Republic of Latvia

Cabinet

Regulation No. 720

Adopted 15 December 2015

**By-laws of the Patent Office**

*Issued pursuant to*

*Section 16, Paragraph one of the State Administration Structure Law*

**I. General Provisions**

1. The Patent Office is an institution of direct administration under the supervision of the Minister for Justice.

2. The aim of operation of the Patent Office is to implement the national policy in the field of the legal protection of industrial property, in particular inventions, trade marks, designs, and topographies of semiconductor products.

**II. Functions, Tasks, and Competence of the Patent Office**

3. The Patent Office shall have the following functions:

3.1. to register the objects of industrial property, i.e. invention patents (including supplementary protection certificates for medicinal products and plant protection products), trade marks, designs, and topographies of semiconductor products, and to maintain the relevant registers, and also to provide other services related to the industrial property;

3.2. to promote awareness in the country and public of the protection of industrial property and strengthen the value thereof;

3.3. to perform the functions of the State industrial property institution provided for in international treaties binding on Latvia;

3.4. to create a specialised collection of information and to provide information services in the field of the protection of industrial property rights.

4. To ensure the performance of functions, the Patent Office shall carry out the following tasks:

4.1. accept and examine applications of legal and natural persons for the legal protection of inventions, trade marks, designs, and topographies of semiconductor products;

4.2. maintain the Patent Register (which also includes the supplementary protection certificates for medicinal products and plant protection products), the Register of Trade Marks, the Register of Designs, and the Register of Topographies of Semiconductor Products;

4.3. compile and publish the Official Gazette of the Patent Office;

4.4. inform the public, organise events and training sessions to raise public awareness of the benefits provided by the protection of industrial property;

4.5. take measures to strengthen the value of industrial property;

4.6. maintain and supplement the collection of industrial property information, aggregate information, and create online and local information resources;

4.7. organise the certification of professional patent attorneys and manage their list;

4.8. ensure the organisational and administrative activities of the Industrial Property Board of Appeal;

4.9. according to its competence, ensure the fulfilment of international treaties binding on Latvia and represent the Republic of Latvia in international organisations and events;

4.10. according to its competence, participate in the development of draft laws and regulations and the provision of opinions on draft laws and regulations prepared by other authorities;

4.11. provide paid services and carry out other tasks specified in laws and regulations.

5. According to its competence, the Patent Office has the following rights:

5.1. to provide proposals for the development of draft laws and regulations governing the field and draft development planning documents;

5.2. to issue administrative acts in the cases specified by the external laws and regulations;

5.3. in the cases specified in the external laws and regulations, to request and receive free of charge the information and documents necessary for the performance of the institution’s tasks;

5.4. to establish councils, commissions, and working groups that include specialists from other State administration institutions and also associations and foundations (upon agreement with the management of the respective authorities);

5.5. according to its competence, to cooperate and enter into cooperation agreements with foreign institutions, intergovernmental or international organisations, participate in the events organised by international organisations, and coordinate international cooperation;

5.6. to cooperate and enter into agreements in the field of public services with natural and legal persons;

5.7. to exercise other rights specified by laws and regulations.

**III. Structure and Officials of the Patent Office**

6. Work of the Patent Office shall be managed by the Director of the Patent Office (hereinafter – the Director). The Director may have deputies.

7. The Director shall perform the functions of the head of an institution of direct administration laid down in the State Administration Structure Law.

8. The Director shall determine the structure of the Patent Office and the functions and subordination of each unit.

**IV. Ensuring the Rule of Law of the Operation of the Patent Office**

9. The rule of law of the operation of the Patent Office shall be ensured by the Director. The Director shall be responsible for the establishment and operation of the system for the internal control and verification of the governance decisions of the Patent Office.

10. An administrative act issued by an employee of the Patent Office or his or her actual actions may be contested by submitting a relevant submission to the Director (except for the cases specified in the Law on Industrial Property Institutions and Procedures, the Patent Law, the law On Trade Marks and Indications of Geographical Location, the Law on Designs, and the Law on the Protection of Topographies of Semiconductor Products which can be contested before the Industrial Property Board of Appeal or court). Decisions of the Director may be appealed before a court.

11. Administrative acts issued by the Director and his or her actual actions may be contested before the Ministry of Justice. The decision of the Ministry of Justice may be appealed before a court.

**V. Financing and Reporting of the Patent Office**

12. Operations of the Patent Office shall be financed from its own revenues generated from the provided paid services, other own revenues, financial allocations from international organisations, foreign financial assistance, donations, gifts, and grants from general revenues allocated for the performance of individual tasks of the State administration.

13. The Patent Office shall, once a year, prepare and submit to the Ministry of Justice a report on operations thereof and information on the use of financial resources.

**VI. Closing Provisions**

14. Cabinet Regulation No. 952 of 23 November 2004, By-laws of the Patent Office (*Latvijas Vēstnesis*, 2004, No. 189; 2005, No. 138), is repealed.

15. The Regulation shall come into force on 1 January 2016.

Prime Minister Laimdota Straujuma

Minister for Justice Dzintars Rasnačs