

## IP &amp; IT LAW NEWS

Dear Reader,

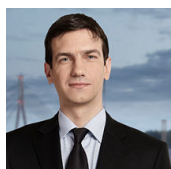
We are pleased to send you an update on recent developments related to intellectual property and technology law.

You may follow us on Twitter [@RLN\\_Latvia](#) to read these and other office news.

With kind regards -



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## Practice Developments

### Latvia Launches Online Trademark Filing

[lrpv.gov.lv](#) [LAT only]

On 19 September 2014 the Latvian Patent Office launched a new online service for online trademark filing. Thus, Latvia joins the majority of other European countries where such a service is available. The service requires user authentication through the portal [Latvija.lv](#) (with an electronic signature or online banking sign-in).

Trademark registration requirements and fees remain unchanged. Latvian nationals and companies can apply for a trademark without an intermediary, but foreigners need a locally licensed trademark lawyer. The registration process also remains the same, as the online application will be assessed by the same criteria as to date.

This development simplifies and expedites the application procedure. Until now, applicants had to physically submit documents to the Patent Office, whose staff processed each application manually. The new online service should significantly reduce the time required to file and process trademark applications—historically, it has taken 8-12 months to register a trademark in Latvia. One key improvement is the introduction of pre-cleared descriptions of goods and services.

We have already filed several applications online and the system seems to work well. The Patent Office promises to introduce online filing for industrial designs by early next year.

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### Latvia Transposes Two EU Copyright Directives

The Latvian Copyright Act will shortly be amended to transpose Directive 2012/28/EU on Certain Permitted Uses of Orphan Works (Orphan Works Directive) and Directive 2014/26/EU on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (Collective Rights Management Directive).

The Orphan Works Directive sets out common rules on the digitalization and online display of so-called orphan works, which are newspaper and magazine articles, books and films that are protected by copyright but whose authors or other rights owners are not known or cannot be located.

To transpose the directive, the Latvian Copyright Act will introduce an entirely new section VI entitled “Certain Permitted Uses of Orphan Works.”

The Collective Rights Management Directive provides the long-awaited harmonization of the fragmented system of licensing rights to musical works. The Directive has two main objectives. Firstly, to define standards of governance, management and transparency of collective rights management organizations (such as AKKA/LAA in Latvia).

Secondly, the Directive aims to provide multi-territorial licensing of rights in musical works for online uses, greatly simplifying the system of clearing rights to sell music online. This is a key step to the creation of a single European market in online music.

Raidla Lejins and Norcoux lawyers participate in the expert group of the Ministry of Culture to comment on these and other amendments to the Copyright Act.

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### Amendments in the Regulation of Commercial Pledges on Intellectual Property

[likumi.lv](#) [LAT only]

27.06.2014.

On 1 January 2015 amendments to four key laws on industrial property<sup>1</sup> will enter into force. These amendments simplify the registration of commercial pledges on intellectual property, and have been made to correspond with recent amendments in the Commercial Law.

Until now, a commercial pledge on IP had to be recorded at the Patent Office. Under the new rules, commercial pledges based on IP can be recorded directly at the Register of Enterprises upon presentation of a certificate issued by the Latvian Patent Office attesting to the registration of a trademark or design right, or issuance of a patent. A European Patent validated in Latvia may also be pledged. Such pledges may also be made by private individuals who are owners of IP.

<sup>1</sup> The Law on Trademarks and Geographical Indications, the Design Rights Law, the Patent Law, and the Law on Semiconductor Topographies.

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## **Changes to Community Trademark Application Processing**

[oami.europa.eu](http://oami.europa.eu)

27.10.2014.

The Office for Harmonization in the Internal Market (OHIM) has announced two important procedural changes for European Community trademark registrations from 24 November.

Firstly, OHIM will only examine trademark applications for which fees have been paid. Prior to the changes, applications were processed regardless of when the fees had been settled. While the 30-day fee deadline remains unchanged, after November 24 applications will enter the examination pipeline only when OHIM receives payment.

Secondly, the Office plans a "Fast Track" application procedure. In order to qualify for the expedited procedure (expected to reduce processing time by half), the applicant must pay all fees at the time of filing, and select goods and services from OHIM's harmonized database.

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## **Office News**

### **FICIL IP Working Group on Intellectual Property Rights Convenes**

On 10 November, the Foreign Investors Council in Latvia (FICIL) IP Working Group on Intellectual Property Rights kicked off its 2014-2015 season. The meeting took place at our offices, and the Working Group is chaired by our partner Ingrida Karina-Berzina. In May, the Working Group presented its recommendations on IP policy to the Cabinet of Ministers. This year, the focus will be on implementation. For more information or to join the Working Group, please contact [FICIL](#).

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### **Raidla Lejins & Norcoux Advises on Personal Data Protection**

Recent studies show that 75% of European businesses are not aware of their data protection responsibilities. Our lawyers have a broad and deep experience in the field of personal data protection. We help companies to identify and prevent risks, to register at the Data State Inspectorate, to implement data policies, to effect data transfers in M&A transactions, and to create privacy policies for online services. If you have any questions, please contact us by sending an e-mail to [rln@rln.lv](mailto:rln@rln.lv), our lawyers will gladly respond to your queries.

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### **Our Partner to Speak at Global Entrepreneurship Week 2014 at the Stockholm School of Economics in Riga**

During 19-21 November, the Stockholm School of Economics in Riga will host a series of events during Global Entrepreneurship Week 2014. On 20 November at 14.00 our partner and frequent SSE lecturer Ingrida Karina-Berzina will speak on "What Entrepreneurs Should Know About Intellectual Property."

The event will take place at SSE Riga, Strelnieku iela 4a. Admission is free. For more information: [www.sseriga.edu](http://www.sseriga.edu)

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