

## NEWS: LATVIA

## Latvian Data Protection Authority Imposes Highest Penalty to Date, and Announces New Priorities

In August 2019, the DPA [fined an internet shop](#) EUR 7000 for violating a data subject's GRPR rights and for failing to cooperate with the DPA. The service provider ignored several requests of the customer to delete his/her data, and continued sending marketing information. The customer complained to the DPA, which requested clarification from the internet shop, which again failed to respond. The DPA imposed a penalty based on the character and duration of the violation, failure to cooperate with the DPA, number of the data subjects and revenue of the service provider.

In October 2019, the DPA published [information](#) on its priorities for 2019-2020: 1) video surveillance carried out by legal entities without informational signs and in prohibited places (such as cloak rooms, restrooms, showers and similar places); 2) protecting persons who were not treated in accordance with the GDPR by data controllers; 3) ensuring that the warnings addressed by the DPA to specific controllers or processors are complied with.

To date, the Latvian DPA has mainly focused on examining the complaints of data subjects.

## Court Prohibits Filming of Riga Bus Drivers

In September 2019, the public transportation service provider in Riga (*Rīgas satiksme*) [lost a legal proceeding](#) against the Latvian Data Protection Authority with regards to video and audio surveillance of bus drivers. *Rīgas satiksme* used to film the drivers while they were at their seat in the bus without any interruptions. The DPA prohibited *Rīgas satiksme* to continue such surveillance activities as they were impermissibly intrusive. *Rīgas satiksme* challenged this prohibition in court, but lost both in the first and second instances. The court ruled that the video surveillance system is contrary to the personal data protection principles and that it is necessary to change cameras' angle, location, filming duration or other aspects that would ensure the protection of drivers' rights. This decision can be appealed within one month of its issuance date.

## New Trademark Law Has Been Drafted in Latvia

In view of the fact that 20 years have passed since the Law On Trade Marks and Indications of Geographical Origin was adopted and since Directive 2015/2436 requires several amendments to the existing framework, a new draft Law On Trade Marks has been drafted by the Ministry of Justice in cooperation with the industry groups and approved by the Education, Culture and Science Committee of the Saeima on 22 October 2019 to be proposed to the Saeima. It is expected to be put forth for parliamentary approval in 2020, but industry groups and others are expected to continue to submit additional proposals.

The key substantive changes proposed by the drafters include protection for national trademarks with reputation and extending trademark protection to any sign that can be graphically rendered. In addition, the draft law strengthens the rights of trademark owners in respect of transit goods. It is proposed that trade mark proprietors should have the right to prevent the entry of infringing goods and their placement in all customs situations, including when such goods are not intended to be placed on the market of the Member State concerned.

Procedurally, the key proposal is that trademark cancellation actions will be available at the Board of Appeal of the Latvian Patent Office. Until now, cancellation could only take place in civil proceedings.

### LATVIA CONTACTS



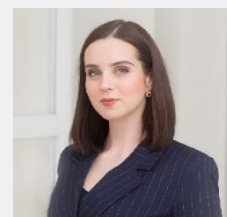
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