

Dear Sir or Madam,

With reference to document C. 8664 dated April 7,2017, requesting submission of comments on areas of Convergence, the State Patent Bureau of the Republic of Lithuania provides the following:

### **1. Notion of country name**

As long as the sign is not misleading the public on the nature, quality or geographical origin of the goods or services, there is no general exclusion to refuse the registration of a sign on the grounds that it contains a country name. However, if the sign consists of the official or traditional (abbreviated) state name of the Republic of Lithuania, a special permission must be obtained from the competent authority – the Minister of Justice of the Republic of Lithuania.

### **2. Non-registrable if considered descriptive**

If the sign is devoid of any distinctive character or it consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of the production of the goods or of rendering of the service, the mode of production or other characteristics of the goods and/or services, it shall not be recognized as a mark, which *inter alia* may cover country names.

### **3. Non-registrable if considered misleading, deceptive or false**

Registration of signs containing country names may be prohibited according to article 6.1 (5) of the Trademark Law of the Republic of Lithuania which prohibits the registration of a sign if the sign is of such a nature as to mislead the public, for instance, as to the nature, quality or geographical origin of the goods and/or services.

### **4. Consideration of other elements of the mark**

Given that the country's name is descriptive, other elements of the sign may provide it with distinctive features or a distinctive feature may form from the sign as a whole.

### **5. Invalidation and opposition procedures**

The Republic of Lithuania applies a system of post-registration opposition, which also applies to marks covered in possible areas of convergence No. 2, 3 and 4. Within a period of three months from the publication of the registration of the mark, any interested person may file opposition on the grounds covered by article 6 and 7 of the Trademark Law (absolute and relative grounds) to the Appeals Division of the State Patent Bureau of the Republic of Lithuania. At the moment registrations may only be invalidated by courts, but the administrative procedure for invalidation is expected to be introduced in 2019.

### **6. Use as a mark**

The Trademark Law of the Republic of Lithuania does not contain any specific prohibition preventing the use of trademarks if such use is likely to deceive the public, for instance as to the nature, quality or geographical origin of the goods or services. However, such activity may fall under Article 15.1 of the Unfair Competition Act of the Republic of Lithuania, prohibiting from performing any actions contrary to fair business and good usages.

Sincerely

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