Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

9 February 2023 [shall come into force on 7 March 2023].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on Industrial Property Institutions and Procedures**

**Division A. General Provisions and Procedures of the Patent Office**

**Chapter I. General Provisions**

**Section 1. Terms Used in the Law**

The following terms are used in the Law:

1) **industrial property**– rights related to invention patents (including supplementary protection certificates for medicinal products and plant protection products), topographies of semiconductor products, trade marks (including collective marks), certification marks, and designs;

2) **objects of industrial property**– invention patents (including supplementary protection certificates for medicinal products and plant protection products), topographies of semiconductor products, trade marks (including collective marks), certification marks, designs;

3) **registration procedures**– activities aimed at registering certain objects of industrial property, also at granting a patent, except for activities related to the examination of disputes in the Industrial Property Board of Appeal and in the court;

4) **post-registration procedures**– activities aimed at amending information regarding registered objects of industrial property, including activities for maintaining the validity and for the renewal for a new period of the protection of the registered objects of industrial property, including the granted patents, except activities related to the examination of disputes in the Industrial Property Board of Appeal and in the court;

5) **industrial property legal acts**– legal acts governing the registration of the objects of industrial property and protection of industrial property, including international agreements binding on Latvia and directly applicable laws of the European Union in the field of industrial property.

[*9 February 2023*]

**Section 2. Purpose and Scope of Application of The Law**

(1) The purpose of the Law is to establish the legal preconditions for the efficient registration of objects of industrial property and for the examination of disputes arising therefrom, providing the necessary authorities for this purpose, determining their competence and basic principles of operation, as well as regulating representation in them and basis of operation of professional patent attorneys.

(2) The Law governs the institutional matters, procedures, and legal relations, insofar as they are analogous to objects of industrial property.

**Section 3. Regulation in the Field of Industrial Property**

(1) The rights to industrial property in Latvia are obtained through registration of objects of industrial property which is made in the Patent Office in accordance with the industrial property legal acts or, if so provided for in a law or regulation, by recognising the exclusive rights arisen on other grounds.

(2) The rights to industrial property in Latvia are also obtained through registration of such objects of industrial property which is made with respect to Latvia in accordance with international agreements within the field of industrial property binding on Latvia, including with regard to the European Union – in accordance with the directly applicable legal acts of the European Union.

(3) With regard to the registration of objects of industrial property and protection of industrial property, foreign persons in Latvia have the same rights as Latvian persons, insofar as this Law or other legal acts do not provide otherwise.

(4) The rights to industrial property in Latvia acquired in accordance with the procedures laid down in Paragraph two of this Section shall have the same legal effect as the rights referred to in Paragraph one of this Section, if the relevant international agreement or industrial property legal acts do not provide otherwise.

**Chapter II. Patent Office and Procedures in the Patent Office**

**Section 4. Patent Office**

(1) The Patent Office is a direct administration institution under the supervision of the Minister for Justice with the competence in the field of industrial property laid down in this Law and other legal acts.

(2) The Patent Office shall perform the following functions:

1) implement the State policy within the field of industrial property;

2) perform the functions of the State industrial property institution provided for in international agreements binding on Latvia;

3) register rights to objects of industrial property and maintain the appropriate registers, as well as provide other industrial property-related services;

4) promote awareness in the country and society of the protection of industrial property.

**Section 5. Registration of Objects of Industrial Property**

(1) The Patent Office shall, in accordance with laws and regulations, register the following objects of industrial property:

1) invention patents (including supplementary protection certificates for medicinal products and plant protection products);

2) topographies of semiconductor products;

3) trade marks (including collective marks) and certification marks;

4) designs.

(2) Activities taken by the Patent Office within the registration and post-registration procedures of the objects referred to in Paragraph one of this Section, including activities laid down in international legal acts, as well as other industrial property-related services of the Patent Office shall be paid services.

(3) The Cabinet shall determine the price list of the paid services of the Patent Office, payment procedures, and reliefs.

[*9 February 2023*]

**Section 6. Registers Maintained by the Patent Office, Application and Registration Files**

(1) The Patent Office shall maintain a Patent Register which also includes the supplementary protection certificates for medicinal products and plant protection products, a Register of Topographies of Semiconductor Products, a Register of Trade Marks which also includes collective marks and certification marks, and a Register of Designs (hereinafter – the registers).

(2) The Patent Office shall arrange the registers in accordance with the procedures laid down in the industrial property legal acts.

(3) Each number of an application or registration (patent) of an object of industrial property shall have a corresponding file with the same number where those documents on the basis of which entries have been made in the register and also other documents specified in legal acts are stored.

(4) The Patent Office shall ensure permanent storage of registers, application and registration files and the submitted original documents.

[*9 February 2023*]

**Section 7. Public Access to Registers, Application and Registration Files**

(1) The entries of registers shall have public credibility. Entries of registers shall be published in the official gazette of the Patent Office and on the website of the Patent Office in accordance with the industrial property legal acts.

(2) In conformity with the restrictions laid down in legal acts, any person may become acquainted with the application and registration files and receive extracts from the registers, derivatives of the documents in the application and registration files, and statements.

(3) If additional resources are not required for data processing and analysis, the Patent Office shall, in conformity with the restrictions laid down in laws and regulations, provide free of charge the necessary information from the registers and application and registration files to the *Saeima*, the Cabinet, law enforcement authorities, and other State administration institutions, as well as to the natural and legal persons to whom such rights are established by laws and regulations.

**Section 8. Official Gazette of the Patent Office**

(1) The Patent Office shall have its official gazette in which it shall publish the entries of registers and the information specified in the industrial property legal acts which refers to the registration of objects of industrial property.

(2) The official gazette of the Patent Office shall be published electronically at least once a month on the website of the Patent Office.

(3) The legal consequences laid down in this Law or in another industrial property legal act for the registration of the specific object of industrial property or for the information related to such registration shall enter into effect from the day of the publication or another date indicated in the official publication.

**Section 8.1 Certificate of Registration of an Object of Industrial Property**

After the registration of an object of industrial property, the Patent Office shall issue to the owner thereof a patent, supplementary protection certificate, registration certificate of a trade mark, collective mark, certification mark or, where applicable, design. The registration certificate shall indicate the information which, in accordance with the industrial property legal act, are entered in the register at the time of the registration of the object.

[*9 February 2023*]

**Section 9. Competence of the Officials of the Patent Office**

The officials of the Patent Office shall, independently and in accordance with the industrial property legal acts on behalf of the Patent Office, take the decision to register or to refuse to register an object of industrial property, as well as other decisions and interlocutory decisions in the registration and post-registration procedures.

**Section 10. Restrictions for Officials and Employees of the Patent Office**

(1) While officials and employees of the Patent Office are working for the Patent Office, as well as two years after their employment or service relations with the Patent Office were terminated, they are not entitled to submit a patent or design application, or directly or indirectly, except for inheritance, obtain registration of a patent or design, or acquire any rights resulting from the registration of a patent or a design. Rights of priority shall not be granted to patent or design applications of these persons if the respective application has been submitted within one year after the termination of employment or service relations with the Patent Office.

(2) Officials and employees of the Patent Office have an obligation, also after their employment or service relations with the Patent Office have ended, not to disclose and not to use the restricted access information which has become known to an official or employee while fulfilling the work duties, as well as not to represent persons in cases regarding objects of industrial property or their applications which have been within their competence while performing the role of an expert or responsible official.

**Section 11. Determining of Terms**

The Patent Office may specify a term for performing further activities within a registration or post-registration procedure in its decisions and documents. If the term is not determined in an industrial property legal act, the Patent Office shall determine a reasonable term by taking into account the scope and importance of the activity to be performed in the procedure.

**Section 12. Submission of Documents**

A person handling registration or post-registration procedures shall submit documents in printed form or electronically, including online data transmission mode, in accordance with the procedures laid down in the industrial property legal acts.

[*9 February 2023*]

**Section 13. Information on the Submitter to be Indicated in the Documents**

(1) The following information on the submitter shall be indicated in the document to be submitted to the Patent Office:

1) for a natural person – the given name, surname, and address of the declared place of residence (for persons residing abroad, the address of the place of residence shall be indicated);

2) for a legal person – the full name and legal address.

(2) Abbreviations in names of legal persons shall be permitted in indications of the type of merchant.

(3) The address of a person shall include all the necessary information for a postal delivery to the indicated address.

(4) For communication with the Patent Office, a person may additionally indicate a telephone number and electronic mail address, and also the address (address for communication) which is different from the address referred to in Paragraph one of this Section.

(5) The given names, surnames, names, and addresses of foreign persons shall be indicated in the original form of the respective foreign language (if it is a language of Latin alphabet) or in Latin transliteration of the original form.

(6) Except for the cases specifically provided for in laws and regulations, the Patent Office is entitled to require that any person who submits an application and handles the registration or post-registration procedures in the Patent Office indicates the address for communication in the territory of Latvia. This provision shall be without prejudice to the requirements of this Law in relation to the representation of persons in the Patent Office (Chapter XVII).

(7) For communication with a person, the Patent Office shall use the address indicated in accordance with Paragraph one of this Section, but, if the person has indicated a different address for communication (Paragraph four of this Section), this address. If a person has appointed a representative, the address of the representative shall be used for communication, except when the authorising person has indicated that he or she wishes to receive the document at the address for communication indicated by him or her. The person shall, without delay, inform the Patent Office of any changes in the information on the submitter.

[*9 February 2023*]

**Section 14. Regulations Regarding Authenticity of Signature of a Person and Documents**

(1) Documents to be submitted while handling registration and post-registration procedures shall be signed by the submitter or a representative of the submitter.

(2) The following shall be indicated next to the person’s handwritten signature:

1) transcript of the signature – the given name and surname of the natural person;

2) the capacity in which the person has signed the document (for example, the applicant, owner, licensee, representative, in documents of legal persons – position of the natural person), if it is not obvious from the text of the document.

(3) Except for the cases specially provided for in the industrial property legal acts, the documents and person’s signature in them do not need a notarisation, legalisation, or other proof of authenticity. The Patent Office is entitled to request additional documents, if it has a reason to doubt the legal force of the document.

(4) In the documents that are submitted through the special online forms set up on the website of the Patent Office for this purpose, the person of the submitter shall be identified with the help of the authentication means available in them. When an application for the registration of an object of industrial property or a submission for the maintenance of registration (renewal for a new period of protection) is submitted through the special online form set up for this purpose, the person shall be identified as indicated in the online form.

**Section 15. Identification of Applications and Registrations**

In each document which is submitted within the registration and post-registration procedures, a specific application or registration shall be identified by indicating the object of industrial property and the number of the application or registration (patent). An application or registration may be additionally identified with a reference to the applicant (owner) and characteristics of the object of industrial property (for example, title of the invention, inventor, verbal part or image of a trade mark, indication of the product to which the design refers, the designer).

**Section 16. Examination of Documents Submitted in a Foreign Language**

In the registration and post-registration procedures which are conducted in the official language in accordance with industrial property legal acts, the Patent Office shall allow submission of separate written documents in a foreign language without a translation which is certified in accordance with the procedures laid down in laws and regulations, if this does not restrict the rights or legitimate interests of third persons and contributes to the progress of the procedure.

**Section 17. Correction of Errors**

(1) A person who is handling the registration and post-registration procedures is entitled, in conformity with the restrictions laid down in the industrial property legal acts, to require the Patent Office to correct clerical or technical errors made in an application, found in a register entry or official publication.

(2) For the correction of an error, the fee determined in the price list of the services shall be paid. The errors referred to in Paragraph one of this Section shall be corrected free of charge if they have been made by the Patent Office.

(3) If the information in which an error is corrected has been previously published in the official gazette of the Patent Office, also the correction of errors shall be published in it.

**Division B. Industrial Property Board of Appeal and Examination of Disputes in the Industrial Property Board of Appeal**

**Chapter III. Industrial Property Board of Appeal, Its Status and Competence**

**Section 18. Industrial Property Board of Appeal and Its Status**

(1) The Industrial Property Board of Appeal (hereinafter – the Board of Appeal) is a collegial decision-making institution which examines extrajudicial disputes arising from registration and post-registration procedures.

(2) When taking decisions in the disputes referred to in Paragraph one of this Section, members of the Board of Appeal shall be independent and not subjected to orders of other persons or other direct or indirect influence.

**Section 19. Administrative Management of the Board of Appeal**

The Patent Office shall ensure organisational and administrative operation of the Board of Appeal.

**Section 20. Competence of the Board of Appeal**

(1) The Board of Appeal shall examine the following disputes provided for in the industrial property legal acts:

1) regarding a decision of the Patent Office taken within the registration or post-registration procedure and against which a notice of appeal has been submitted (cases of appeal);

2) regarding the registration of an object of industrial property to which a notice of opposition of a third person has been submitted (cases of opposition);

3) regarding the registration of a trade mark against which a third person has submitted a notice of invalidation of registration (cases of invalidation);

4) regarding the registration of a trade mark against which a third person has submitted a notice of revocation of registration (cases of revocation).

(2) The decisions taken when examining the disputes referred to in Paragraph one of this Section on their merits shall be published by the Board of Appeal on the website of the Patent Office.

(3) The Board of Appeal shall, in accordance with the determined procedures, participate in the evaluation of issues related to industrial property protection analysis and development.

(4) Each year, the Board of Appeal shall prepare an annual report on its activities during the previous year and make it public on the website of the Patent Office.

(5) The Board of Appeal is entitled to provide recommendations on matters related to the implementation of procedures and application of legal acts by the Patent Office.

[*9 February 2023*]

**Chapter IV. Composition of the Board of Appeal**

**Section 21. Composition of the Board of Appeal**

(1) The Board of Appeal shall be composed of the chairperson of the Board of Appeal and members of the Board of Appeal.

(2) The Board of Appeal shall examine disputes within its competence collegially in the composition which has been set up for the examination of the particular dispute.

(3) In the cases laid down in this Law, the decisions on behalf of the Board of Appeal shall be taken by the chairperson of the Board of Appeal or the chairperson of the composition for the examination of the case sitting alone.

**Section 22. Restrictions Imposed on the Chairperson of the Board of Appeal and Members of the Board of Appeal**

(1) The chairperson of the Board of Appeal and the members of the Board of Appeal shall be subjected to restrictions and obligations imposed on judges – Presidents of district (city) and regional courts – with respect to earning of income, combining of positions, job performance, as well as other related restrictions and obligations as laid down in the law On Prevention of Conflict of Interest in Activities of Public Officials.

(2) In addition to the restrictions referred to in Paragraph one of this Section, the following additional restrictions shall apply to the chairperson of the Board of Appeal and members of the Board of Appeal:

1) to maintain political neutrality and not to combine the obligations of the position with affiliation to political parties and other political organisations;

2) the restrictions specified for the officials of the Patent Office in Section 10 of this Law.

**Section 23. Chairperson of the Board of Appeal**

(1) The chairperson of the Board of Appeal shall organise and manage the work of the Board of Appeal, including:

1) for the examination of each dispute, confirm the composition for the examination of the case and the chairperson of the composition for the examination of the case;

2) approve the schedule of the sessions of the Board of Appeal;

3) within his or her competence, represent the Board of Appeal in relations with natural persons and legal persons governed by private law in matters relating to the examination of cases in the Board of Appeal;

31) represent the Board of Appeal in court regarding complaints in the cases referred to in Section 98.1 of this Law;

4) ensure the conformity of the qualification of the members of the Board of Appeal with the merits of the cases to be examined, including by taking care of the raising of qualification, training, and the required additional specialisation of the members of the Board of Appeal, taking into account the provisions of Paragraphs two and three of Section 38 of this Law;

5) manage the preparation of the reports on the activities of the Board of Appeal.

(2) The obligations of the chairperson of the Board of Appeal during his or her temporary absence shall be performed by the member of the Board of Appeal who, by a majority of votes, is appointed from amongst its members by the members of the Board of Appeal present.

(3) The chairperson of the Board of Appeal shall perform his or her obligations in parallel with the obligations of the member of the Board of Appeal. The chairperson of the Board of Appeal shall be subjected to the regulations regarding members of the Board of Appeal, insofar as it is not provided for otherwise in this Law.

[*9 February 2023*]

**Section 24. Member of the Board of Appeal**

(1) A member of the Board of Appeal shall:

1) participate in the examination of a case in the Board of Appeal if he or she is included in the composition for the examination of the case;

2) chair the examination of a case if he or she has been appointed as the chairperson of the composition for the examination of the case;

3) represent the Board of Appeal in court regarding complaints in the cases referred to in Section 98.1 of this Law if he or she is a person delegated by the composition for the examination of the case.

(2) A member of the Board of Appeal shall, when performing his or her obligations, ensure confidentiality with regard to the taking of a decision and case files, the disclosure of which might harm the lawful interests of persons.

(3) A member of the Board of Appeal has an obligation to continuously improve his or her qualification, become acquainted with the special literature, case law and rulings of the Court of Justice of the European Union in the field of industrial property.

[*9 February 2023*]

**Section 25. Secretary of the Board of Appeal**

(1) The secretary of the Board of Appeal shall be an employee of the Patent Office who ensures secretarial and office work of the Board of Appeal.

(2) The secretary of the Board of Appeal shall ensure confidentiality with regard to taking of a decision and case files the disclosure of which might harm the lawful interests of persons.

**Section 26. Procedures for Appointing and Dismissing the Composition of the Board of Appeal**

(1) The chairperson of the Board of Appeal and members of the Board of Appeal shall be, upon a proposal of the Minister for Justice, appointed by the Cabinet for a period of seven years.

(2) The Cabinet may, upon a proposal of the Minister for Justice, repeatedly appoint the chairperson of the Board of Appeal or a member of the Board of Appeal for a new term of office. In the same procedures, a member of the Board of Appeal may be approved as the chairperson of the Board of Appeal, or the chairperson of the Board of Appeal may be approved as a member of the Board of Appeal.

(3) If so requested by the chairperson of the Board of Appeal or a member of the Board of Appeal, the Minister for Justice shall release them from the performance of their obligations before the end of their term of office, or shall release the chairperson of the Board of Appeal from the obligations of the chairperson, maintaining the status of a member of the Board of Appeal.

(4) In the cases provided for in this Law, the Cabinet shall, upon a proposal of the Minister for Justice, dismiss the chairperson of the Board of Appeal or a member of the Board of Appeal before the end of their term of office.

**Section 27. Applicants for the Position of a Member of the Board of Appeal and Their Selection**

(1) The following person may be a member of the Board of Appeal:

1) who is a citizen of the Republic of Latvia;

2) who is fluent in the official language at the highest level;

3) who has impeccable reputation;

4) who has acquired academic or second-level higher vocational education, master’s degree or similar higher education;

5) who has at least five years of experience in the field related to the protection of industrial property;

6) who has passed the certification examination of the applicant for the position of a member of the Board of Appeal.

(2) The applicants for the position of a member of the Board of Appeal shall be selected by the means of competition. The selection procedure of applicants shall be carried out by the commission for the selection of the applicants for the position of a member of the Board of Appeal (hereinafter – the selection commission) consisting of five persons, appointed by the Minister for Justice. The selection commission shall consist of:

1) a representative of the Ministry of Justice;

2) a representative of the Patent Office;

3) a judge of the Riga City Court;

4) a representative of the organisation of professional patent attorneys;

5) a representative of the academic staff of higher education institutions.

(3) The representative of the Ministry of Justice shall be the chairperson of the selection commission.

(4) The selection commission shall organise and conduct certification examination of the applicants for the position of a member of the Board of Appeal and certification examination of the members of the Board of Appeal. The procedures and the required amount of knowledge for the certification examination of the applicants for the position of a member of the Board of Appeal and certification examination of the members of the Board of Appeal shall be determined by the Cabinet.

(5) All applicants for the position of a member of the Board of Appeal shall take a certification examination on the general matters of the protection of industrial property and in the field of trade mark protection, but optionally may also take examinations in additional specialisations – in the field of patent protection or design protection.

(6) If it is necessary to ensure the conformity of the qualification of the current composition of the Board of Appeal with the case to be examined on its merits in accordance with the requirements of Section 38, Paragraphs two and three of this Law, the certification examination in the respective additional specialisation shall be taken by a member of the Board of Appeal.

(7) The selection commission shall draw up a proposal to the Minister for Justice regarding the applicants for the position of members of the Board of Appeal and the position of the chairperson of the Board of Appeal from the list of persons who have passed the certification examination of the applicants for the position of a member of the Board of Appeal.

[*9 February 2023*]

**Section 28. Disciplinary Responsibility of Members of the Board of Appeal**

(1) A member of the Board of Appeal may be subjected to disciplinary liability if the following is found in his or her activities:

1) intentional violation of legal acts during examination of a case;

2) failure to fulfil the work duties;

3) gross negligence during the examination of a case;

4) an action inappropriate for the status of a member of the Board of Appeal, dishonourable action;

5) failure to comply with the restrictions and prohibitions provided for a member of the Board of Appeal by the law.

(2) The revoking or amendment of a decision of the Board of Appeal, as well as the fact that a decision has not entered into effect because the court has made a ruling which differs in its nature shall not serve as a reason for the member of the Board who had participated in the taking of the decision to be subjected to liability, unless during the examination of the case he or she has intentionally violated laws and regulations or made gross negligence.

(3) The Minister for Justice may initiate a disciplinary matter against a member of the Board of Appeal:

1) upon a proposal of the director of the Patent Office;

2) upon proposal of the organisation of professional patent attorneys;

3) due to a complaint received;

4) upon his or her own initiative.

(4) If a disciplinary matter has been initiated against a member of the Board of Appeal, the Minister for Justice, if he or she considers it to be necessary, may suspend the member of the Board of Appeal from the office by maintaining the monthly wage, but for not longer than until the decision is taken in the disciplinary matter.

(5) For the period during which the pre-trial criminal proceedings and proceedings in a criminal case take place, the Minister for Justice shall suspend from the office the member of the Board of Appeal who is suspected or accused of an intentional criminal offence or on whom in accordance with the procedures laid down in the Criminal Procedure Law a security measure related to prohibition from specific employment that prevents him or her from fulfilling the obligations of a member of the Board of Appeal has been imposed.

(6) The commission of disciplinary matters of members of the Board of Appeal (hereinafter in this Section – the disciplinary commission) for the examination of a disciplinary matter shall be set up by the Minister for Justice.

(7) The Minister for Justice may, by taking into account the opinion of the commission of disciplinary matters, impose the following disciplinary sanctions on a member of the Board of Appeal:

1) issue a reproof;

2) issue a reprimand;

3) reduce the monthly wage for a period of up to one year, withholding up to 20 per cent of the wage.

(8) The Minister for Justice shall, by taking into account the opinion of the commission of disciplinary matters, draw up a proposal to the Cabinet on dismissal of the member of the Board of Appeal, if the nature of the offence is such that his or her subsequent activities in fulfilment of the obligations is not permissible.

(9) Disciplinary matters of the members of the Board of Appeal shall be examined, disciplinary violations established and disciplinary sanctions imposed in accordance with the principles and procedures laid down for the examination of disciplinary matters of State civil servants insofar as it is not laid down otherwise in this Law.

**Chapter V. Basic Conditions for the Examination of Cases in the Board of Appeal**

**Section 29. Directness and Objectivity of the Examination of a Case**

(1) The Board of Appeal shall, when examining the disputes under its competence, objectively clarify the facts of the case and examine the evidence itself.

(2) The Board of Appeal shall, when examining cases, ensure objectivity and give the participants to the case a reasonable opportunity to express their point of view and to present evidence, as well as to become acquainted with the case files.

(3) The Board of Appeal shall substantiate its decision with the facts necessary for taking the decision and with the consequent objective and rational legal considerations.

**Section 30. Cases of Appeal, Opposition, Invalidation, and Revocation**

(1) If a notice of appeal has been submitted against a decision of the Patent Office (case of appeal), such case shall be examined between the submitter of the notice of appeal and the Patent Office.

(2) If a notice of opposition has been submitted to registration of an object of industrial property (case of opposition), such case shall be examined between the submitter of the notice of opposition and the owner of the contested registration.

(3) If, after expiry of the term for submitting a notice of opposition, a notice of the invalidation of the registration of trade mark has been submitted (case of invalidation), such case shall be examined between the submitter of the notice of the invalidation of the registration of trade mark and the owner of the contested registration.

(4) If a notice of the revocation of the registration of trade mark has been submitted (case of revocation), such case shall be examined between the submitter of the notice of the revocation of the registration of trade mark and the owner of the contested registration.

[*9 February 2023*]

**Section 31. Equality of the Parties and Adversary Proceedings**

(1) The parties shall have equal procedural rights. The Board of Appeal shall ensure that the parties have equal opportunities to exercise their rights for the protection of their interests.

(2) In the course of the examination of a case, the parties shall exercise their procedural rights in the form of adversary proceedings. In adversary proceedings, the parties may provide explanations, submit evidence and submissions addressed to the Board of Appeal, participate in the examination and assessment of evidence, debates of the parties, and take other procedural actions in accordance with the procedures laid down in this Law.

(3) In order to establish the true circumstances of a case within the limits of the claim, the Board of Appeal may, upon its own initiative, clarify the facts which are relevant to the dispute and which are available in the registers of industrial property and other public registers.

**Section 32. Examination of a Case in the Board of Appeal**

(1) The Board of Appeal shall examine cases in the written procedure.

(2) When examining a case in the written procedure, the Board of Appeal shall clarify the circumstances of the case on the basis of the evidence included in the case and shall request in writing the necessary information from the participants to the case.

(3) When examining a case in the written procedure, the Board of Appeal shall ensure that the principles laid down in Section 31 of this Law are complied with. Upon a request of a participant to the case, the Board of Appeal shall give him or her an opportunity to examine the evidence in the work premises of the Board of Appeal.

(4) The Board of Appeal may, at its discretion or upon a request of a participant to a case, determine the examination of the case in a session of the Board of Appeal. If the examination in the oral procedure is requested by the participant to the case, the request shall be accompanied by a document confirming the payment of the additional fee set for the examination of a case in the oral procedure.

(5) Regardless of whether a case is examined in the written or oral procedure, the Board of Appeal may, at its own discretion or upon a motivated request of a participant to the case, determine a session of the Board of Appeal for taking a separate procedural action or for the clarification or resolving of a procedural issue.

**Section 33. Transparency of the Examination of a Case**

(1) The Board of Appeal shall examine cases openly.

(2) In order to protect professional or trade secrets, as well as in other cases where the open examination of specific case files may harm the lawful interests of a person, the Board of Appeal may declare the examination of the case, session or part thereof to be closed upon a motivated request of a participant to the case or at the discretion of the Board of Appeal.

(3) In the case referred to in Paragraph two of this Section, the Board of Appeal shall ensure to a participant to the case the right to become acquainted with the respective case files, preventing copying, photographing, scanning, or making of other types of derivatives.

(4) Participants to a case and, if necessary, an interpreter shall take part in the closed session of the Board of Appeal.

(5) The course of an open session of the Board of Appeal may, with the permission of the Board of Appeal, be recorded (sound or image recording and transmission equipment may be used), provided that the course of the session is not disturbed.

(6) In cases that are examined in the oral procedure, the operative part of a decision of the Board of Appeal shall be pronounced publicly.

(7) The parts of a decision of the Board of Appeal which relate to the case files referred to in Paragraph two of this Section or contain other restricted access information shall not be published, but shall be replaced with a notice why the respective part of the decision is not generally accessible.

**Section 34. Language of the Examination of a Case**

(1) The Board of Appeal shall examine cases in the official language.

(2) A participant to a case who does not know the official language has the right to become acquainted with the case files and participate in the examination procedure, using the assistance of an interpreter. The services of an interpreter shall be ensured by the participant to the case.

(3) Written evidence in a foreign language shall be submitted by a participant to a case, by attaching a translation into the official language which is certified in accordance with the procedures laid down in laws and regulations.

(4) If all participants to the case agree, the Board of Appeal may authorise submission of certain documents and written evidence in a foreign language without a translation which is certified in accordance with the procedures laid down in laws and regulations.

(5) Decisions of the Board of Appeal and minutes of sessions shall be drawn up in the official language.

**Section 35. Services of the Board of Appeal**

(1) Examination of cases of appeal, opposition, invalidation, and revocation and the related activities which are carried out by the Board of Appeal within the limits of its competence shall be paid services.

(2) The Cabinet shall determine the price list of paid services of the Board of Appeal, the payment procedures thereof and reliefs.

[*9 February 2023*]

**Section 36. Application of the Regulations Provided for the Registration and Post-registration Procedures in the Board of Appeal**

The Board of Appeal shall apply the regulations provided for the registration and post-registration procedures laid down in this Law regarding submission of documents, indication of persons and addresses, identification of applications and registrations, authenticity of personal signatures and documents, insofar as the industrial property legal acts do not provide otherwise.

**Section 36.1 Storage of the Files of the Board of Appeal**

The Patent Office shall ensure permanent storage of the files of the Board of Appeal and the submitted original documents.

[*9 February 2023*]

**Chapter VI. Composition for the Examination of a Case in the Board of Appeal**

**Section 37. Composition for the Examination of a Case**

(1) A case shall be examined by the Board of Appeal in the composition of three members of the Board of Appeal (hereinafter – the composition for examination of a case).

(2) Decisions of procedural nature needed during the course of preparation of the case shall be taken by the chairperson of the composition for the examination of the case, except when the respective procedural decision is taken by the composition for the examination of the case or when the chairperson of the composition for the examination of the case decides that the procedural issue should be transferred to the composition for the examination of the case for collegial examination.

(3) When examining a case collegially, members of the Board of Appeal included in the composition for the examination of the case have equal rights to participate in the deciding of the issues related to the examination of the case and taking the decisions. The members of the Board of Appeal shall decide the issues related to the examination of a case and take decisions of the Board of Appeal by majority vote. None of the members of the Board of Appeal included in the composition for the examination of a case are entitled to refrain from voting.

(4) Examination of a case shall be chaired by the chairperson of the composition for the examination of the case. He or she shall also fulfil the obligations of the rapporteur and prepare a draft decision of the Board of Appeal, except when the chairperson of the Board of Appeal has assigned these obligations to another member of the Board of Appeal.

(5) A case shall be examined on its merits by a constant composition for the examination of the case. If any of the members of the Board of Appeal in the composition for the examination of a case is substituted by another member during the course of the examination of the case, the examination of the case on its merits shall be started anew.

**Section 38. Approval of the Composition for the Examination of a Case**

(1) If the Board of Appeal has received a notice of appeal, opposition, invalidation, or revocation, the chairperson of the Board of Appeal shall approve the composition for the examination of the case and approve one of the members of the Board of Appeal as the chairperson of the composition for the examination of the case. The composition for the examination of a case shall be published on the website of the Patent Office.

(2) When examining patent disputes, disputes concerning supplementary protection certificates for medicinal products and plant protection products, and disputes relating to topographies of semiconductor products, at least one member of the Board of Appeal who has additionally specialised in the field of patent protection shall be included in the composition for examination of the case.

(3) When examining design disputes, at least one member of the Board of Appeal who has additionally specialised in the field of protection of designs shall be included in the composition for the examination of the case.

(4) If, after the commencement of the examination of a case, the composition for the examination of the case changes (Paragraph five of Section 37), the chairperson of the Board of Appeal shall approve a new composition for the examination of the case and publish it in accordance with the procedures laid down in Paragraph one of this Section.

[*9 February 2023*]

**Section 39. Withdrawal of a Member of the Board of Appeal or an Objection Thereto**

(1) A member of the Board of Appeal is not entitled to participate in the examination of a case if:

1) he or she has participated in the taking of the decision of the Patent Office against which the notice of appeal to be examined has been submitted;

2) he or she is personally directly or indirectly interested in the outcome of the case;

3) there are other circumstances that are not acceptable for a public official or may give rise to justifiable doubts as to the objectivity of the member of the Board of Appeal.

(2) If the circumstances referred to in Paragraph one of this Section exist, the member of the Board of Appeal shall, before the examination of the case, inform the chairperson of the Board of Appeal thereof and withdraw himself or herself from the examination of the case by stating the grounds. A member of the Board of Appeal shall, without delay, withdraw himself or herself also if he or she finds such circumstances within the examination of the case.

(3) If a member of the Board of Appeal has failed to withdraw himself or herself in the case referred to in Paragraph one of this Section, the participants to the case may raise an objection to him or her.

(4) Objection shall be raised and motivated before the examination of the case on its merits. An objection may be raised later if the person who raises the objection has become aware of the grounds thereof within the examination of the case.

(5) The remaining composition for the examination of the case shall examine the validity of objection and take a decision. If, when deciding on the validity of the objection, members of the Board of Appeal vote equally, the member of the Board of Appeal shall be removed.

(6) If a member of the Board of Appeal has withdrawn himself or herself or has been removed, the chairperson of the Board of Appeal shall substitute this member of the Board of Appeal with another member. If a member of the Board of Appeal withdraws himself or herself or an objection has been satisfied within a session of the Board of Appeal, the examination of the case shall be postponed.

**Chapter VII. Participants to a Case, Their Rights and Obligations**

**Section 40. Participants to a Case**

(1) Participants to a case of appeal shall be:

1) the submitter of the notice of appeal;

2) the Patent Office;

3) a third person;

4) representatives of the persons referred to in Clauses 1, 2, and 3 of this Paragraph.

(2) Participants to a case of opposition, invalidation, or revocation shall be:

1) the submitter of the notice of opposition, invalidation, or revocation;

2) the owner of the contested registration;

3) a third person;

4) representatives of the persons referred to in Clauses 1, 2, and 3 of this Paragraph.

[*9 February 2023*]

**Section 41. Rights and Obligations of Participants to a Case**

(1) A participant to a case shall have the following rights:

1) to access the materials of the case and to prepare derivatives from them;

2) to raise an objection;

3) to submit evidence;

4) to provide explanations to the Board of Appeal, express his or her arguments and observations on the circumstances of the case;

5) to participate in examination of the evidence;

6) to submit requests, including request that for the case to be examined in the written procedure a session of the Board of Appeal is determined for taking a separate procedural action, for clarification or resolution of a procedural issue, as well as to request that the case is examined in the oral procedure;

7) to participate in a session of the Board of Appeal if the case is examined in the oral procedure or if a session of the Board of Appeal has been determined for taking a separate procedural action;

8) to contest requests, arguments, and observations of another participant to the case;

9) to receive derivatives of the decisions and other documents of the Board of Appeal and also to use other procedural rights which have been granted to the participant to a case by this Law.

(2) A submitter of a notice of appeal, opposition, invalidation, or revocation has the right to fully or partially withdraw from the claim included in the notice.

(3) The owner of the contested registration in a case of opposition, invalidation, or revocation has the right to provide counterarguments to the claim included in the notice or to recognise it fully or in part.

(4) In a case of opposition, invalidation, or revocation, the parties may conclude a settlement.

(5) In a case of appeal, the Patent Office may fully or in part recognise the claim included in the notice of appeal, but it is not entitled to expand the legal basis of the contested decision of the Patent Office.

(6) Participants to a case have the right to contest the decision taken by the Board of Appeal and apply to the court in accordance with the procedures laid down in the Law.

(7) A participant to a case has the obligation:

1) to provide explanations to the Board of Appeal;

2) upon invitation, to attend a session of the Board of Appeal or in a timely manner to notify the reasons why he or she is unable to attend it, by submitting relevant evidence;

3) to perform other procedural obligations imposed on him or her by this Law.

(8) The owner of a contested registration in a case of opposition, invalidation, or revocation is entitled to refuse to provide explanations or from other obligations and may request that the case is examined on the basis of the existing materials in it.

(9) The participant to a case has an obligation to exercise his or her rights and perform his or her obligations in good faith.

[*9 February 2023*]

**Section 42. Third Person**

(1) A third person who does not submit independent claims may enter a case before the completion of the examination of the case on its merits if the decision of the Board of Appeal in the respective case may affect the rights or legal interests of such party or obligations towards any of the participants to the case.

(2) The third person shall be granted the status of a participant to a case with a decision of the chairperson of the composition for the examination of the case, upon a request of such person. The third person may be invited to participate in the case also upon an initiative of a participant to the case or the Board of Appeal.

(3) In the submission for the invitation of a third person and in a submission of a third person for entry in the case, the grounds on which the third party is allowed to participate in the case shall be indicated.

(4) A person to whom the status of a third person has been granted in the procedure of the Patent Office already before the examination of the case by the Board of Appeal is entitled to be a participant to the case without independent claims if the Board of Appeal is examining a dispute related to the relevant procedure of the Patent Office.

(5) If it is established in the course of the examination of a case that such person has been invited or admitted to the case in the status of a third person whose rights or legal interests cannot be affected by the decision taken by the Board of Appeal in the relevant case, the chairperson of the composition for the examination of the case shall decide on the removal of the status of a third person for this person.

(6) A third person shall have the procedural rights and obligations of a participant to the case, except for the rights to amend the grounds or subject of the notice of appeal, opposition, invalidation or revocation, to withdraw from the claim included in the notice, or to recognise it.

[*9 February 2023*]

**Section 43. Assumption of Procedural Rights**

(1) If any of the participants to a case withdraw (for example, a natural person has died, a legal person has ceased to exist), the Board of Appeal may substitute this participant to the case with his or her successor in title.

(2) In case of change of the owner of a contested registration, the Board of Appeal shall substitute the former owner with his or her successor in title as soon as the information on the change of the owner has been included in the register.

(3) If the Board of Appeal has been informed of the fact that the applicant or owner who has submitted the notice of appeal has been substituted by another person, the Board of Appeal shall, without delay, inform the respective person of the appeal proceedings.

(31) If the Board of Appeal is informed of the fact that information on the change of the owner of the opposing rights in a case of opposition or invalidation has been included in the register, the Board of Appeal shall, without delay, inform the respective person of the opposition or invalidation proceedings.

(32) If the person referred to in Paragraphs three and 3.1 of this Section (the new applicant, the new owner) fails to notify the Board of Appeal upon invitation of the Board of Appeal within three months of the fact that he or she maintains the notice of appeal, opposition, or invalidation, the Board of Appeal does not have the obligation to examine the case and the composition for the examination of the case shall take the decision to terminate the proceedings.

(4) Assumption of procedural rights shall be possible at any stage of the examination of the case.

(5) The activities that have been executed in the procedure for the examination of the case before intervention of the successor in title shall be equally binding on him or her as they were on the person whose rights have been assumed.

[*9 February 2023*]

**Chapter VIII. Procedural Terms**

**Section 44. Procedural Terms for the Activities of the Board of Appeal**

(1) In the Board of Appeal, procedural actions shall be taken within the terms laid down in this Law or in other industrial property legal acts. If the procedural term has not been determined in a legal act, it shall be determined by the Board of Appeal.

(2) The term determined by the Board of Appeal shall be such that it is possible to execute the procedural actions without delaying the examination of the case. If there is no good reason for determining a different term, the Board of Appeal shall determine the term of two months.

(3) If the fee for the submission of a notice of appeal, opposition, invalidation, or revocation, or the fee for procedural activity in the Board of Appeal has not been paid within the determined term, a term of one month shall be determined for the payment thereof, unless otherwise provided by an industrial property legal act.

(4) Upon hearing a participant to the case and substantiating the grounds, the Board of Appeal is entitled to determine a reasonable term which is different from that provided for in Paragraph two or three of this Section, but not longer than three months.

(5) Unless it has been laid down otherwise in an industrial property legal act or in the document of the Board of Appeal by which the term has been determined, the term for the execution of procedural actions in the Board of Appeal shall start on the next day after the date on which the respective document of the Board of Appeal is to be considered as notified in accordance with the norms of the Law on Notification.

[*9 February 2023*]

**Section 45. Suspension of a Procedural Term**

When suspending the examination of a case in the Board of Appeal, also counting of the term shall be suspended. Counting of the term shall be suspended at the moment when a circumstance which serves as the ground for suspending the term occurs. Counting of the procedural term shall continue from the day when the examination of the case is renewed.

**Section 46. Renewal of a Procedural Term**

(1) The delayed procedural terms, except for the terms which are determined as non-renewable under this Law or in other industrial property legal acts, may be renewed by the Board of Appeal upon a request of a participant to the case if the Board recognises that the reason for the delay is justified.

(2) A request for the renewal of the delayed procedural term shall be submitted within three months after the end of the respective term.

(3) When renewing the delayed term, the Board of Appeal shall also permit execution of the delayed procedural action.

**Section 47. Extension of a Procedural Term**

(1) Procedural terms, except for those identified as non-extendable under this Law or other industrial property legal acts, may be extended by the Board of Appeal for a period not exceeding three months upon a request of a participant to the case.

(2) A request for the extension of a procedural term shall be submitted before the end of the determined term. A request for the extension of a procedural term submitted after the end of this term shall be considered as the request for the renewal of the procedural term.

**Section 48. Procedures for the Extension and Renewal of a Procedural Term**

(1) A reasoned request for the extension of a procedural term or renewal of a delayed procedural term shall be submitted to the Board of Appeal. The request for the renewal of a delayed term shall be accompanied by evidence proving the reasons which justify the delay of the term.

(2) The request provided for in Paragraph one of this Section shall be considered submitted if, within the term determined for its submission, the fee for the extension of the procedural term or fee for the renewal of the delayed procedural term has been paid.

(3) The issue of the extension or renewal of a procedural term shall be decided by the chairperson of the composition for the examination of the case or, if the composition for the examination of the case is not yet approved, by the chairperson of the Board of Appeal in the written procedure within seven days from the day of the receipt of the request provided for in Paragraph one of this Section, without hearing the point of view of other participants to the case.

(4) If a participant to a case repeatedly requests an extension of the procedural term, the request shall be accompanied by a document certifying the payment of the additional fee determined for a repeated extension of the procedural term. When deciding on an issue of repeated extension of the procedural term, the Board of Appeal shall hear other participants to the case. When assessing the usefulness of the extension of the term, it shall be taken into account whether the repeated extension will not unduly delay the examination of the case.

(5) A decision taken by the chairperson of the composition for the examination of a case or by the chairperson of the Board of Appeal sitting alone on an issue of the renewal or extension of a procedural term may be contested in accordance with the procedures laid down in Section 97 of this Law.

(6) The provisions for the continuation of the proceedings and the reinstatement of rights provided for in industrial property legal acts shall not be applied in the procedures of the Board of Appeal insofar as it is not laid down otherwise in this Law.

**Chapter IX. Regulations Regarding Evidence**

**Section 49. Evidence and Evidentiary Means**

(1) Evidence is information by which the claims and counter-arguments of the participants to a case are substantiated, as well as other information which has significance in the examination of the case.

(2) Evidentiary means may be written evidence, explanations of the parties and third persons, and material evidence which contain information on the facts relating to the case to be examined.

**Section 50. Burden of Proof**

(1) Each participant to a case shall prove the circumstances to which they refer.

(2) In a case of appeal, the Patent Office may refer only to the justifications stated in the contested decision of the Patent Office.

(3) If the evidence submitted by the participants to a case is not sufficient, the Board of Appeal shall invite the participant to the case to whom such evidence is accessible to submit it.

**Section 51. Grounds for Exemption from Burden of Proof**

(1) Facts that have been recognised by the Board of Appeal as generally known, need not be proven.

(2) The Board of Appeal may recognise a fact as proven, if other participants to the case do not contest it.

(3) A fact that has been established with an effective judgement of the court, or a decision of the Board of Appeal, need not be proved anew, upon examining a case involving the same participants to the case in the Board of Appeal.

**Section 52. Assessment of Evidence**

(1) The Board of Appeal shall assess the evidence according its own convictions, based on a comprehensive, fully and objectively verified evidence, as well as guided by legal awareness based on the rules of logic, scientific knowledge, principles of justice, and observations gained from experience.

(2) In its decision, the Board of Appeal shall specify why it has given priority to one evidence as compared to other evidence, and has recognised one fact as proven, but other facts – as not proven.

**Section 53. Explanations**

(1) Explanations of the parties and third persons which contain information on the facts by which the claims or oppositions of these parties and third persons have been justified shall be recognised as evidence if they are confirmed by other evidence verified and evaluated in the case.

(2) If one party recognises the facts by which the other party justifies its claims or oppositions, the Board of Appeal may find such facts as proven if it has no doubt that the recognition has not been made as a result of fraud, violence, threats or deceit or for the purpose of concealing the truth.

**Section 54. Written Evidence**

(1) Written evidence shall be information regarding facts which are relevant to the case to be examined which, with the help of letters, numbers and other signs or technical means, have been recorded in documents, in other writings, also in the respective systems of records, including audio recordings and video recordings, recordings in disks and other information media.

(2) Written evidence, depending on their significance in the case to be examined, shall be submitted in the original form, in the form of a certified or uncertified derivative of the document, or a print-out.

(3) For print-outs from generally accessible databases and websites, their extraction time and place shall be indicated.

(4) For photos and other recording made with the help of technical means, their time and place of emergence, as well as other information which is relevant for the examination of the case shall be indicated.

(5) A participant to a case may receive back a document or other written evidence which has been submitted to the Board of Appeal in the original copy if he or she submits a respective derivative. The correctness of such a derivative may be certified by the chairperson of the Board of Appeal or by the chairperson of the composition for the examination of the case.

[*9 February 2023*]

**Section 55. Evidence of Registered Subject Matter**

(1) Evidence of registered subject matter shall be the registration certificate issued by the registration authority, the official publication of the registration, an extract from a register or a print-out from a database.

(2) The Board of Appeal may recognise the rights as proven with a non-certified copy of a registration certificate or official publication, non-certified extract from a register or non-certified print-out from a database if other participants to the case do not contest such evidence.

(3) The Board of Appeal is entitled to request from a participant to the case an up-to-date extract from a register (certified or non-certified) or other evidence if there is a reason to believe that, in comparison with the information in the case, amendments may be introduced to the registration, which cannot be established from generally accessible databases.

(4) A participant to the case who relies on objects of industrial property registered in the Patent Office shall submit the information on them necessary for examination of the case.

**Section 56. Material Evidence**

(1) Material evidence is tangible objects which with their qualities, characteristics, or their existence might be useful to establish the facts which are relevant to the case.

(2) The Board of Appeal shall only collect such material evidence which can be stored with the files of the case to be examined. If the storage of material evidence is not possible, the participant to the case may submit a motivated request to inspect the evidence in a session of the Board of Appeal (Paragraph five of Section 32) and request that photos or, if necessary, a video recording of this material evidence is added to the case.

**Chapter X. Initiation of a Case in the Board of Appeal**

**Section 57. Grounds for the Initiation of a Case**

The grounds for the initiation of a case in the Board of Appeal shall be the following documents submitted in accordance with specific procedures and terms:

1) a notice of appeal against a decision of the Patent Office;

2) a notice of opposition to the registration of an object of industrial property in Latvia, also a notice of opposition to the entry into effect of international registration (if it refers to Latvia) of a trade mark or design in Latvia (Chapter XVI);

3) a notice of the invalidation of the registration of trade mark, also a notice of the invalidation of international registration (if it refers to Latvia) of trade mark in Latvia (Chapter XVI);

4) a notice of the revocation of the registration of trade mark, also a notice of the revocation of international registration (if it refers to Latvia) of trade mark in Latvia (Chapter XVI).

[*9 February 2023*]

**Section 58. Submission of a Notice of Appeal**

(1) If the applicant or another addressee of the decision of the Patent Office (owner, former owner, successor of property rights, licensee) completely or partly disagrees with the decision of the Patent Office which has been taken in the registration or post-registration procedure, he or she is entitled to, upon paying the fee for the submission of a notice of appeal, submit a motivated written notice of appeal to the Patent Office within three months from the day when the decision is notified.

(2) If a decision of the Patent Office does not terminate the procedure regarding the addressee of the decision and the possibility to submit a notice of appeal has not been indicated therein, a notice of appeal may be submitted when the final decision has been taken in the respective registration or post-registration procedure.

(3) The notice of appeal shall suspend the enforcement of the decision of the Patent Office.

(4) The Patent Office shall, without delay, hand over the submitted notice of appeal to the Board of Appeal.

[*9 February 2023*]

**Section 59. Notice of Appeal**

(1) The following shall be indicated in a notice of appeal:

1) the submitter of the notice of appeal and his or her address, as well as the representative of the submitter of the notice of appeal, if such has been appointed, and his or her address in accordance with the provisions of Section 13 of this Law;

2) the date of the appealed decision of the Patent Office and the application or registration to which the decision refers (the application and registration shall be indicated in accordance with the provisions of Section 15 of this Law);

3) the subject and the substantive grounds of the notice of appeal (analysis of those grounds of the decision of the Patent Office to which the submitter of the notice of appeal does not agree; explanations or justifications of the submitter of the notice of appeal; characterisation of the circumstances of the case and reference to the evidence; reference to the norms which are not complied with or with which the decision of the Patent Office does not comply, or which justify the notice of appeal);

4) the claim of the submitter of the notice of appeal;

5) the place and time for drawing up the notice of appeal;

6) the list of attached documents.

(2) Also other information which is considered significant by the submitter for the examination of the case may be indicated in the notice of appeal.

(3) The notice of appeal shall be addressed to the Board of Appeal, and it shall be signed by the submitter of the notice of appeal or his or her representative. If a notice of appeal is submitted by a representative on behalf of its submitter, he or she shall, in accordance with the provisions of Chapter XVII of this Law, attach to the notice of appeal a power of attorney or a reference to a power of attorney previously submitted to the Patent Office or the Board of Appeal.

**Section 60. Submission of a Notice of Opposition and a Notice of Invalidation**

(1) The persons determined in industrial property legal acts in the presence of the legal basis provided for in these legal acts shall submit a notice of opposition or a notice of invalidation within the term determined in the industrial property legal act by paying the fee for the submission of a notice of opposition or a notice of invalidation.

(2) The terms laid down in industrial property legal acts for the submission of a notice of opposition shall not be extended or renewed, they are not subject to the provisions for the continuation of proceedings or reinstatement of rights.

(3) After expiry of the term for submitting a notice of opposition, the submitter of the notice of opposition is not entitled to introduce amendments to the initial legal basis of the notice of opposition that would extend it.

(4) The submitter of a notice of invalidation is entitled to introduce amendments to the legal basis that would extend it within the term specified in Paragraph one of Section 73 if the examination of the case has been determined in the written procedure or until the moment of the commencement of the examination of the case on its merits in a session of the Board of Appeal if the examination of the case has been determined in the oral procedure.

(5) The submitter of a notice of opposition and a notice of invalidation has the right to submit additional documents and evidence in accordance with the procedures laid down in this Law, confirming the facts by which the notice has been justified.

(6) A notice of opposition or a notice of invalidation submitted to the Board of Appeal shall not prevent the registration of the industrial object from being contested in a court in accordance with the civil procedure laid down in laws and regulations.

[*9 February 2023*]

**Section 61. Notice of Opposition and Notice of Invalidation**

(1) The following shall be indicated in a notice of opposition or a notice of invalidation:

1) the submitter of the notice and his or her address, and also the representative of the submitter of the notice, if such has been appointed, and his or her address (given name, name, and address of persons shall be indicated in accordance with the provisions of Section 13 of this Law);

2) the registration of an object of industrial property to which the notice of opposition has been submitted or the registration of a trade mark against which the notice of invalidation has been submitted (the registration shall be indicated in accordance with the provisions of Section 15 of this Law);

3) the subject of the notice (explanations of the submitter of the notice or justification of notice, characterisation of the circumstances of the case and reference to evidence);

4) the information on earlier rights if the notice is based on the existence of earlier rights (applications and registrations shall be indicated in accordance with the provisions of Section 15 of this Law);

5) the substantive grounds of the notice (reference to the norms which have been violated when registering the contested rights for the object of industrial property or with which the notice has been justified);

6) the claim of the submitter of the notice;

7) the place and time for drawing up the notice;

8) the list of attached documents.

(2) Also other information which is considered significant by the submitter for the examination of the case may be indicated in the notice.

(3) The notice shall be addressed to the Board of Appeal and it shall be signed by the submitter of the notice or his or her representative. If a notice is submitted by a representative on behalf of its submitter, he or she shall, in accordance with the provisions of Chapter XVII of this Law, attach to the notice a power of attorney or a reference to a power of attorney previously submitted to the Patent Office or the Board of Appeal.

[*9 February 2023*]

**Section 61.1 Submission of a Notice of Revocation**

(1) The persons determined in the industrial property legal acts in the presence of the legal basis provided for in these legal acts shall submit a notice of revocation by paying the fee for the submission of a notice of revocation.

(2) The submitter of a notice of revocation is entitled to introduce amendments to the legal basis that would extend it within the term specified in Paragraph one of Section 73 if the examination of a matter has been determined in the written procedure or until the moment of the commencement of the examination of the case on its merits in a session of the Board of Appeal if the examination of the case has been determined in the oral procedure.

(3) A notice of revocation submitted against the registration of a trade mark shall not prevent this registration from being contested in the court in accordance with the civil procedures laid down in laws and regulations.

[*9 February 2023*]

**Section 61.2 Notice of Revocation**

(1) The following shall be indicated in a notice of revocation:

1) the submitter of the notice of revocation and his or her address, and also the representative of the submitter of the notice, if such has been appointed, and his or her address (given name, name, and address of a person shall be indicated in accordance with the provisions of Section 13 of this Law);

2) the registration of a trade mark against which the notice of revocation has been submitted (the registration shall be indicated in accordance with the provisions of Section 15 of this Law);

3) the subject of the notice (explanations of the submitter of the notice or justification of notice, characterisation of the circumstances of the case and reference to evidence);

4) the substantive grounds of the notice (reference to the norms with which the notice has been justified);

5) the claim of the submitter of the notice;

6) the place and time for drawing up the notice;

7) the list of attached documents.

(2) Also other information which is considered significant by the submitter for the examination of the case may be indicated in the notice.

(3) The notice shall be addressed to the Board of Appeal and it shall be signed by the submitter of the notice of revocation or his or her representative. If a notice is submitted by a representative on behalf of its submitter, he or she shall, in accordance with the provisions of Chapter XVII of this Law, attach to the notice of revocation a power of attorney or a reference to a power of attorney previously submitted to the Patent Office or the Board of Appeal.

[*9 February 2023*]

**Section 62. Attaching of Documents, Evidence and Other Additions**

(1) Documents and other evidence confirming the following shall be attached to a notice of appeal, opposition, invalidation, or revocation:

1) payment of the fee for the submission of a notice;

2) the circumstances with which a notice has been justified.

(2) If a notice of appeal, opposition, invalidation, or revocation and the attached documents are submitted to the Board of Appeal in printed form, then their derivatives shall be submitted in as many copies as the number of participants to the case, excluding the submitter of the notice.

(3) The evidence and other additions needed for the examination of a case shall be submitted within the term determined in this Law or, if the Board of Appeal has invited them to be submitted, within the term determined by the Board of Appeal.

(4) Evidence of all the earlier rights on which a notice of opposition or invalidation is based shall be submitted together with the respective notice. Evidence shall be submitted in conformity with the term for the submission of a notice of opposition or invalidation laid down in industrial property legal acts.

(5) If the examination of a case has been determined in the oral procedure (Section 32, Paragraph four of this Law) or if a session of the Board of Appeal has been determined for taking a separate procedural action, for the clarification or resolving of a procedural issue (Section 32, Paragraph five of this Law), the participants to the case have the obligation to ensure that not later than 14 days before the date of the session all written evidence needed for the examination of the case or for taking the respective procedural action, clarification or resolution of the procedural issues are received by the Board of Appeal.

(6) If evidence or other additions, other than those referred to in Paragraphs one and four of this Section, are submitted by a participant to a case without complying with the term laid down in this Law or determined by the Board of Appeal, the Board of Appeal shall add it to the case if it recognises that they are significant for the examination of the case, the term for the submission is not complied with due to a justified reason, and with the addition thereof the examination of the case is not unduly delayed.

(7) All additions to notices of appeal, opposition, invalidation, and revocation, and also the response to the respective notice and other documents that are submitted separately from the initial notice shall be supplemented with a reference to the respective notice of appeal, opposition, invalidation, or revocation.

[*9 February 2023*]

**Section 63. Decision on a Submitted Notice of Appeal, Opposition, Invalidation, or Revocation**

(1) The chairperson of the Board of Appeal shall, within three working days after receipt of a notice of appeal, opposition, invalidation, or revocation, instruct the secretary of the Board of Appeal to commence proceedings regarding the notice and shall, in accordance with the provisions of Section 38 of this Law, approve the composition for the examination of the case and the chairperson of this composition.

(2) The Board of Appeal shall, within ten working days after receipt of a notice of appeal, opposition, invalidation, or revocation, take the decision to:

1) accept the notice and initiate a case;

2) refuse to accept the notice;

3) leave the notice not proceeded with.

(3) The decision to accept the notice and to initiate a case shall be taken by the chairperson of the composition for the examination of the case and it shall be recorded as a resolution to the respective notice. The decision shall be notified to the submitter, but in case of a notice of appeal, also to the official or unit of the Patent Office which has taken the contested decision and it shall be published on the website of the Patent Office.

(4) If a notice of appeal, opposition, invalidation, or revocation has been left not proceeded with, the term specified in Paragraph two of this Section for taking the decision to accept the respective notice and to initiate a case, or to refuse to accept the notice shall be counted from the date of expiry of the term for the elimination of deficiencies (Paragraph two of Section 65).

[*9 February 2023*]

**Section 64. Non-acceptance of a Notice of Appeal, Opposition, Invalidation, or Revocation**

(1) The Board of Appeal shall refuse to accept a notice of appeal, opposition, invalidation, or revocation if:

1) the case is obviously not to be examined according to the procedures prescribed for appeal, opposition, invalidation, or revocation;

2) in the proceedings of the Board of Appeal there is a case with the same participants to the case, regarding the same subject and on the same basis;

3) a notice has been submitted by a person who is not entitled to do so;

4) a notice of appeal has been submitted after the term determined for its submission, and it has been determined as non-renewable, or another reason not to renew it has been laid down in an industrial property legal act, or the term laid down in Section 46, Paragraph two of this Law has ended;

5) the term for the submission of a notice of opposition laid down in an industrial property legal act has not been complied with;

6) a notice the acceptance of which has already been refused by the Board of Appeal has been repeatedly submitted to the Board of Appeal;

7) a notice of invalidation has been submitted and in the proceedings of the Board of Appeal there has been a case of opposition or invalidation with the same participants to the case, regarding the same subject, and on the same basis, unless new circumstances have been found in the case or case law has changed with regard to the issues under consideration in the case.

(2) A motivated decision to refuse to accept a notice of appeal, opposition, invalidation, or revocation shall be taken by the chairperson of the composition for the examination of the case within the term specified in Section 63, Paragraph two of this Law.

(3) A decision which has been taken by the chairperson of the composition for the examination of the case sitting alone to refuse to accept a notice of appeal, opposition, invalidation, or revocation may be contested in accordance with the procedures laid down in Section 97 of this Law.

[*9 February 2023*]

**Section 65. Leaving of a Notice of Appeal, Opposition, Invalidation, or Revocation not Proceeded With**

(1) The Board of Appeal shall leave a notice of appeal, opposition, invalidation, or revocation not proceeded with if:

1) when submitting the notice of appeal, the requirements of Section 58, Paragraphs one and two, and Section 59, Paragraphs one and three of this Law have not been complied with;

2) when submitting the notice of opposition, the requirements of Section 60, Paragraphs one and two, and Section 61, Paragraphs one and three of this Law have not been complied with;

21) when submitting the notice of invalidation, the requirements of Section 60, Paragraphs one and two, and Section 61, Paragraphs one and three of this Law have not been complied with;

22) when submitting the notice of revocation, the requirements of Section 61.1, Paragraphs one and two, and Section 61.2, Paragraphs one and three of this Law have not been complied with;

3) the documents referred to in Section 62, Paragraphs one, two, and four of this Law have not been attached to the notice;

4) the notice of appeal has been submitted after the end of the time limit laid down in this Law and a request for the renewal of the term for the submission of a notice of appeal with an explanation of the reason for the delay of the term and evidence to prove it, or a request to extend the term for the submission of a notice of appeal in accordance with Section 48, Paragraph one of this Law has not been attached thereto, or the fee for the renewal or extension of the procedural term has not been paid in accordance with Section 48, Paragraph two of this Law;

5) several claims have been joined into one notice of appeal, but these claims are not bound to each other with substantive grounds, motivation or provided evidence;

6) several claims have been joined into one notice of opposition, invalidation, or revocation, but these claims are not bound to each other with substantive grounds, motivation, or provided evidence;

7) the representative of the submitter of a notice of opposition, invalidation, or revocation is concurrently representing the owner of the contested registration.

(2) A motivated decision to leave a notice of appeal, opposition, invalidation, or revocation not proceeded with shall be taken by the chairperson of the composition for the examination of the case and it shall be notified to the submitter of the notice (in the case of a notice of appeal, also to the official or unit of the Patent Office which took the contested decision) and another term for the elimination of deficiencies shall be determined.

(3) If the submitter of a notice of appeal, opposition, invalidation, or revocation eliminates the deficiencies within the determined time limit, the notice shall be deemed to have been submitted on the day when it was submitted to the Board of Appeal for the first time.

(4) If the submitter of a notice of appeal, opposition, invalidation, or revocation fails to eliminate the deficiencies within the determined time limit, the composition for the examination of the case shall, with a motivated decision, recognise the notice as not submitted.

[*9 February 2023*]

**Chapter XI. Advancement and Preparation of a Case for Examination**

**Section 66. Advancement of a Case of Appeal after Initiation of a Case**

(1) If a notice of appeal has been accepted and a case of appeal has been initiated, the Board of Appeal shall, without delay, hand over the notice of appeal to the Patent Office – to the official or unit which took the decision against which the notice of appeal has been submitted.

(2) The Patent Office shall, without delay, revoke or amend the relevant decision insofar as it recognises the claim of the notice of appeal as justified.

(3) If revocation or amendment of a decision of the Patent Office may affect the rights or legal interests of a third person or if the decision has not been revoked or amended within a month after its handing over to the Patent Office in accordance with the procedures laid down in Paragraph two of this Section, the Patent Office shall, without delay, return the notice of appeal for examination to the Board of Appeal.

(4) If the Patent Office has revoked or amended its previously taken decision, and it satisfies the submitter of the notice of appeal, he or she shall, within two months from the day when this decision is notified, withdraw his or her notice of appeal with a respective submission. In such cases, the Board of Appeal shall, when terminating the proceedings, reimburse to the submitter of the notice of appeal 50 per cent of the fee paid for submitting a notice of appeal.

(5) If the Patent Office has amended its previously taken decision, but it does not satisfy the submitter of the notice of appeal, he or she shall notify the Patent Office thereof in writing within the term specified in Paragraph four of this Section. The Patent Office shall, without delay, return the notice of appeal for examination of the case to the Board of Appeal.

(6) While the examination of a case of appeal on its merits is not completed, the submitter of the notice of appeal is entitled to update and supplement the submitted notice of appeal.

[*9 February 2023*]

**Section 67. Joining and Splitting of Claims of Appeal**

(1) The submitter of a notice of appeal is entitled to join several interrelated claims of appeal (claims of appeal against several decisions of the Patent Office) into one notice of appeal, if the substantive grounds, motivation or provided evidence thereof are the same or are interrelated. When submitting a joint notice of appeal, the time limits for the submission of all the notices of appeal shall be observed, and for each claim the fee for the submission of a notice of appeal shall be paid.

(2) If there are several cases of appeal of the same type in the proceedings of the Board of Appeal, involving the same participants to the case, the Board of Appeal is entitled to join these cases into one proceeding if such joining of cases promotes a faster and more accurate examination of the cases.

(3) The Board of Appeal is entitled, with a decision, to separate one or several claims of a notice of appeal from the joint proceedings in a separate proceeding, if it recognises separate examination of these claims to be more useful or if their examination in one proceeding has become encumbered or impossible.

**Section 68. Sending of a Notice of Opposition, Invalidation, or Revocation to the Owner of the Contested Registration and Response of the Owner**

(1) If a notice of opposition, invalidation, or revocation has been accepted and a case has been initiated, the Board of Appeal shall, without delay, send the notice and the attached documents or true copies thereof to the owner of the contested registration and invite him or her to submit a written response to the respective notice of opposition, invalidation, or revocation within two months after the day of notification of the respective documents.

(2) The owner of the contested registration in the response to the notice of opposition, invalidation or revocation shall indicate his or her counterarguments to the claim of the notice and attach evidence proving them. The owner of the contested registration may recognise the claim of the notice of opposition, invalidation, or revocation fully or in part thereof as well.

(3) If a notice of opposition or invalidation is fully or partly based on an earlier trade mark, after the day of completion of the registration procedure of which not less than five years have passed, the owner of the contested registration is entitled, within the term determined for submitting a response, to request in writing that the submitter of the notice of opposition or invalidation submits evidence for the actual use of the earlier trade mark.

(4) If the response to a notice of opposition, invalidation, or revocation and the attached documents are submitted in printed form, then their derivatives shall be submitted in as many copies as the number of participants to the case, excluding the submitter of the response.

(5) After receipt of the response, the Board of Appeal shall, without delay, send it to the submitter of the notice of opposition, invalidation, or revocation and to the third person.

(6) Failure to submit a response shall not constitute a bar for the examination of the case of opposition, invalidation, or revocation.

[*9 February 2023*]

**Section 69. Joining and Splitting of Claims of Opposition, Invalidation, or Revocation**

(1) The submitter of a notice of opposition, invalidation, or revocation is entitled to join several interrelated claims of opposition, invalidation, or revocation into one notice of opposition, invalidation, or revocation (claims against several registrations of one owner) if their substantive grounds, motivation, or provided evidence are the same or they are interrelated. The fee for the submission of a notice shall be paid for each claim. When submitting a joint notice of opposition or invalidation, the time limits for submitting all the respective notices shall be observed.

(2) If there are several cases of opposition, invalidation, or revocation in the proceedings of the Board of Appeal where the notices have been submitted against the same registration, the Board of Appeal is entitled to join these cases into one proceeding if such joining of cases promotes a faster and more accurate examination of cases.

(3) Notices submitted by several submitters shall not be joined in accordance with the procedures provided for in Paragraph two of this Section if the joined proceedings do not allow to protect a professional or trade secret or may otherwise harm the legal interests of a participant to the case.

(4) If there are several cases of opposition, invalidation, or revocation of the same type in the proceedings of the Board of Appeal, involving the same participants to the case, the Board of Appeal, with the consent of the participants to the case, is entitled to join these cases into one proceeding if such joining of cases promotes faster and more accurate examination of cases.

(5) Having heard the points of view of the participants to the case, the Board of Appeal may separate one or several claims from the joint claim of opposition, invalidation, or revocation (Paragraph one, two, or four of this Section) into a separate proceeding if it recognises separate examination of these claims to be more useful or if their examination in one proceeding has become problematic or impossible.

[*9 February 2023*]

**Section 70. Conciliation of the Parties to a Case of Opposition, Invalidation, or Revocation and Agreeing on a Settlement**

(1) The Board of Appeal shall endeavour to reconcile the parties to a case of opposition, invalidation, or revocation.

(2) The Board of Appeal may approve the settlement between the parties in a case of opposition, invalidation, or revocation, insofar as the provisions of the settlement concern the recording of amendments in the relevant registrations information, provided for in industrial property legal acts and under the competence of the Patent Office.

(3) Settlement shall not be allowed if its provisions affect the rights or legal interests of a third person, and the third person has not agreed thereto.

(4) If a settlement is concluded or a notice of opposition, invalidation, or revocation is completely withdrawn before expiry of the time limit for submitting the response by the owner of the contested registration (Paragraph one of Section 68), the Board of Appeal shall, when terminating the opposition, invalidation, or revocation proceedings (Clauses 4 and 8 of Section 108), reimburse to the submitter of the notice 50 per cent of the fee paid for submitting a notice.

(5) If both parties express readiness to agree on a settlement in the course of the preparation or examination of a case, the Board of Appeal shall postpone the examination of the case for the period needed by the parties to come to an agreement, but for not longer than six months. If the proposal for settlement is expressed by one of the parties, the Board of Appeal shall, after hearing the point of view of the opposite party, take the decision to postpone the examination of the case if the fee for postponing the examination of the case has been paid. If both parties request to extend the term which has been determined to agree on settlement, and for the purpose of settlement the fee for extending the term for the examination of a case has been paid, the Board of Appeal shall extend the term, but for not longer than two years, counting from the day when the readiness to agree was expressed for the first time.

[*9 February 2023*]

**Section 71. Preparation of a Case for Examination**

(1) When preparing a case of appeal, opposition, invalidation, or revocation for examination, the chairperson of the composition for the examination of a case shall take the following procedural actions:

1) decide on the issue of inviting third persons to the case;

2) decide on the issue of joining or splitting cases;

3) if necessary, request additional evidence from participants to the case;

4) decide on the issue of the examination of the case in the oral procedure and the issue of determining a session of the Board of Appeal for taking a separate procedural action or for the clarification or resolving of a procedural issue;

5) if necessary, explain the participants to the case their procedural rights and obligations;

6) take other procedural actions.

(2) The chairperson of the composition for the examination of a case in a case of appeal – as soon as the Board of Appeal has received the notice of appeal back from the Patent Office (Paragraph three or five of Section 66) – and in a case of opposition, invalidation, or revocation – concurrently with sending a true copy of the respective notice to the owner of the contested registration, or, if necessary at a later stage of the preparation of the case – shall determine and notify the participants to the case of the term within which the participants to the case may raise objections, submit explanations, submissions, and requests, including a request for the invitation of a third person, a request for determining a session of the Board of Appeal for taking a separate procedural action, or for the clarification or resolving of a procedural issue. If there is no valid reason to determine a different term, this term shall be two months from the day of notification.

[*9 February 2023*]

**Chapter XII. Examination of a Case in the Written Procedure**

**Section 72. Examination of a Case of Appeal in the Written Procedure**

(1) Examination of a case of appeal on its merits shall be completed not later than three months after the day of initiating the case. The chairperson of the composition for the examination of the case shall notify this date to the participants to the case at least one month in advance. After this date, participants to the case are entitled to submit any new submissions, requests, and evidence only if they are requested by the Board of Appeal.

(2) If, in accordance with the procedures and within the term laid down in this Law, responses to the questions of the Board of Appeal or other submissions or requests have been received from a participant to the case, the chairperson of the composition for the examination of the case shall, without delay, communicate them to other participants to the case and shall determine a term for submitting their opinion.

(3) If there is a valid reason, the Board of Appeal is entitled to determine another date when the examination of the case on its merits is to be completed. The chairperson of the composition for the examination of the case shall notify this date to participants to the case at least one month in advance.

**Section 73. Examination of a Case of Opposition, Invalidation, or Revocation in the Written Procedure**

(1) If the chairperson of the composition for the examination of a case does not determine another time limit due to valid reasons, the submitter of the notice of opposition, invalidation, or revocation has the right, within two months after the Board of Appeal has notified the response to the notice to him or her, or if the response is not submitted, after expiry of the time limit for submitting the response, to submit additions or clarifications, additional explanations, and evidence.

(2) Unless the chairperson of the composition for the examination of a case determines otherwise due to valid reasons, the owner of the contested registration has the right, within two months after the Board of Appeal has notified additions, clarifications, additional explanations, or evidence to the notice of opposition, invalidation, or revocation to him or her, or if such have not been submitted, after expiry of the time limit for their submission, to submit additions to the response to the notice of opposition and additional evidence.

(3) If the owner of the contested registration has failed to submit a response to the notice of opposition, invalidation, or revocation in accordance with the specified procedures and time limit, he or she may not exercise the rights provided for in Paragraph two of this Section. This provision shall not affect the rights of the owner of the contested registration to provide a response to a notice of opposition or invalidation or its additions within the time limit specified in Paragraph two of this Section if he or she has submitted a request for evidence of actual use of the opposing earlier trade mark in the case of opposition or invalidation (Paragraph three of Section 68) within the time limit specified for providing a response.

(4) If, in accordance with the procedures and within the term laid down in this Law, responses to the questions of the Board of Appeal or other submissions or requests have been received from the participant to the case, the chairperson of the composition for the examination of the case shall, without delay, communicate them to other participants in the case and shall determine a term for submitting their opinion.

(5) Concurrently with the sending of additions to the notice of opposition, invalidation, or revocation to the owner of the contested registration, or if additions to the notice have not been submitted, immediately after expiry of the time limit determined for this purpose, the chairperson of the composition for the examination of the case shall determine and notify all the participants to the case of the day when the examination of the case on its merits is to be completed. If there are no valid reasons to decide otherwise, the examination of the case on its merits shall be completed on the same day which has been determined as the time limit by which additions to a response to a notice of opposition, invalidation, or revocation shall be submitted. After this date, participants to the case are entitled to submit any new submissions, requests, and evidence only if they are requested by the Board of Appeal.

(6) If there is a valid reason, the chairperson of the composition for the examination of the case is entitled to determine a new date when the examination of the case on its merits is to be completed.

(7) If the participants to a case declare that they will not exercise the rights to submit additions or clarifications to the notice of opposition, invalidation, or revocation, additional explanations or evidence, or additions to the response to the notice or additional evidence, and also in other justified cases, the date when the examination of the case on its merits is to be completed may be determined earlier than determined originally.

[*9 February 2023*]

**Section 74. Communication between the Board of Appeal and Participants to a Case in the Examination of a Case in the Written Procedure**

(1) At any stage of the examination of a case, the Board of Appeal may invite participants to the case, within a determined term, to answer questions regarding the actual circumstances and formal legal basis of the case.

(2) A participant to a case has the obligation to inform the Board of Appeal without delay, if at any stage of the preparation or examination of the case he or she does not wish to exercise the rights to provide his or her point of view or arguments regarding documents submitted by another participant to the case.

**Chapter XIII. Session of the Board of Appeal**

**Section 75. Determination and Notification of a Session of the Board of Appeal**

(1) If it is requested to examine a case of opposition, invalidation, or revocation in the oral procedure, the chairperson of the composition for the examination of the case shall decide this issue as soon as the response of the owner of the contested registration to the notice of opposition, invalidation, or revocation has been received, or the time limit for submitting the response has expired. If a case is determined to be examined in the oral procedure, the session of the Board of Appeal shall be, without delay, notified to participants to the case in conformity with the provisions of Paragraphs two, three, and four of this Section.

(2) If the examination of a case in the oral procedure is determined (Paragraph four of Section 32) or a session of the Board of Appeal is necessary for taking a separate procedural action, for the clarification or resolving of a procedural issue (Paragraph five of Section 32), the Board of Appeal shall, at least a month in advance, notify the participants to the case of the day, time, and place of the session of the Board of Appeal, and also of the obligation of the participants to the case to submit to the Board of Appeal all the necessary evidence within the time limit determined in Section 62, Paragraph five of this Law.

(3) If a session of the Board of Appeal which had already been determined is postponed, the chairperson of the composition for the examination of the case shall notify information on the postponed session of the Board of Appeal referred to in Paragraph two of this Section to the participants to the case at least 10 days in advance.

(4) With a consent of all participants to the case, the session of the Board of Appeal may be determined and notified without complying with the time limits referred to in Paragraphs two and three of this Section.

[*9 February 2023*]

**Section 76. Recording of the Course of a Session of the Board of Appeal**

(1) During a session of the Board of Appeal, minutes shall be taken and a recording of the course of the session shall be made.

(2) Minutes shall be taken and the recording shall be ensured by the secretary of the Board of Appeal or a member of the Board of Appeal who, upon assignment of the chairperson of the Board of Appeal, performs the obligations of the secretary (hereinafter – the secretary of the session).

(3) The following shall be indicated in the minutes of a session of the Board of Appeal in addition to other information:

1) the place and time of the session;

2) the composition for the examination of the case, and the secretary of the session;

3) the persons present at the session;

4) what decisions have been taken.

(4) Minutes and recordings of a session of the Board of Appeal shall be available to the participants to the case and other persons in conformity with the transparency regulations for the examination of the case. A copy of the recording of the session may be obtained by paying the fee specified in the price list of the paid services of the Board of Appeal.

[*9 February 2023*]

**Section 77. Procedures in a Session of the Board of Appeal**

(1) Participants to the case, interpreters, and other persons present at the session of the Board of Appeal shall comply with the procedures laid down in this Law, and shall unconditionally obey the instructions of the chairperson of the composition for the examination of the case and the rulings of the Board of Appeal.

(2) The persons present at a session of the Board of Appeal shall behave in such a way that the course of the session is not disturbed.

(3) If a person, during a session of the Board of Appeal, repeatedly disturbs the session, the Board of Appeal shall expel him or her from the session hall. If a session is repeatedly disturbed by a participant to the case, the fact of exclusion shall be recorded in the minutes of the session. The Board of Appeal is entitled to examine the case without the presence of such person.

**Section 78. Commencement of a Session**

(1) A session of the Board of Appeal shall be chaired by the chairperson of the composition for the examination of the case.

(2) The chairperson of the composition for the examination of the case shall chair the examination of the case and procedural actions in a session so as to ensure all participants to the case equal rights to participate in clarification of the circumstances of the case and objective examination of the case.

(3) When opening a session, the chairperson of the composition for the examination of the case shall notify which case will be examined, name the composition for the examination of the case, and the secretary of the session.

(4) The Board of Appeal shall clarify which persons invited have arrived and what information on the reasons for not arriving of the persons invited has been received, verify the identity of the persons present, and authorisation of the representatives.

(5) The chairperson of the composition for the examination of the case shall explain to the participants to the case their procedural rights and obligations, as well as the consequences of the execution or non-execution of the procedural actions.

**Section 79. Examination of a Case on Its Merits in the Absence of a Participant to the Case**

(1) If any of the participants to a case or an interpreter has not arrived, the Board of Appeal shall commence the examination of the case, unless there is a reason to postpone it in accordance with Section 101 of this Law.

(2) If the submitter of a notice of appeal or a party to a case of opposition, invalidation, or revocation has submitted the request to examine the case in the absence of the person before the session, the Board of Appeal may examine the case without the abovementioned person.

(3) In case of absence of an official of the Patent Office who has been invited to the session, the Board of Appeal shall examine the case of appeal in the absence of the abovementioned person according to the case files.

(4) The Board of Appeal shall examine a case of opposition, invalidation, or revocation in the absence of the owner of the contested registration if there is no information on the reasons for his or her absence or if they are not recognised as justified.

[*9 February 2023*]

**Section 80. Objection and Deciding Thereon**

(1) The Board of Appeal shall examine whether a participant to a case has objection to a member of the Board of Appeal. If an objection has been raised, a record thereof shall be entered in the minutes of the session.

(2) The Board of Appeal shall decide on the raised objection in accordance with the procedures laid down in Section 39, Paragraphs five and six of this Law.

**Section 81. Deciding on Requests Applied by Participants to a Case**

The Board of Appeal shall clarify whether participants to a case have requests that are related to the examination of the case and decide on them after hearing the point of view of participants to the case.

**Section 82. Commencement of the Examination of a Case on its Merits**

(1) When commencing the session of the Board of Appeal in which a case is examined on its merits, the chairperson of the composition for the examination of the case, if it is necessary, shall notify of the circumstances of the case and the procedural actions taken in the course of the preparation of the case.

(2) The Board of Appeal shall clarify whether the submitter of a notice of appeal, opposition, invalidation, or revocation maintains the claim included in his or her submission and whether the Patent Office or the owner of the contested registration recognises it.

[*9 February 2023*]

**Section 83. Withdrawal from a Claim and Recognition of a Claim**

(1) A withdrawal from a claim (complete or partial), verbally expressed in a session of the Board of Appeal, shall be recorded in the minutes of the session and signed by the submitter of the notice of appeal, opposition, invalidation, or revocation. If a withdrawal from a claim has been submitted to the Board of Appeal in writing, it shall be added to the file.

(2) Recognition of a claim (fully or in part) in a session of the Board of Appeal shall be recorded in the minutes of the session and signed by the official of the Patent Office who recognises the claim included in the notice of appeal or by the owner of the contested registration who recognises the claim included in the notice of opposition, invalidation, or revocation. If a recognition of a claim has been submitted to the Board of Appeal in writing, it shall be added to the file.

(3) It is possible to withdraw from a claim and recognise a claim before the examination of the case on its merits has been completed.

(4) The Board of Appeal shall take the decision on complete withdrawal from the claim of the submitter of a notice of appeal, opposition, invalidation, or revocation concurrently with which it ends the proceedings in the case.

[*9 February 2023*]

**Section 84. Explanations of the Participants to a Case and Written Evidence**

(1) In the session of the Board of Appeal in which a case of appeal is examined on its merits, the participants to the case shall provide explanations in the following order: first, the submitter of the notice of appeal, then the Patent Office.

(2) In the session of the Board of Appeal in which a case of opposition, invalidation, or revocation is examined on its merits, the participants to the case shall provide explanations in the following order: first, the submitter of the respective notice, then the owner of the contested registration.

(3) A third person who participates in the case without independent claims shall provide explanations after the person on the side of whom he or she participates in the case.

(4) Representatives of participants to a case shall provide explanations on behalf of the persons they are representing.

(5) The participants to a case shall indicate the circumstances justifying their claims or counterarguments in their explanations.

(6) If a participant to a case refers, in his or her explanations, to evidence which is not submitted in the case and the Board of Appeal recognises that such evidence is necessary, the Board of Appeal may, by taking into account the provisions of Section 62 of this Law, invite to submit them.

(7) The participants to a case are entitled to submit their explanations to the Board of Appeal in writing.

(8) Written explanations of the participants to a case and the written evidence shall be read out in a session of the Board of Appeal in the order laid down in this Section, except when the participants to the case present at the session agree that reading out is not necessary.

[*9 February 2023*]

**Section 85. Procedures for Asking Questions**

(1) With a permission of the Board of Appeal, the participants to a case may ask each other questions. The Board of Appeal shall reject questions that are not relevant to the case.

(2) When examining a case, the Board of Appeal may, at any time, ask questions to participants to the case.

**Section 86. Examination of Material Evidence**

(1) Material evidence shall be inspected in a session of the Board of Appeal and presented to participants of the case.

(2) A participant to a case may provide explanations and express his or her point of view and requests regarding the material evidence.

(3) If material evidence have been inspected in a session of the Board of Appeal which has been scheduled for the examination of material evidence, then, when examining the case on its merits, the minutes of inspection shall be read out, if necessary.

**Section 87. Completion of the Examination of a Case on its Merits**

(1) In the session of the Board of Appeal in which a case is examined on its merits, the Board of Appeal shall, after the examination of the applied evidence, clarify the point of view of participants to the case on the possibility to complete examination of the case on its merits.

(2) If it is not necessary to examine additional evidence, the Board of Appeal shall clarify whether the submitter of the notice of appeal, opposition, invalidation, or revocation maintains the claim included in the notice and whether the parties (in cases of opposition, invalidation, or revocation) are willing to conclude settlement.

(3) If the submitter of a notice of appeal, opposition, invalidation, or revocation does not withdraw from the claim and the parties (in cases of opposition, invalidation, and revocation) are not willing to conclude settlement, the Board of Appeal shall declare the examination of the case on its merits as completed and shall continue with debate.

[*9 February 2023*]

**Section 88. Debate**

(1) In the debate, the participants to a case shall speak in the same order as they are providing explanations.

(2) A participant of the debate is not entitled to refer to circumstances and evidence which have not been examined in a session of the Board of Appeal in his or her speech.

(3) The Board of Appeal shall interrupt a participant of the debate if he or she is speaking about circumstances that are not relevant to the case.

**Section 89. Replies**

(1) After participants to a case have spoken in the debate, each of them is entitled to one reply.

(2) The following persons have the right to the last reply:

1) in a case of appeal – the submitter of the notice of appeal or his or her representative;

2) in a case of opposition, invalidation, or revocation – the owner of the contested registration or his or her representative.

(3) The Board of Appeal may limit the length of the reply.

[*9 February 2023*]

**Section 90. Deliberation of the Board of Appeal, Rendering and Declaring a Decision**

(1) After the debate and the replies, if any, the chairperson of the composition for the examination of the case shall notify those present in the session hall of the Board of Appeal of deliberation of the Board of Appeal.

(2) The composition for the examination of the case shall deliberate and take a decision without the presence of other persons. There shall be no direct or indirect interference in the decision-making or influence on the Board of Appeal.

(3) When taking a decision collegially, the chairperson of the composition for the examination of the case shall be the last to express his or her point of view.

(4) After deliberation, the chairperson of the composition for the examination of the case shall publicly inform those present in the session hall of the Board of Appeal on the operative part of the decision of the Board of Appeal.

**Section 91. Session of the Board of Appeal for Taking a Procedural Action or for the Clarification or Resolving of a Procedural Issue**

(1) In a session of the Board of Appeal determined for taking a separate procedural action or for the clarification or resolving of a procedural issue, the provisions of Sections 76, 77, 78, 80, 81, 84, 85, and 87 of this Law shall be applied with the necessary changes.

(2) If a session of the Board of Appeal determined for taking a separate procedural action or for the clarification or resolving of a procedural issue is not attended by any of the participants to the case who have been duly notified of the day, time, and place of the session, and who has not requested to postpone the session for any valid reason, it shall be considered that the participant to the case has agreed to taking the procedural action or the clarification or resolving of the procedural issue in his or her absence.

(3) In the case referred to in Paragraph two of this Section, the respective participant to the case is not entitled to contest the decision taken in the session, except when objective circumstances which were beyond his or her control have served as an obstacle to attend the session of the Board of Appeal or request it to be postponed.

**Chapter XIV. Decision of the Board of Appeal, its Revision, Entry into Effect and Enforcement**

**Section 92. General Rules Regarding a Decision of the Board of Appeal**

(1) A decision of the Board of Appeal shall be legally effective and justified.

(2) When taking a decision, the Board of Appeal shall base it on the norms of substantive and procedural rights.

(3) The Board of Appeal shall justify its decision with circumstances that have been established by the evidence in the case or which need not to be proven in accordance with Section 51 of this Law.

(4) A decision by which a dispute is resolved on its merits shall be justified by the Board of Appeal only with such circumstances regarding which the participants to a case have had an opportunity to express their point of view in writing or verbally.

(5) A decision by which a dispute is resolved on its merits shall be taken on the subject indicated in the notice of appeal, opposition, invalidation, or revocation, without exceeding the borders of the claim.

(6) A decision which has been taken collegially shall be signed by all members of the Board of Appeal who have been included in the composition for the examination of a case. A decision which has been taken by the chairperson of the Board of Appeal or the chairperson of the composition for the examination of a case sitting alone shall be signed by the respective person.

(7) After signing of the decision, it may not be amended or changed. Clerical or mathematical errors may be corrected with a separate decision which shall be taken by the same composition for the examination of the case.

[*9 February 2023*]

**Section 93. Decision by Which a Dispute is Resolved on its Merits**

(1) A decision that resolves a dispute on its merits shall be rendered in writing. It shall consist of an introductory part, a descriptive part, a reasoned part, and an operative part.

(2) The introductory part shall include the place and date for taking the decision, the full name of the Board of Appeal, the composition for the examination of the case, the participants to the case, the nature of the case to be examined (case of appeal, opposition, invalidation, or revocation) and the subject of the notice of appeal, opposition, invalidation, or revocation, and also the procedure (written or oral) by which the case has been examined.

(3) The descriptive part shall include the claim of the submitter of the notice of appeal, opposition, invalidation, or revocation and the counterarguments of the Patent Office or the owner of the contested registration, and also the nature of the explanations provided by participants to the case.

(4) The reasoned part shall include:

1) the facts established in the case, the evidence by which the conclusions of the Board of Appeal have been justified, and arguments by which this or other evidence has been refused;

2) the legal norms which the Board of Appeal has used as basis;

3) the legal assessment of the established circumstances of the case;

4) references to the case-law and legal literature, as well as other special literature which has been used by the Board of Appeal in its reasoning;

5) the conclusions of the Board of Appeal on the validity of the notice of appeal, opposition, invalidation, or revocation.

(5) The operative part shall include:

1) the legal norms applied by the Board of Appeal in a single listing (also mentioning the Section, Paragraph, Clause or Sub-clause of the law or regulation);

2) the ruling on the satisfaction of a notice of appeal, opposition, invalidation, or revocation in full or in part or the rejection, and the nature of the decision (the rights granted, confirmed, or denied to a person, or amendments to the registration information in accordance with the industrial property legal acts) which must be enforced by the Patent Office;

3) the procedures and time limit by which a participant to the case who disagrees with the decision of the Board of Appeal is entitled to apply to the court.

[*9 February 2023*]

**Section 94. Rendering and Notification of a Motivated Decision**

(1) A motivated decision by which a dispute is resolved on its merits shall be rendered by the Board of Appeal not later than within one month after the day when the examination of the case in the written procedure has been completed, or when the session of the Board of Appeal at the end of which the decision was taken took place.

(2) On the day of the rendering of a decision or on the next working day, the Board of Appeal shall send a true copy of the decision to the participants to the case. A participant to the case may, upon a respective request, receive a true copy of the decision in the work premises of the Board of Appeal. Receipt of the decision shall not affect the counting of terms.

**Section 95. Settlement and Decision on the Settlement in a Case of Opposition, Invalidation, or Revocation**

(1) The parties to a case of opposition, invalidation, or revocation shall conclude settlement in writing and submit it to the Board of Appeal.

(2) The following shall be indicated in the settlement:

1) the submitter of the notice of opposition, invalidation, or revocation and his or her address;

2) the owner of the contested registration and his or her address;

3) the subject of the notice of opposition, invalidation, or revocation;

4) liabilities of each party they voluntarily undertake to perform.

(3) The Board of Appeal shall, having received the settlement between the parties, clarify whether the parties have voluntarily agreed on the settlement, whether it conforms to the requirements of Section 70, Paragraphs two and three of this Law, and Paragraphs one and two of this Section, and whether the parties are aware of the procedural consequences of the confirmation of the settlement.

(4) The circumstances of settlement shall be indicated in the decision on settlement of the Board of Appeal.

(5) The Board of Appeal shall take a motivated decision on the refusal to confirm the settlement and shall continue to examine the case. The decision on refusal to confirm the settlement may be included in the decision by which a dispute is resolved on its merits.

(6) If the Board of Appeal recognises that the settlement conforms to the requirements of the Law, it shall take a decision by which it confirms the settlement and concurrently terminates the proceedings in the case of opposition, invalidation, or revocation. The decision shall be taken collegially by the composition for the examination of the case.

[*9 February 2023*]

**Section 96. Decision by Which a Dispute is Not Resolved on its Merits**

(1) The decision by which a dispute is not resolved on its merits shall be rendered in a form of a separate procedural document, a resolution, or it shall be recorded in the minutes of the session of the Board of Appeal.

(2) A decision may be drawn up in the form of a resolution if it is taken by the chairperson sitting alone and it does not need an expanded motivation.

(3) The following shall be indicated in a decision that has been rendered in the form of a separate procedural document:

1) the place and date for taking the decision;

2) the full name of the Board of Appeal and composition for the examination of the case;

3) the participants to the case;

4) the nature of the case to be examined (case of appeal, opposition, invalidation, or revocation) and the subject of the notice of appeal, opposition, invalidation, or revocation;

5) the matters on which the decision has been taken;

6) the motives of the decision;

7) the ruling of the composition for the examination of the case, the chairperson of the Board of Appeal or the chairperson of the composition for the examination of the case;

8) the time limit and procedures by which the decision may be contested, or a remark that the decision is incontestable.

(4) A decision that has been taken in the form of a separate procedural document shall be notified to the participants to the case in accordance with the procedures laid down in Section 94, Paragraph two of this Law.

[*9 February 2023*]

**Section 97. Contesting and Entering into Effect of a Decision of the Board of Appeal by Which a Dispute is not Resolved on its Merits**

(1) A participant to a case who is not satisfied with the decision which is taken by the chairperson of the Board of Appeal or the chairperson of the composition for the examination of the case sitting alone and which has not been determined as incontestable in this Law may, within two weeks after the day of its notification, submit to the Board of Appeal a motivated submission for contesting the decision, paying the determined additional fee for contesting such a decision.

(2) The decision referred to in Paragraph one of this Section shall enter into effect after expiry of the term for its contesting, and it has not been contested.

(3) The chairperson of the Board of Appeal shall transfer the submission referred to in Paragraph one of this Section to the composition for the examination of the case for collegial examination and taking of a decision in the written procedure, or, if he or she considers this necessary, in the oral procedure in a session of the Board of Appeal.

(31) If the Board of Appeal revokes or amends, in whole or in part, the decision in respect of which the notice referred to in Paragraph one of this Section was made, the additional fee paid shall be repaid in full amount to the submitter of the notice. If the notice is rejected or it has been submitted regarding a decision which is incontestable, the additional fee shall not be repaid, except when it is incorrectly indicated in the contested decision that it is contestable.

(4) The decision taken by the composition for the examination of a case by which a dispute is not resolved on its merits shall not be contested, and it shall enter into effect on the day of the notification thereof.

[*9 February 2023*]

**Section 98. Applying to the Court in Relation to a Decision of the Board of Appeal**

(1) A participant to a case who disagrees with the decision of the Board of Appeal by which a dispute in the case of appeal, opposition, invalidation, or revocation has been resolved may, within three months after the day of the notification of the decision, apply to the Riga City Court in accordance with the procedures laid down in the Civil Procedure Law with a statement of claim, depending on the nature of the case and the decision:

1) the submitter of a notice of appeal, if the notice of appeal has been fully or partially refused – with a claim regarding the protection of his or her affected legal interests and request to impose an obligation on the Patent Office to establish legal relations according to the application for the registration of an object of industrial property (to register an object of industrial property);

2) the Patent Office, if a notice of appeal has been fully or partially satisfied – with a claim to recognise an application for the registration of an object of industrial property as non-conforming to the provisions of an industrial property legal act, and the decision of the Patent Office – as legally effective;

3) the submitter of a notice of opposition, if the notice of opposition has been fully or partially refused – with a claim regarding the protection of his or her affected rights and legal interests and request to amend the record in the register (to fully or partially invalidate a registration belonging to another person);

4) the submitter of a notice of invalidation, if the notice of invalidation has been fully or partially refused – with a claim regarding the protection of his or her affected rights and legal interests and request to amend the record in the register (to fully or partially invalidate a registration belonging to another person as invalid);

5) the submitter of a notice of revocation, if the notice of revocation has been fully or partially refused – with a claim regarding the protection of his or her affected interests and request to amend the record in the register (to fully or partially revoke a registration belonging to another person);

6) the owner of a contested registration, if a notice of opposition, invalidation, or revocation has been fully or partially satisfied – with a claim regarding the protection of his or her contested rights (to fully or partially recognise a registration as valid).

(2) In the case referred to in Paragraph one of this Section or in accordance with the provisions of the Civil Procedure Law, a person whose rights or legal interests, or obligations against any of the participants to a case are affected by a decision of the Board of Appeal may enter the case on the side of the claimant or the defendant as a third person without independent claims, also if he or she had not been admitted in the status of a third person, or if he or she has been deprived of the status of a third person in the examination of the case in the Board of Appeal.

(3) A person who has submitted a statement of claim to the court in accordance with the provisions of this Section has the obligation to inform the Board of Appeal thereof not later than seven days after submitting the statement of claim to the court. The decision to accept the statement of claim and initiate a case, to refuse to accept a statement of claim, or to leave a statement of claim without advancement, shall be sent by the court to the Board of Appeal in the form of an electronic postal item.

(4) If the court accepts the statement of claim referred to in Paragraph one of this Section and initiates a case, the Board of Appeal shall send the explanations and written evidence of the participants to the case at its disposal to the Riga City Court.

[*9 February 2023*]

**Section 98.1 Appeal of a Decision of the Board of Appeal**

(1) If the notice of appeal is rejected in whole or in part, the submitter of the notice of appeal may submit a complaint against the decision of the Board of Appeal, except in the case referred to in Section 98, Paragraph one, Clause 1 of this Law, to the Riga City Court in accordance with the procedures laid down in the Civil Procedure Law within one month from the date of notification of the decision.

(2) If the notice of appeal is satisfied in whole or in part, the Patent Office may submit a complaint against the decision of the Board of Appeal, except in the case referred to in Section 98, Paragraph one, Clause 2 of this Law, to the Riga City Court in accordance with the procedures laid down in the Civil Procedure Law within one month from the date of notification of the decision.

(3) If the court accepts the complaint referred to in Paragraphs one and two of this Section and initiates a case, the Board of Appeal shall send the explanations and written evidence of the participants to the case at its disposal to the Riga City Court.

[*9 February 2023*]

**Section 99. Entering into Effect of the Decision of the Board of Appeal by Which a Dispute has Been Resolved in a Case of Appeal, Opposition, Invalidation, or Revocation**

(1) The decision of the Board of Appeal by which a dispute has been resolved in a case of appeal, opposition, invalidation, or revocation shall enter into legal effect:

1) on the day when the time limit referred to in Section 98, Paragraph one or Section 98.1 of this Law expires if:

a) none of the parties involved in the dispute has submitted a statement of claim or complaint on the subject of the dispute to the court within this time limit;

b) a respective statement of claim or complaint on the subject of the dispute has been submitted to the court within this time limit, but the judge has taken the decision to refuse to accept it;

c) a respective statement of claim or complaint on the subject of the dispute has been submitted to the court within this time limit, but the judge has taken the decision to consider the statement of claim or complaint as non-submitted and to return it to the applicant;

2) on the day when the decision of the court by which the claim or complaint has been left without examination has entered into effect, except when the claim or complaint has been left without examination because the dispute in the case between the same parties involved in the dispute, regarding the same subject and on the same basis is under examination in the same or another court;

3) on the day when the decision of the court by which the proceedings have been terminated has entered into effect, except when the proceedings have been terminated due to entering into lawful effect of a court judgement which has been given in a dispute between the same parties involved in the dispute, regarding the same subject, or the parties have concluded settlement and the court has confirmed it.

(2) If a statement of claim or a complaint to the court has been submitted in accordance with the procedures laid down in Section 98, Paragraph one or Section 98.1 of this Law on the subject of the dispute which concerns a part of the decision of the Board of Appeal, this decision in the remaining part thereof shall enter into effect when the time limit for submitting the statement of claim or complaint to the court expires.

(3) If the Board of Appeal has not received the information referred to in Section 98, Paragraph three of this Law and its decision refers to the activities in the Patent Office, the Board of Appeal shall transfer the decision to the Patent Office for enforcement. If a statement of claim or a complaint has been submitted to the court regarding a subject of the dispute which concerns a part of a decision of the Board of Appeal (Paragraph two of this Section), the Board of Appeal shall transfer the remaining part of the decision to the Patent Office for enforcement.

[*9 February 2023*]

**Section 100. Enforcement of a Decision of the Board of Appeal**

(1) If a decision of the Board of Appeal has entered into effect and has been notified to the Patent Office, the Patent Office shall, without delay, fulfil the obligations imposed thereon by a decision of the Board of Appeal (Section 93, Paragraph five, Clause 2), including make the amendments specified in the decision to the registration information of an object of industrial property.

(2) If the Board of Appeal has taken the decision on the repeated examination of application for the registration of an object of industrial property (repeated expert-examination) in relation to newly discovered circumstances in an appeal case, such decision shall not be contested and shall enter into effect at the time of the notification thereof. The Patent Office shall, as soon as such decision has been notified, fulfil the obligations imposed on it by the decision of the Board of Appeal in conformity with the procedures and term for the respective procedure laid down in an industrial property legal act.

(3) If the applicant (submitter of the notice of appeal) is not satisfied also by the decision taken by the Patent Office after repeated examination of the application (repeated expert-examination), he or she is entitled, within three months from the date of notification thereof, stating the justification, to notify the Patent Office that he or she maintains the originally submitted notice of appeal in effect, fully or in part.

**Chapter XV. Postponing the Examination of a Case, Suspension of Proceedings, Leaving a Case without Examination and Termination of Proceedings**

**Section 101. Postponing the Examination of a Case**

(1) The Board of Appeal shall postpone the examination of a case if:

1) the owner of the contested registration has not received a true copy of the notice of opposition, invalidation, or revocation in due time and therefore requests postponing the examination of the case;

2) it is necessary to invite as a participant to the case a person whose rights or legal interests may be affected by the decision of the Board of Appeal;

3) one of the participants to the case fails to attend the session of the Board of Appeal, and he or she has not been notified of the time and place of the session.

(2) The Board of Appeal may postpone the examination of a case if it recognises that:

1) it is not possible to examine the case because any of the participants to the case or the interpreter has failed to attend the session of the Board of Appeal, or there are other important reasons;

2) it is necessary to submit additional evidence.

(3) The Board of Appeal may postpone the examination of a case also if the participants to the case of opposition, invalidation, or revocation are preparing to conclude a settlement (Paragraph five of Section 70).

[*9 February 2023*]

**Section 102. Decision to Postpone the Examination of a Case**

(1) The decision to postpone the examination of a case shall be taken in the form of a resolution or a separate procedural document or it shall be recorded in the minutes of the session of the Board of Appeal.

(2) In the decision to postpone the examination of a case, the procedural actions which must be taken until the resumption of the examination of the case, as well as the day when the examination of the case shall be resumed in the written procedure or the day of the next session of the Board of Appeal shall be indicated.

(3) In a case that must be examined in the written procedure, the Board of Appeal shall send the decision to postpone the examination of the case to the participants to the case. In a case that must be examined in the oral procedure, the Board of Appeal shall, in a timely manner, notify the participants to the case of the day and time of the next session in accordance with the provisions of Section 75, Paragraphs one, two and three of this Law.

(4) The decision to postpone the examination of a case shall be taken and it shall enter into effect in accordance with the procedures laid down in Section 97 of this Law.

**Section 103. Suspension of Proceedings**

(1) The Board of Appeal shall suspend the proceedings in a case if:

1) the natural person who is the submitter of the notice in a case of appeal, opposition, invalidation, or revocation has died or a legal person who is the submitter of the notice in a case of appeal, opposition, invalidation, or revocation has ceased to exist;

2) the court has established trusteeship over a participant to the case who is a natural person;

3) examination of a case is not possible before another case has been decided in the court, an institution or in the Board of Appeal, including in the event when a case has been initiated in a court regarding the invalidation or revocation of the registration of an object of industrial property involved in a dispute to be examined by the Board of Appeal.

(2) The Board of Appeal may suspend the proceedings in a case if:

1) the submitter of a notice of appeal, opposition, invalidation, or revocation or a third person due to a disease, age, disability or other substantial reasons is unable to participate in the examination of the matter;

2) a case has been initiated in the Constitutional Court regarding conformity of the legal norms to be applied in the examination of the case with the legal norms of a higher legal force;

3) a case has been initiated in the Court of Justice of the European Union or in other international or supranational court on the results of which the decision of Board of Appeal may depend.

(3) Proceedings in the Board of Appeal shall be suspended until the reason which served as a basis for suspending the proceedings has been eliminated.

[*9 February 2023*]

**Section 104. Decision to Suspend Proceedings**

(1) The Board of Appeal shall take a motivated decision to suspend the proceedings in the form of a separate procedural document.

(2) The circumstances, until the occurrence or termination of which the proceedings have been suspended, shall be indicated in the decision.

(3) The decision to suspend proceedings shall be taken and it shall enter into effect in accordance with the procedures laid down in Section 97 of this Law.

**Section 105. Resumption of the Proceedings**

The Board of Appeal shall resume the proceedings upon its own initiative or upon a request of a participant to the case.

**Section 106. Leaving of a Notice of Appeal, Opposition, Invalidation, or Revocation without Examination**

(1) The Board of Appeal shall leave a notice of appeal, opposition, invalidation, or revocation without examination if it has been submitted on behalf of the submitter of the notice of appeal, opposition, invalidation, or revocation by a person who has not been authorised for it in accordance with specific procedures and the deficiencies in the authorisation have not been eliminated upon the invitation of the Board of Appeal.

(2) The Board of Appeal shall leave a notice of opposition without examination if it has become aware of the fact that the dispute in the case of claim between the same parties on the same subject and on the same basis is under examination in the court.

(3) The Board of Appeal may leave a notice of appeal, opposition, invalidation, or revocation without examination if the submitter of the notice of appeal, opposition, invalidation, or revocation:

1) who has been notified of the time and place of the session of the Board of Appeal, has repeatedly failed to attend the session of the Board of Appeal without a justified reason, and has not requested that the case is examined in his or her absence;

2) in a case to be examined in the written procedure, has repeatedly failed to provide answers to questions of the Board of Appeal or invitations to submit the explanations or evidence necessary for the examination of the case.

[*9 February 2023*]

**Section 107. Decision to Leave a Notice of Appeal, Opposition, Invalidation, or Revocation without Examination**

(1) The Board of Appeal shall take a motivated decision to leave a notice of appeal, opposition, invalidation, or revocation without examination in the form of a separate procedural document.

(2) The decision to leave a notice of appeal, opposition, invalidation, or revocation without examination shall be taken in accordance with the procedures laid down in Section 97 of this Law.

[*9 February 2023*]

**Section 108. Basis for the Termination of Proceedings**

The Board of Appeal shall terminate the proceedings, if:

1) a case may not be examined according to the procedures specified for the examination of cases in the Board of Appeal;

2) a notice of appeal, opposition, invalidation, or revocation has been submitted by a person who is not entitled to do so;

3) a court judgement or a decision of the Board of Appeal which has been taken in a matter between the same participants in the case for the same subject and on the same basis or from which it is apparent that the proceedings of the Board of Appeal must be terminated, has entered into effect;

4) the submitter of appeal, opposition, invalidation, or revocation has withdrawn from his or her notice;

5) in a case the assumption of procedural rights of the submitter of a notice of appeal, opposition, invalidation, or revocation is possible, but within 12 months after the day of the death of the submitter of the notice or, in case of a legal person, within six months from the day when it has ceased to exist, none of the legal successors has shown any interest in maintaining the respective claim;

6) the dispute which served as the basis for submitting a notice of appeal has ended with the Patent Office revoking the contested decision or recognising it as invalid or lost effect, or due to other reasons;

7) the dispute which served as the basis for the submission of a notice of opposition, invalidation, or revocation has ended by removing the contested trade mark registration from the register (surrendering the registration) upon the owner’s request or not maintaining it in effect after the end of the validity period or due to other reasons;

8) the Board of Appeal has confirmed settlement between the parties to a case of opposition, invalidation, or revocation;

9) the term for the submission of a notice of appeal has been exceeded, and the Board of Appeal has not renewed it, or it has been determined in an industrial property legal act as non-renewable;

10) the term for the submission of a notice of opposition has been exceeded.

[*9 February 2023*]

**Section 109. Decision to Terminate Proceedings and its Consequences**

(1) The Board of Appeal shall take a motivated decision to terminate the proceedings in the form of a separate procedural document.

(2) The decision to terminate the proceedings shall be taken and it shall enter into effect in accordance with the procedures laid down in Section 97 of this Law.

(3) If the proceedings are terminated, repeated applying to the Board of Appeal with a notice of appeal, opposition, invalidation, or revocation regarding the same subject and on the same basis shall not be permitted.

[*9 February 2023*]

**Chapter XVI. Procedure in Case of Contesting International Registration**

**Section 110. Additional Obligation of the Board of Appeal if a Notice of Opposition to International Registration has Deficiencies that Preclude the Initiation of a Case**

If a notice of opposition which has been submitted against the entry into effect of an international registration of a trade mark or design in Latvia is left without advancement, is not accepted or is recognised as not submitted, the Board of Appeal shall, by notifying the respective decision to the submitter of the notice of opposition and determining a term for the elimination of the deficiencies of the notice of opposition in accordance with Section 65, Paragraph two of this Law, or notifying the term and procedures for contesting the decision in accordance with Section 97, Paragraph one of this Law, concurrently inform the submitter of the notice of opposition on the final deadline by which the refusal of the protection of the respective international registration (provisional refusal) shall be notified to the International Bureau of the World Intellectual Property Organisation in accordance with the provisions of an industrial legal act.

**Section 111. Advancement of a Case of Opposition against International Registration**

(1) If a case of opposition has been initiated in relation to a notice of opposition to the entry into effect of the international registration of a trade mark or design in Latvia, the Board of Appeal shall, without delay, inform the Patent Office thereof.

(2) The Patent Office shall include the information laid down in the industrial property legal acts on the notice of opposition in its decision to refuse the protection of international registration.

**Section 112. Refusal of the Protection of International Registration**

(1) The decision of the Patent Office to refuse the protection of international registration of a trade mark or design (provisional refusal) in accordance with the provisions of the industrial property legal acts regarding international registration may be based on:

1) the grounds for the refusal put forward by the Patent Office as a result of the examination of international registration (expert-examination);

2) a notice of opposition to the entry into effect of an international registration in Latvia.

(2) In the decision to refuse the protection of an international registration, the Patent Office shall, in accordance with the provisions of the industrial property legal acts regarding international registration, indicate all legal bases for the refusal, as well as the term and procedures by which a notice of appeal against this decision or a notice of appeal – a response to a notice of opposition – may be submitted.

(3) The Patent Office shall notify its decision to refuse the protection of an international registration in accordance with the procedures laid down in the industrial property legal acts to the International Bureau of the World Intellectual Property Organisation, and if the decision is based on a notice of opposition, also to its submitter.

**Section 113. Submission and Advancement of a Notice of Appeal Against the Refusal of the Protection of International Registration**

(1) A notice of appeal against the decision of the Patent Office to refuse the protection of international registration of a trade mark or design shall be submitted within the term and in accordance with the procedures laid down in Section 58, Paragraph one of this Law, by motivating it according to the grounds for the refusal indicated in the decision.

(2) If the decision of the Patent Office to refuse the protection of international registration is justified (solely or inter alia) with the grounds for refusal put forward as a result of an examination (expert-examination) of the Patent Office, and a notice of appeal or the notice of appeal – a response to a notice of opposition has been submitted regarding it, the advancement of the appeal case, after the initiation thereof, shall conform to Section 66 of this Law.

(3) If the decision of the Patent Office to refuse the protection of an international registration is justified solely with a notice of opposition to the entry into effect of international registration in Latvia, the notice of appeal against such decision shall be considered as a response to a notice of opposition (a notice of appeal – a response to a notice of opposition), and, upon submitting it, no fee for submitting the notice of appeal shall be paid.

**Section 114. Examination of Cases of Appeal or Opposition in Relation to the Contesting of International Registration**

(1) A notice of appeal or the notice of appeal – a response to a notice of opposition, and a notice of opposition or notices of opposition which have been submitted regarding the same international registration shall be examined by the Board of Appeal in joined proceedings if there are no good reasons to do otherwise.

(2) In the examination of a case, the Board of Appeal shall apply the procedure specified for opposition cases, insofar as the case to be examined concerns a notice of opposition and a response to a notice of opposition.

(3) In the examination of a case, the Board of Appeal shall apply the procedure specified for appeal cases, insofar as the case to be examined concerns a notice of appeal against a decision that has been justified with the grounds for refusal put forward by the Patent Office.

**Section 115. Specificity of Notification and Entering into Effect of a Decision of the Board of Appeal in Case of Contesting of International Registration**

(1) The decision by which a dispute has been resolved in a case related to the contesting of international registration shall be notified by the Board of Appeal to the owner of the contested registration, even if he or she has not entered the case, and the case has been examined in his or her absence.

(2) The decision of the Board of Appeal by which a dispute has been resolved in a case related to the contesting of international registration shall enter into effect in conformity with the provisions of Section 99 of this Law. The Patent Office shall, in accordance with the prescribed procedures, notify the International Bureau of the World Intellectual Property Organisation of the entering into effect of a decision of the Board of Appeal or a court ruling.

**Division C. Representation of Persons in Cases of Industrial Property**

**Chapter XVII. General Provisions of Representation and Authorisation**

**Section 116. Representation of Persons in the Patent Office and in the Board of Appeal**

(1) A legal person whose legal address is in Latvia or who owns an enterprise in Latvia may be represented in the Patent Office and in the Board of Appeal by its officials who act within the framework of authorisation granted by the law, articles of association, or by-laws, or other representatives authorised by the legal person.

(2) A natural person whose declared place of residence is in Latvia or who owns an enterprise in Latvia may be represented in the Patent Office and in the Board of Appeal by himself or herself or may be represented through an authorised representative.

(3) The following persons are entitled to participate in the procedures in the Patent Office and the Board of Appeal only through a professional patent attorney:

1) a natural person whose declared place of residence is not in Latvia and who does not own an enterprise in Latvia;

2) a legal person whose legal address is in a foreign country and who does not own an enterprise in Latvia.

**Section 117. Authorisation of Representation**

(1) If an applicant, owner or another person interested submits an application, settles the registration procedure or performs other activities in the Patent Office or the Board of Appeal through a representative, the application or other document shall be accompanied by a written power of attorney, confirming the rights of the representative to perform the respective activities.

(2) The provisions of Paragraph one of this Section shall not apply to representatives – professional patent attorneys, as well as to natural persons (officials, members of the executive board, employees) whose authorisation for representation of the legal person results from a law or regulation, the articles of association of the legal person or any other grounds. Officials, members of the executive board, employees whose authorisation for the representation of the legal person results from a law or regulation, the articles of association of the legal person or any other grounds, shall indicate the respective norm, articles of association or other document to the Patent Office or the Board of Appeal. A document or a derivative thereof certified in accordance with the procedures laid down in laws and regulations shall be submitted when it is not possible to verify the representation rights of the abovementioned person in a generally-accessible database or website.

(3) A special, clearly expressed authorisation to a representative, except for a professional patent attorney, is necessary in the following cases:

1) to completely or partially withdraw an application or surrender a registration;

2) to completely or partially transfer the ownership rights of application or registration to another person;

3) to conclude a license agreement, granting another person the right to exercise the principal’s right to industrial property;

4) in order to submit a notice of opposition, invalidation, or revocation to the registration of another person, a counternotice in cases of opposition, invalidation, or revocation, to fully or partially withdraw a notice of opposition, invalidation, or revocation, to fully or partially recognise an opposition, invalidation, or revocation claim or to conclude settlement in a matter;

5) in order to issue an authorisation to another person (substitution).

(4) If a power of attorney loses effect or the rights of representation of a representative are otherwise terminated, the represented person or the representative shall, without delay, inform the Patent Office or respectively the Board of Appeal thereof in writing.

(5) The representative has an obligation to inform, without delay, the Patent Office or respectively the Board of Appeal in all cases when the address of the representative (correspondence address) or other necessary information for communication with the representative changes.

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**Section 118. Submission of a Power of Attorney**

(1) The power of attorney shall be submitted concurrently with an application or another document by which the representative commences activities in the Patent Office or the Board of Appeal on behalf of the principal, or in another term laid down in an industrial property legal act. If the Patent Office or the Board of Appeal establishes that the representative indicated in the document has not been authorised for the respective activity, the submitter shall be notified thereof in writing by determining a term for the submission of a power of attorney which shall not be less than two months, and the application or other document shall be left without advancement until receipt of the power of attorney.

(2) If the necessary power of attorney is not submitted within the specified term, the activities performed by the representative, except for the submission of the initial documents of the application, shall not have legal effect.

(3) A representative shall submit to the Patent Office or respectively to the Board of Appeal the original copy of the power of attorney, its certified true copy or a copy. The original copy of the power of attorney need not be notarised.

(4) Any power of attorney relating to more than one application, registration or other type of submission, as well as a general authorisation by which the principal has appointed a representative for the performance of all activities or a specific type of activities in the Patent Office or the Board of Appeal in respect of all of its current and future applications or registrations, or in respect of certain applications or registrations, shall be entered by the Patent Office in the list of power of attorneys, assigning it the number of a power of attorney to which the representative shall refer in all subsequent procedures.

(5) If the Patent Office or the Board of Appeal has reasonable doubt as to the scope of authorisation or other circumstances related to the representation, it is entitled, by stating the justification, to request appropriate evidence.

**Chapter XVIII. Professional Patent Attorneys**

**Section 119. Professional Patent Attorney**

(1) A professional patent attorney is a person who, in accordance with the procedures laid down in this Law, has been included in the List of Professional Patent Attorneys of the Patent Office and provides services in the field of protection of industrial property.

(2) Only persons to whom Paragraph one of this Section applies may offer his or her services as services of professional patent attorneys.

(3) A professional patent attorney may be specialised in one or several of the following fields:

1) the field of patents;

2) the field of trade marks;

3) the field of designs.

(4) A professional patent attorney who specialises in the field of patents shall also specialise in work with supplementary protection certificates for medicinal products and plant protection products and for work with the topographies of semiconductor products, while a professional patent attorney who specialises in the field of trade marks – work with collective and certification marks and indications of geographical origin.

[*9 February 2023*]

**Section 120. Professional Organisation of Professional Patent Attorneys**

(1) Functions of the professional organisation of Latvian professional patent attorneys shall be implemented by the Association of Patent Attorneys of Latvia (hereinafter – the Association of Patent Attorneys).

(2) The Association of Patent Attorneys unites natural persons according to the principle of profession to take care of the prestige of their profession, to promote qualification, professional development, acquisition of experience, conformity with professional standards and ethical standards of professional patent attorneys, and to carry out the tasks laid down in this Law and other legal acts, as well as in its own articles of association.

(3) The Association of Patent Attorneys shall perform the following tasks in accordance with the procedures specified by law:

1) delegate their representatives to the commission for the qualification examination of professional patent attorneys;

2) develop rules of professional ethics binding to professional patent attorneys, and assess conformity therewith;

3) ensure initiation of a disciplinary matter against a professional patent attorney and its examination, as well as taking of the decision to impose a disciplinary sanction;

4) organise activities for raising of qualification of professional patent attorneys;

5) represent the interests of professional patent attorneys in relationship with State and local government authorities, other institutions, and officials;

6) express a point of view of professional patent attorneys and provide opinions on the issues related to the industrial property legal acts and professional patent attorney practice;

7) supervise the settlement of the cases which are in the record-keeping of the deceased professional patent attorneys in accordance with the procedures laid down in the articles of association of the Association of Patent Attorneys;

8) perform other tasks laid down in this Law and other legal acts, as well as in its articles of association.

(4) While performing the tasks laid down in this Law, the Association of Patent Attorneys has the right to request and receive from a professional patent attorney the necessary information and relevant documents.

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**Section 121. List of Professional Patent Attorneys**

(1) The Patent Office shall arrange the List of Professional Patent Attorneys.

(2) The List of Professional Patent Attorneys shall include data on natural persons if the respective person meets the following requirements:

1) he or she is a citizen of Latvia or another European Union Member State;

2) he or she is fluent in the official language at the highest level and is proficient in at least two foreign languages that is sufficient for professional cooperation with Latvian and foreign persons and authorities;

3) he or she has academic or second-level higher vocational education (diplomas issued by foreign higher education institutions in the respective specialities must be recognised in Latvia);

4) he or she has at least four-year work experience in the field of protection of industrial property in which respective work in international, regional or national industrial property institutions shall be included. Work in the field of protection of industrial property must be systematic, and it shall not include long-term leaves and activity breaks;

5) he or she has passed the qualification examination of professional patent attorneys;

6) he or she has entered into a patent attorney professional civil insurance contract in accordance with the provisions of Section 130, Paragraphs two and three of this Law;

7) he or she indicates the address of place of practice in Latvia for correspondence with the Patent Office and clients.

(3) A professional patent attorney shall, without delay, notify in writing the Patent Office of the deficiencies identified, and any amendments to information entered in the List of Professional Patent Attorneys on him or her, inter alia of the change of his or her address or correspondence address.

(4) The List of Professional Patent Attorneys shall be available to any person interested. The List of Professional Patent Attorneys, as well as any amendments thereto, shall be published by the Patent Office on its website.

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**Section 122. Additional Requirements in Specialisations of Professional Patent Attorneys**

(1) At least one of the foreign languages referred to in Section 121, Paragraph two, Clause 2 of this Law must be the official working language of the European Patent Office, if the person is applying to become a professional patent attorney specialising in the field of patents, or the official working language of the Office for Harmonisation in the Internal Market (Trade Marks and Designs), if the person is applying to become a professional patent attorney specialising in the field of trade marks or designs.

(2) The education referred to in Section 121, Paragraph two, Clause 3 of this Law of a person who is applying to become a professional patent attorney specialising in the field of patents shall be in the field of engineering or natural sciences.

(3) A person who has acquired education in fields other than those referred to in Paragraph two of this Section, is entitled to become a professional patent attorney in the field of patents, provided that in addition to the academic or second-level higher vocational education in another sector he or she has acquired first-level higher vocational education in the field of engineering or natural sciences, or other comparable professional qualification.

(4) The work experience referred to in Section 121, Paragraph two, Clause 4 of this Law of a person who is applying to become a professional patent attorney in the field of patents must be acquired in practical work related to invention patent applications (their compilation, correction, examination), patent searches, study or consultations on issues of patent protection or in other comparable professional activities.

**Section 123. Qualification Examination of Professional Patent Attorneys**

(1) Examination of knowledge of professional patent attorney applicants shall be carried out by the commission for the qualification examination of professional patent attorneys, and it shall include representatives of the Patent Office and the Association of Patent Attorneys.

(2) The qualification examination of professional patent attorneys may be taken by persons who meet the requirements of Section 121, Paragraph two, Clauses 1, 2, 3, and 4 and Section 122 of this Law, and have paid the fee for taking the qualification examination of professional patent attorneys.

**Section 124. Content, Keeping of the List of Professional Patent Attorneys and the Procedures for the Qualification Examination of Professional Patent Attorneys**

The Cabinet shall issue regulations which lay down the content and the procedures for the keeping of the List of Professional Patent Attorneys, the procedures for the qualification examination of professional patent attorneys; the procedures by which the professional qualification and professional activity of an applicant shall be considered equivalent to the requirements of Section 122, Paragraphs three and four of this Law; the procedures by which an applicant shall certify the facts referred to in Section 121, Paragraph two, Clauses 1, 2, 3, and 4 of this Law; the procedures by which the qualification of a patent attorney of a European Union Member State shall be evaluated for his or her inclusion in the List of Professional Patent Attorneys; the fee for taking the qualification examination of professional patent attorneys, and fee for making amendments to the List of Professional Patent Attorneys, as well as the procedures for payment.

**Section 125. Rights and Obligations of Professional Patent Attorneys**

(1) A professional patent attorney, within the framework of his or her professional competence and in the procedures laid down in laws and regulations, is entitled:

1) to provide services in the field of industrial property in the area of specialisation, according to which he or she has been included in the List of Professional Patent Attorneys;

2) to represent persons and to provide them assistance related to the protection of industrial property, if they have applied to the Patent Office or the Board of Appeal, other State and local government authorities, courts, or cooperate with other private persons;

3) to collect evidence, including to request the necessary documents from State and local government authorities and private persons;

4) to become acquainted with the rulings of State and local government authorities and courts, laws and regulations, administrative acts, and other information necessary for the provision of assistance, and also to receive derivatives of these documents;

5) to settle payments on behalf of the persons to be represented related to the protection of industrial property and provided for in the industrial property legal acts at the Patent Office and the Board of Appeal, in the court, and in international organisations;

6) to translate documents related to the protection of industrial property and, in accordance with the procedures laid down in laws and regulations, certify such translations, derivatives of documents that must be submitted to the Patent Office, the Board of Appeal, courts, international organisations, or other persons;

7) to provide other services that conform to his or her professional qualification;

8) when providing services and representing persons, to freely choose the legal means and methods.

(2) When providing services and representing persons, a professional patent attorney has the obligation to:

1) choose legal means and methods that will best ensure protection of the rights and legal interests of clients;

2) exercise the rights and fulfil the responsibilities, maintaining professional honour and dignity;

3) provide information to clients on all the activities carried out on their behalf and their results;

4) after completion of a case, expiration of authorisation or upon a request of the client to transfer to the client or – upon a request of the client – to another person, documents, evidence held by the professional patent attorney for conducting the case, as well as payments received from the client in relation to protection of industrial property and not yet paid to the Patent Office, the Board of Appeal, court or international organisations;

5) comply with the rules of professional ethics adopted by the Association of Patent Attorneys.

(3) A professional patent attorney shall, throughout his or her professional activity, continuously improve his or her professional knowledge and skills.

(4) A professional patent attorney is not entitled to obtain for himself or herself (also indirectly) or for any third person the right which, insofar as it is known to him or her, belongs to the person whom he or she is representing or to whom he or she is providing services.

(5) Notwithstanding the provisions of Section 117, Paragraphs two and three of this Law, a professional patent attorney has the obligation to submit the authorisation for the representation of his or her client if the Patent Office or the Board of Appeal has reasonable doubts as to the scope of authorisation or other circumstances related to the representation. In such case, the Patent Office or the Board of Appeal may request the evidence provided for in Section 118, Paragraph five of this Law also from a professional patent attorney.

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**Section 126. Avoiding Conflict of Interest**

(1) A professional patent attorney shall not provide services to a person or represent a person who is involved in a dispute (in a procedure in the Board of Appeal, in court or otherwise) with any other person to whom he or she provides services or represents in the same dispute.

(2) If a professional patent attorney receives a task to provide services or represent a person in the circumstances provided for in Paragraph one of this Section, he or she has the obligation to inform, without delay, the person of the respective circumstances and take appropriate action to avoid any potential conflict of interest.

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**Section 127. Refusal to Provide Services and Withdrawal of Authorisation**

A professional patent attorney may, in conformity with the conditions of Section 2315 of the Civil Law, refuse to provide services and withdraw the authorisation, if a client:

1) requires performance of such activities in the course of which the professional patent attorney would have to violate laws and regulations or rules of professional ethics;

2) delays payments for the services provided by the professional patent attorney;

3) requires services the performance of which does not conform to the professional competence of the professional patent attorney;

4) affects the honour and dignity of a professional patent attorney.

**Section 128. Independence, Professional Secrecy and Performance Guarantees of a Professional Patent Attorney**

(1) In his or her professional activity, a professional patent attorney shall be independent and subjected only to laws and regulations.

(2) A professional patent attorney may not disclose secrets of a client, also trade secrets. This requirement must be conformed to not only during the period of conducting a case, but also after its completion and termination of the authorisation, as well as after termination of the professional activity of the professional patent attorney. The professional patent attorney shall ensure that these requirements are also complied with by the employees working under his or her management who, in carrying out their work tasks, have become aware of the secrets of a client of the professional patent attorney.

(3) Only a client or a legal successor of the client may exempt, in writing, the professional patent attorney from the obligations referred to in Paragraph two of this Section.

(4) The Patent Office, the Board of Appeal, other State and local government authorities, courts, prosecutors, and pre-trial investigation authorities shall guarantee independence of the professional activity of professional patent attorneys, in conformity with the prohibition:

1) to intervene with the professional activity of a professional patent attorney, influence or affect him or her, request information and explanations from him or her, as well as to interrogate him or her as a witness on the circumstances which have become known to him or her in providing services of a professional patent attorney to his or her clients;

2) to control correspondence and documents of a professional patent attorney which he or she has received or compiled in providing services of a professional patent attorney, carry out their inspection and removal, as well as to carry out a search to find and remove such correspondence and documents;

3) to control, also by using the procedural means referred to in Clause 2 of this Paragraph, the information systems and means of communication, including electronic, used for the provision of services of a professional patent attorney, to obtain information from them and intervene in their work;

4) to request information from clients on the content of the services provided by the professional patent attorney;

5) to subject a professional patent attorney to any sanctions or threats in connection with the provision of services of a professional patent attorney to clients in accordance with laws and regulations.

(5) The restrictions referred to in Paragraph four of this Section shall also protect the employees working under management of a professional patent attorney insofar as their obligations and activities are directly related to the services provided by the professional patent attorney.

(6) The services of a professional patent attorney shall not constitute unlawful acts in the interests of a client, as well as activity for the promotion of an unlawful offence of a client.

(7) The obligation to maintain professional secrecy shall not apply to a compensation received by a professional patent attorney for his or her services.

**Section 129. Economic Activity of Professional Patent Attorneys**

(1) A professional patent attorney shall, while carrying out his or her economic activity, provide information on it and offer his or her services so as not to mislead on the nature and substance of activities and services of the professional patent attorney. These requirements shall also apply to the selection of a firm name of the merchant, if a professional patent attorney conducts commercial activity.

(2) A professional patent attorney shall agree with the client on provision of services, undertaking of representation, and the amount of compensation.

(3) A professional patent attorney shall conduct all the cases of his or her clients and the record keeping at his or her place of practice.

**Section 130. Civil Liability of Professional Patent Attorneys**

(1) A professional patent attorney shall be responsible for the violation of the rights, harm and damage that has been caused due to his or her fault to a person whom he or she represents or to whom he or she has provided a service, as well as in cases when violation of the rights, harm or damage has been caused due to the fault of an employee working under management of the professional patent attorney who has performed the assigned work obligations.

(2) A professional patent attorney or a merchant who employs him or her shall insure civil liability of the professional patent attorney (risk of possible loss as a result of professional activity) before the professional patent attorney commences his or her professional activity in this field, and shall maintain the insurance contract constantly throughout the time of his or her professional activity.

(3) The minimum amount of insurance of civil liability of a professional patent attorney in case of an individual insurance contract shall be 100 minimum monthly wages specified in Latvia in the respective period. If the insurance contract is entered into by a merchant who employs two or more professional patent attorneys (group insurance contract), the minimum amount of insurance shall be 200 minimum monthly wages specified in Latvia in the respective period.

(4) In case of setting in of the circumstances referred to in Paragraph one of this Section, the liability of the professional patent attorney shall be limited to the amount of insurance of civil liability determined in the insurance contract, and it shall not be less than that laid down in Paragraph three of this Section.

**Section 131. Ethics of Professional Patent Attorneys**

(1) The Association of Patent Attorneys shall develop rules of professional ethics binding to all professional patent attorneys.

(2) The Association of Patent Attorneys shall assess the conformity with the rules of professional ethics in the activity of professional patent attorneys in the following cases:

1) upon a proposal of the director of the Patent Office;

2) due to a complaint received;

3) upon its own initiative.

(3) The Association of Patent Attorneys shall communicate its assessment to the submitter of the complaint and it may initiate a disciplinary matter against the professional patent attorney.

**Section 132. Disciplinary Matters of Professional Patent Attorneys**

(1) The Association of Patent Attorneys may initiate a disciplinary matter against a professional patent attorney upon its own initiative or upon a proposal of the director of the Patent Office if the following has been violated:

1) laws and regulations;

2) articles of association of the Association of Patent Attorneys;

3) rules of professional ethics.

(2) Disciplinary matters of professional patent attorneys shall be examined by the commission of disciplinary matters which is set up for the adjudication of the particular violation.

(3) Disciplinary matters of professional patent attorneys shall be examined, disciplinary violations shall be established and disciplinary sanctions shall be imposed in accordance with the procedures laid down in the articles of association of the Association of Patent Attorneys.

(4) After examination of a disciplinary matter, the commission of disciplinary matters shall take the decision to terminate the disciplinary matter or to impose a disciplinary sanction on the professional patent attorney.

**Section 133. Disciplinary Sanctions**

(1) The commission of disciplinary matters is entitled to impose the following disciplinary sanctions:

1) issue a reproof;

2) issue a reprimand;

3) remove from the List of Professional Patent Attorneys.

(2) Based on the decision referred to in Paragraph one, Clause 3 of this Section, a person shall be removed from the List of Professional Patent Attorneys by the director of the Patent Office.

(3) A disciplinary sanction – removal from the List of Professional Patent Attorneys – may be imposed:

1) for intentional violation of legal acts or for gross violation of the rules of professional ethics if a significant harm has been caused to the rights or interests of a client or to dignity or honour of the patent attorney;

2) if the disciplinary sanction is imposed repeatedly.

**Section 134. Suspension of the Professional Activity and Suspension from the Fulfilment of the Obligations of a Professional Patent Attorney**

(1) The director of the Patent Office is entitled, with a respective order, to suspend the professional activity of a professional patent attorney for the period while the patent attorney fulfils the obligations of a public official, is elected to a State or local government authority, political party, alliance of political parties, or in any other situation where a conflict of interest is possible, or upon request of the professional patent attorney during a training period, long-term disease, and in other cases.

(11) If the term of the civil liability insurance contract of the professional patent attorney has expired and the Patent Office has not received a copy of the civil liability insurance contract and a written submission for the entry of the details in the list within one month from the expiry of the term of the contract, the director of the Patent Office is entitled to suspend the professional activity of the professional patent attorney until receipt of the submission and the copy of the insurance contract.

(2) The director of the Patent Office is entitled to suspend a professional patent attorney from the fulfilment of the obligation for the duration of the examination of a disciplinary matter, if during this period the fulfilment of the obligations of the patent attorney may harm the interests of clients or dignity and honour of the professional patent attorney.

(3) After receipt of the written information of the person directing the proceedings, the director of the Patent Office may, for the duration of pre-trial criminal proceedings and proceedings in a criminal case, suspend from the fulfilment of obligations such professional patent attorney who is suspected or accused of committing an intentional criminal offence or on whom prohibition from a specific employment has been imposed as a security measure in accordance with the procedures laid down in the Criminal Procedure Law.

[*9 February 2023*]

**Section 135. Removal from the List of Professional Patent Attorneys**

(1) A professional patent attorney with an order of the director of the Patent Office shall be removed from the List of Professional Patent Attorneys:

1) if he or she has submitted a respective written request;

2) if he or she no longer is a citizen of Latvia or another European Union Member State;

3) if the court has established trusteeship over him or her;

4) if his or her address of correspondence no longer conforms to the requirements of Section 121, Paragraph two, Clause 7 of this Law;

5) if he or she has been deprived of the rights to act as a professional patent attorney under a court judgment or other restrictions have been imposed that prevent the fulfilment of professional duties;

6) according to a decision of the commission of disciplinary matters;

7) if he or she has falsely stated the information referred to in Section 121, Paragraph two, Clause 1, 2, 3, 4 or 6 or in Section 122 of this Law;

8) if he or she is dead or declared missing.

(2) A person who has been removed from the List of Professional Patent Attorneys in accordance with the provisions of Paragraph one, Clause 1, 2, 3 or 4 of this Section, may request to renew him or her in the list if the reasons for the removal of the person have been eliminated. Such person must take the qualification examination of professional patent attorneys if interruption in his or her professional activity has been four years or more.

(3) A person who has been removed from the List of Professional Patent Attorneys in accordance with the provisions of Paragraph one, Clause 5, 6, or 7 of this Section may request to renew him or her in the list not earlier than four years after day of removal, if the reasons for the removal of the person have been eliminated and if his or her non-conformity to the requirements of Section 121, Paragraph two, Clause 1, 2, 3, 4, or 6 or Section 122 of this Law has been eliminated (if necessary), as well as the qualification examination of professional patent attorneys has been passed. If the person has been repeatedly removed from the List of Professional Patent Attorneys due to the abovementioned reasons, he or she shall not be renewed in the List of Professional Patent Attorneys.

**Section 136. Activities of Professional Patent Attorneys of the European Union Member States and Countries of the European Economic Area in Latvia**

(1) If a patent attorney of a European Union Member State or a country of the European Economic Area submits a respective request and documents confirming his or her rights to act as a professional patent attorney in another European Union Member State or country of the European Economic Area in accordance with the laws and regulations of this country, the Director of the Patent Office shall include this person in a separate section of the List of Professional Patent Attorneys, granting him or her the rights to temporary professional activity in Latvia. The rights to temporary professional activity in Latvia shall be granted for six months, provided that the person undertakes to ensure professional cooperation with the Patent Office, the Board of Appeal, courts, and other authorities in the official language, has insured civil liability of the patent attorney, and indicates an address for correspondence in Latvia.

(2) The director of the Patent Office may extend the rights of a professional patent attorney of a European Union Member State or a country of the European Economic Area for temporary professional activity in Latvia every time for six months if the person submits a respective request and documents confirming that he or she has insured civil liability of the patent attorney and is carrying out professional activity in the field of the protection of industrial property in Latvia. The Patent Office shall take a decision in this issue by hearing the point of view of the commission of qualification examination of professional patent attorneys. This commission is entitled to request oral or written explanations from the patent attorney regarding his or her activity for the preparation of its opinion.

(3) If the commission of qualification examination of professional patent attorneys recognises that a patent attorney of a European Union Member State or a country of the European Economic Area has sufficient proficiency in the official language and knowledge of the Latvian legal acts needed for professional activity and that his or her professional qualification corresponds to permanent activity in Latvia in the respective specialisation (Section 124), and that he or she has presented the civil liability insurance contract of the patent attorney, the patent attorney shall be included in the List of Professional Patent Attorneys and shall have the same rights and obligations as a Latvian professional patent attorney.

[*9 February 2023*]

**Transitional Provisions**

1. If a particular activity in the registration or post-registration procedure in the Patent Office has been commenced before coming into force of this Law, the provisions that were in force on the day when this activity was initiated shall be applied.

2. The composition of the Board of Appeal of the Patent Office which has been approved in accordance with the provisions which were in force prior to the coming into force of this Law shall continue to fulfil its obligations until the day when according to the order of the Cabinet the Industrial Property Board of Appeal commences its work.

3. Notices of appeal and opposition submitted before the day when the Industrial Property Board of Appeal commences its work according to the order of the Cabinet shall be examined, by applying the norms of the Patent Law, the law On Trade Marks and Indications of Geographical Origin, the Law On Designs, and the Law on the Protection of the Topographies of Semiconductor Products, which were in force until 31 December 2015. Upon a request of the parties, the Industrial Property Board of Appeal may examine a notice of appeal or notice of opposition submitted before commencing its work in accordance with the procedures laid down in this Law.

4. The fee for submitting a notice of appeal or notice of opposition which has been submitted after 1 January 2016 shall be paid according to the price list of the paid services of the Board of Appeal.

5. A participant to a case of appeal or opposition shall apply to the court against a decision of the Board of Appeal of the Patent Office which has been taken after 1 January 2016 in accordance with the procedures laid down in this Law and the Civil Procedure Law.

6. Persons whose data have been included in the Register of Professional Patent Attorneys of the Patent Office before coming into force of this Law and who have not been removed from this Register shall be included in the List of Professional Patent Attorneys under the same specialisation, if they submit a respective written request and documents proving that the person conforms to the provisions of Section 121, Paragraph two, Clauses 1, 6, and 7 of this Law to the director of the Patent Office within six months after coming into force of this Law.

This Law shall come into force on 1 January 2016.

This Law has been adopted by the *Saeima* on 18 June 2015.

President A. Bērziņš

Rīga, 2 July 2015