

APPROVED by
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REGULATION OF PATENT ATTORNEYS

I. GENERAL PROVISIONS

1. Present Regulation of patent attorneys (hereinafter referred to as “the Regulation”) shall stipulate requirements for a person who wishes to be included into the Register of Patent Attorneys of the Republic of Lithuania (hereinafter referred to as “the Register”), procedures for examinations of patent attorneys, procedures for inclusion/removal of persons into/from the Register, as well as information stored and made available at the Register.

2. Patent attorney shall be a natural person representing at the State Patent Bureau of the Republic of Lithuania (hereinafter referred to as “the State Patent Bureau”) foreign natural persons who are not permanently residing in the Republic of Lithuania nor in any other European Union Member State, and representing foreign legal persons who have no subsidiaries nor representations registered in Lithuania, nor headquarters, subsidiary nor representation in any other European Union Member State. Patent attorney may provide to Lithuanian Republic and foreign natural and legal persons other services in the area of intellectual property protection and in implementing rights to objects of industrial property.

3. The Register shall be a logbook where information on patent attorneys is stored as specified by the present Regulation. Such information may be processed in a computerised way.

4. A person shall be included into the Register if such person:

4.1. is a national of the Republic of Lithuania or any other European Union Member State;

4.2. has a university degree in engineering, natural sciences, mathematics, computers or law;

4.3. has at least 5 years of practical experience in the sphere of industrial property protection, the calculation whereof cannot start earlier than the date when the person has been awarded a university degree indicated in Article 4.2 of the Regulation. Practical work experience in the sphere of industrial property protection is assessed according to the documentation that can prove such experience. In general, continuous performance of functions in carrying out assignments related to industrial property protection, work at a state institution or an international organisation registering objects of industrial property is treated as practical work experience in the sphere of industrial property protection;

4.4. passes exam of patent attorney, whereby knowledge in intellectual property protection as regulated by legislation of the Republic of Lithuania and the European Union, as well as by international treaties, and in civil and civil procedural law of the Republic of Lithuania as far as it concerns intellectual property protection and activities of patent attorney in representing interests of clients.

5. Requirements set in Articles 4.2–4.4 shall not be applicable to a person who was granted a right in accordance with legislation of the European Union Member State and by a competent institution of such State to act as a patent attorney with regards to all objects of industrial property regardless of a professional title used to describe his/her professional activities.

II. EXAMINATIONS OF A PATENT ATTORNEY

6. A person wishing to take patent attorney examinations shall submit a written application to the State Patent Bureau.

7. An application shall be supplemented by the following documents or copies thereof approved in accordance with the legislation:

7.1. a document proving personal identity and nationality of the Republic of Lithuania or any other European Union Member State;

7.2. a diploma proving university degree in engineering, natural sciences, mathematics, computers or law;

7.3. documents proving at least 5 years of practical experience in the sphere of industrial property protection (documents proving legal relationship in labour: labour contracts, orders, ordinances and other documents provided for by the legislation);

7.4. *curriculum vitae*;

7.5. other documents (at discretion) proving his/her qualification and experience in the sphere of industrial property protection.

8. The State Patent Bureau shall approve copies of documents that are not directly intended for the State Patent Bureau and shall return the documents to a person who submitted them.

9. Documents issued in foreign countries must be legalised or with an Apostille except for cases provided for by the legislation or international treaties. Without prejudice to legislation, documents to be submitted must be translated into the Lithuanian language, the translation must be approved by the person who did the translation.

10. The State Patent Bureau, having in the course of one month considered the submitted application and made a decision that the person concerned is in conformity with requirements set in Articles 4.1–4.3. of the present Regulation shall issue a decision allowing to take patent attorney examinations and within 3 working days since the decision was made shall inform the applicant on the decision and on the examinations date set.

11. The State Patent Bureau having made a decision that not all of the documents listed under Articles 7.1–7.4 were submitted or that they are not in conformity with the requirements set in the present Regulation, shall set a one-month period to remedy the situation. If the person concerned is not in conformity with the requirements set in Articles 4.1–4.3 of the present Regulation or does not remedy the situation during the period set, then the State Patent Bureau shall issue a decision to refuse the person concerned to take patent attorney examinations. A decision where its grounds are identified shall be sent out to the applicant within 3 working days since the decision was made.

12. Patent attorney examinations curriculum, organisation procedure and periodicity shall be approved by the Order of the Director of the State Patent Bureau.

13. A person shall be examined by the Patent Attorney Commission (hereinafter referred to as “the Commission”), established by the Order of the Director of the State Patent Bureau and consisting of:

13.1. one representative proposed by the Ministry of Justice, who shall act as the Chairman of the Commission;

13.2. four representatives from the State Patent Bureau one of whom shall act as the Secretary of the Commission;

13.3. four representatives proposed by the Lithuanian Patent Attorney Association.

14. In the Commission, at least two representatives of the State Patent Bureau and two representatives of the Lithuanian Patent Attorney Association must have a university degree in law.

III. INCLUSION OF A PERSON INTO THE REGISTER

15. A person conforming with the requirements set in Article 4 and 5 of the present Regulation shall be included into the Register if he/she provides the State Patent Bureau with the following:

15.1. an application to include him/her into the Register, providing information required under Articles 22.2–22.6 of the present Regulation and under Articles 23.1–23.3 if necessary;

15.2. a document proving the payment of patent attorney registration fee;

15.3. a document proving personal identity and nationality if the application is being submitted by a person specified under Article 5 of the present Regulation;

15.4. a valid document issued by a competent institution of any other European Union Member State proving the right to act as a patent attorney, if the application is being submitted by a person specified under Article 5 of the present Regulation.

16. The State Patent Bureau shall have a right to request additional documents proving the right to act as a patent attorney in other European Union Member State, if there are doubts concerning granting of the right or validity thereof.

17. If documents submitted are not written in the State language, they have to be legalised or with an Apostille, except for cases provided for by the legislation and international treaties. Without prejudice to legislation, documents to be submitted must be translated into the Lithuanian language, the translation must be approved by the person who did the translation.

18. The State Patent Bureau having received documents specified under Article 15 (and Article 16 if necessary) of the present Regulation and if they are in conformity with the requirements set in the present Regulation shall include the person concerned into the Register within 10 working days and shall issue him/her the certificate of the patent attorney of the Republic of Lithuania (hereinafter referred to as “the Certificate”) and the person receipts it. Office-copy of the Certificate is stored in the patent attorney file together with other submitted documents.

19. The State Patent Bureau having identified that not all documents specified under Article 15 of the present Regulation have been submitted or they are not in conformity with the requirements set in the present Regulation shall set a one-month period to remedy the situation. If the person concerned does not remedy the situation during the period set, then the State Patent Bureau shall issue a decision to refuse the person concerned to be registered in the Register. A decision where its grounds are identified shall be sent out to the applicant within 3 working days since the decision was made.

20. The Certificate is a document certifying that the holder is registered in the Register. Form and contents of the Certificate shall be approved by the Order of the Director of the State Patent Bureau.

21. If the Certificate is lost, a copy of the Certificate shall be issued to receipt within 5 working days since the application was received, provided the patent attorney concerned submits a written application to the State Patent Bureau.

IV. INFORMATION STORED IN THE REGISTER

22. The following information on patent attorneys shall be stored in the Register:

22.1. Certificate number consisting of letters “LT” and digits consecutively in the order of Certificates issued to patent attorneys;

22.2. name and surname;

22.3. name of the country a patent attorney is a national of;

22.4. correspondence address in the Republic of Lithuania, including telephone number, fax number, e-mail address or name, address of headquarters, including telephone and fax numbers and e-mail address, of a legal person – patent attorney’s employer – if a patent

attorney is working according to a labour contract. Provision of such information is not mandatory for persons specified under Article 5 of the present Regulation;

22.5. foreign languages a patent attorney can use;

22.6. date and number of the Commission's decision that patent attorney examinations have been passed, if the patent attorney concerned is a person specified under Article 4 of the present Regulation;

22.7. date of issue of the Certificate;

22.8. date and reason for removal from the Register.

23. In addition to information specified under Article 22 of the present Regulation, the following information shall be stored with regards to persons specified under Article 5 of the present Regulation:

23.1. correspondence address in the European Community, including telephone number, fax number, e-mail address or name, address of headquarters, including telephone and fax numbers and e-mail address, of a legal person – patent attorney's employer – if a patent attorney is working according to a labour contract;

23.2. name of the competent institution of the European Union Member State which has issued a document proving the right to act as a patent attorney;

23.3. name and date of a document issued by a competent institution of the European Union Member State proving the right to act as a patent attorney.

24. Information specified under Articles 22.1–22.5 and 23.1 of the present Regulation shall be published in the official bulletin and website of the State Patent Bureau, and is provided to interested persons free of charge, provided they submit a written application.

25. A patent attorney shall inform the State Patent Bureau in written concerning any changes in information stored in the Register. Application to include changes into the Register shall be accompanied with a document proving the payment of patent attorney registration fee.

V. REMOVAL OF A PATENT ATTORNEY FROM THE REGISTER

26. The State Patent Bureau shall remove a patent attorney from the Register if the patent attorney concerned:

26.1. requests in written to be removed from the Register;

26.2. is no longer a national of the Republic of Lithuania and/or any other European Union Member State;

26.3. becomes legally incapable according to the procedure set in the legislation;

26.4. dies or his/her whereabouts are declared unknown or he/she is declared dead;

26.5. submitted faulty information to be included into the Register;

26.6. cannot act as a patent attorney, because court judgement to withdraw such right has come into force.

27. A patent attorney must inform the State Patent Bureau about the occurrence of grounds specified under Articles 26.2 and 26.6 of the present Regulation.

28. The State Patent Bureau within 5 working days since receipt of application of a patent attorney, or of information and supporting documents from third parties concerning grounds specified under Articles 26.2–26.6 of the present Regulation shall remove the patent attorney concerned from the Register and shall inform on this in the official bulletin and website of the State Patent Bureau.

VI. FINAL PROVISIONS

29. Fees for patent attorney registration and changes in the Register shall be paid and returned in accordance with the Republic of Lithuania Law on Fees for Registration of Objects of Industrial Property ("*Valstybės žinios*" - "*Official Gazette*", 2001, No. 52-1811).