting a written request to the State Patent Bureau. Revocation of an industrial design registration shall become effective from the day when the State Patent Bureau received the request.

One or several industrial design examples, registered as a result of one application, may be revoked.

The State Patent Bureau shall include information concerning revocation of an industrial design registration in the Industrial Design Register of the Republic of Lithuania and publish it in the Official Bulletin.

Chapter VI Dispute Settlement. Defence of Rights

Dispute Settlement Institutions

24. Disputes regarding registration and use of industrial designs shall be settled by the following institutions:

1. Section of Appeals of the State Patent Bureau—disputes regarding industrial design registration, arising prior to granting of industrial design certificate;

2. Vilnius District Court—disputes concerning:

decision of the Section of Appeals of the State Patent Bureau, not to grant an industrial design certificate;

recognition of an industrial design registration as invalid;

defence of rights of the owner or authors of an industrial design.

Enforcement of Rights

25. The court may adopt a decision, according to a claim by the industrial design owner, to interrupt actions that violate or may violate the rights enumerated in Article 5.

The court may adopt, in accordance with an industrial design owner's claim, a decision concerning compensation for the damages incurred by an industrial design owner, if another person performed the actions enumerated in Article 5 of this Law, without his consent.

Persons Having Right to File Claims

26. The owner of an industrial design shall have the right to file a claim concerning violation of the rights to an industrial design. In the event he fails to avail himself of this right, however, the licensee may file a claim, if no provision to the contrary, exists for that in the license contract.

Every party to the licence contract shall have the right to participate in the court proceedings initiated by another party, for the violation of rights to an industrial design and to receive compensation for the damage incurred.

*Invalidation of Industrial Design Registration in the
Industrial Design Register of the Republic of Lithuania*

27. Industrial design registration shall be invalidated in the Industrial Design Register of the Republic of Lithuania, if:

1. the author of the industrial design requests so;
2. the term of the industrial design registration was not extended according to the procedure established in Article 7; and
3. the industrial design registration has been opposed in accordance with Paragraph 4 of Article 18.

**Chapter VII
International Agreements**

International Agreements, Rights of Foreign Natural and Legal Persons

28. If international agreements, to which the Republic of Lithuania is a party, establish other provisions which, for the industrial design owner are more advantageous than those provided for in this Law and other standard acts, the relevant provisions of such international agreements shall apply.

Foreign natural and legal persons shall enjoy all rights provided for in this Law and other standard acts regulating the protection of industrial design.

**Chapter VIII
Final Provisions**

Coming into Force of the Law

29. The Law on Industrial Design of the Republic of Lithuania shall become effective on September 1, 1995.

I promulgate this Law enacted by the Seimas of the Republic of Lithuania.

President of the Republic
Algirdas Brazauskas
