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Welcome to our first issue of Intellectual Property Baltic Legal Update. The launch of this Update was inspired by the increasing need for legal services in intellectual property: protecting trademark proprietorship rights, drafting licensing agreements, registering and transferring domain names, and litigation in these fields. I sincerely hope that this Update will be of interest, and that you will find the information useful.

Special thanks to editor Vyte Danileviciute and authors Ieva Berzina-Andersone, Triin Toomemets, and Goda Deltuvaite.

Renata Berzanskiene  
Chairman of IT, Telecommunications and IP pan-Baltic service line

#### EU NEWS

##### Steps forward to the European Patent System improvement

On 03.04.2007 the European Commission published a Communication for enhancing the patent system in Europe. The Communication aims to revive discussion on the Community patent, to improve the existing patent litigation system, while also discussing several supporting measures for a well-functioning patent system.

The current European patent system is far from satisfactory. No unified Community patent exists (in contrast to the Community trademark), so that patent applications have to be filed either in each Member State individually or by using the European patent system in accordance with the European Patent Convention (EPC). However, the European patent, once granted by the European Patent Office, becomes a national patent in countries to which it applies, and is subject to the national rules of contracting EPC states as designated in the application. Thus, it is more like a bundle of national patents rather than a single pan-European patent. Moreover, its costs are prohibitively high: a European patent designating 13 countries is 11 times more expensive than a US patent and 13 times more expensive than a Japanese patent.

Another difficulty concerns the existing system of EU patent litigation. Claimants and defendants bear the risk of multiple patent litigation in several countries on the same patent issue. To enforce a European patent granted for several countries, the patent owner might have to

sue a potential infringer either according to its domicile, or to initiate several parallel legal actions before different national courts. This leads to unnecessary costs for all parties involved and causes lack of legal certainty.

These difficulties in relation to patents, and especially the need to develop a Community patent, led the Commission in 2006 to begin consultation with all interested parties on the future patent system. The results revealed an urgent need for action to provide a simple, cost-effective, high-quality patent system in Europe.

The current Communication includes conclusions from stakeholder consultation in 2006 and urges the European Council to launch deliberations on the Community patent and integrated jurisdictional arrangements.

As regards unified jurisdictional arrangements, the Communication stresses that discussions with Member States have revealed different opinions on the best way forward. As a result, two contradictory proposals have emerged:

##### *European Patent Litigation Agreement (EPLA)*

Some Member States support the draft EPLA developed in the context of the EPC, which proposes creation of a new international judicial body – the European Patent Judiciary, including a Court of First Instance, a Court of Appeal, and a Registry. This envisages that regional divisions of the Court of First Instance would be located in contracting states.

#### EU

**Steps forward to the European Patent System improvement**

#### Estonia

**Penalties for IP-related offences changed**

#### Latvia

**New Patent Law enhances the patent protection in line with international requirements**

#### Lithuania

**EU legislation on copyright and related rights implemented in national laws**

#### Sorainen Law Offices

**Assisting in disputes and infringement claims on trademark securitization**

The European Patent Judiciary would have jurisdiction for infringement actions and claims or counterclaims for revocation of a European patent. The official languages would be English, French, and German.

However, other Member States consider that such a new jurisdiction parallel to Community jurisdiction would risk creating inconsistencies, complications, and duplication in case of creation of a Community patent.

#### *Community jurisdiction for European and Community Patents*

Other Member States favour establishing specific Community jurisdiction for litigation on European patents according to the EPC and future Community patents. In this system, Community judges would apply both Community law and the EPC. To implement such a system, an international agreement involving the Community would be needed, to confer competence on Community judicature over European patents.

However, opponents of this proposal doubt its practical workability as well as difficulty in involving both technically and legally trained judges.

#### *The Commission's Compromise*

Taking into account both opinions, the Commission Communication proposes an integrated approach, combining elements of both EPLA and Community jurisdiction. The plan envisaged would be to create a unified and specialised patent judiciary with competence for litigation on European patents and future Community patents. The judiciary would have competence for infringement and validity actions, as well as related claims, such as damages. This system could be inspired by the EPLA model but could allow for integration in Community jurisdiction. It would comprise a certain number of first instance chambers as well as a fully centralised appeal court, ensuring uniformity of interpretation. This patent jurisdiction would also respect the European Court of Justice as the final arbiter in matters of EU law.

The Communication notes that many stakeholders might support the Community patent as the approach that will promote maximum added value for European industry under the Lisbon strategy. However, a critique of the Council's Common Political Approach (2003) on this topic has been raised on the grounds of high translation costs and excessive centralisation of the proposed jurisdictional system.

Nevertheless, the Commission argues that a truly competitive and attractive Community patent can be achieved. Objections about an overly centralised jurisdiction would be taken into account when creating an integrated EU-wide jurisdiction for patents. Regarding translation, the Commission will explore

with Member States how to improve the language regime in order to reduce translation costs while increasing legal certainty.

Besides jurisdictional issues and the Community patent, the Communication also addresses various supporting measures for an improved patent system. These include patent quality, costs, support for small and medium size enterprises, knowledge transfer, and enforcement issues.

The Commission plans to publish a separate and comprehensive Communication on Intellectual Property Rights in 2008. This would complement the Patent Communication and address outstanding non-legislative and horizontal issues in all fields of intellectual property.

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## THE BALTIC STATES

### ESTONIA

#### **Penalties for IP-related offences changed**

On 15.03.2007, a new law entered into force amending penalties for intellectual property offences.

Until adoption of the amendment, the law prescribed a minimum three-year prison sentence for each infringement of moral or economic rights of an author, regardless of the nature of the infringement or the extent of damage caused by the infringement.

Although infringement of copyright and other intellectual property rights is no less dangerous than any other attack directed at property, it is nevertheless considered less dangerous without requiring the need to declare every infringement a crime.

This is why these amendments now qualify infringement of authors' moral and economic rights as a misdemeanour in the Copyright Act and in other special acts regulating intellectual property (e.g. Patent Act, Utility Model Act, Layout Designs of Integrated Circuits Act) whereas only the most serious infringements have been criminalised and thus set out as crimes in the Penal Code. The following infringements now qualify as crimes: plagiarism, piracy (manufacturing a pirated copy, directing it towards the general public and trading with it), unlawfully directing a work or performance to the general public, removing a technical device that prevents violation of copyright and neighbouring rights as well as possession of unlawfully reproduced computer programs for commercial purposes.

The amendment also abolishes the requirement for a previous misdemeanour as a pre-requisite for punishing a person under penal law for certain crimes such

as trading with pirated copy or counterfeit goods, the purpose of which is clearly commercial per se. In other words, these actions would be punishable even as first-time offences.

Notably, in connection with review of punishments for offences in the sphere of economic activities (including intellectual property-related offences), the maximum fine for legal persons committing a misdemeanour in the same sphere is increased from EEK 50, 000 to EEK 500, 000. The reasoning behind the increase in fine is based on its general dissuasive effect, which should make committing this type of misdemeanour less attractive.

Before adopting the amendment, the Parliament considered penalising possession of unlawfully reproduced computer programs per se. This directly relates to use of file-sharing programs. However, the Parliament finally decided to penalise possession of these programs only if possession is for a commercial purpose.

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#### **Registration of .ee domains to be liberalized**

The Estonian Institute of Chemical and Biological Physics is the official administrator of the country code top-level domain .ee (*ccTLD .ee*). The Institute has delegated technical administration work in relation to *ccTLD .ee* domains to the Estonian Educational and Research Network (EENet). EENet is a governmental non-profit organization established in August 1993 by the Estonian Ministry of Education with the task of managing, coordinating, and developing the computer network of science, education, and culture. EENet has adopted official regulations for registration of *ccTLD .ee* domains (the Regulations). Currently, the 2001 amended version of the Regulations 2001 applies.

The Regulations have been subject to heavy criticism over the years. In particular, they are seen as too conservative, thus not meeting the actual commercial needs of local and global markets. The main problems have to do with the fact that domain registration under .ee is currently open only to institutions registered in Estonia, including branches of foreign companies registered in Estonia. The requirement of registration in Estonia applies to registrations under both .ee as well as .com.ee. Natural persons may not register a domain directly under .ee because registrations for natural persons are only available under .pri.ee. Furthermore, only one .ee domain can be registered per entity.

Due to these issues, the official administrator announced in December 2006 that the Regulations would be

thoroughly reformed in 2007. The most important amendments will be as follows:

- *ccTLD.ee* domains will also be available for registration by foreign entities, i.e. the requirement of registration in Estonia will be abolished.

- Natural persons may register a domain directly under *.ee*, which means the requirement to register domains of natural persons under *.pri.ee* will be removed.

- An entity may hold more than one *.ee* domain registration.

- Holding a *.ee* domain registration will be subject to payment of an annual fee, not exceeding EUR 25 per annum.

- *ccTLD .ee* administration will be based on the system of one central register and a number of accredited registrars. This means that those interested in registering an *.ee* domain will not apply for registration directly through the central register but will do so through an authorised registrar (e.g., an ISP).

Before the amended Regulations enter into force, a three-month transitional period will first be introduced. However, the official timeline for adoption and entry into force of the amended Regulations is yet to be made public by the official administrator.

Meanwhile, *.ee* domain registrations will have to be carried out under the existing rules. Therefore, it is worth mentioning that Sorainen Law Offices has reached an in-principle agreement with the official administrator of *.ee* domains that allows us to register and hold *.ee* domains for our foreign clients. The pre-requisite here is to demonstrate to the administrator that the client has a legitimate interest in the *.ee* domain name, such as a trademark, business name, trade name, use of a similar domain in other countries. If the legitimate interest of the client is sufficiently established, the administrator will allow registration in the name of our law office by granting our office the right to register an additional domain name. Sorainen Law Offices would apply for and hold the domain registration for the client based on a domain trust agreement concluded between the office and the client.

This arrangement is especially useful in situations where a foreign trademark proprietor has reached a settlement or won a court case against an Estonian using the trademark in its *.ee* domain without consent of the proprietor, and where the domain registrations need to be transferred from the offender to the trademark proprietor.

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## LATVIA

### New Patent Law enhances the patent protection in line with international requirements

On 01.03.2007 a new Patent Law came into force in Latvia, replacing the previous Patent Law, in force from 20.04.1995.

The new law makes the terminology more precise, as the previous Patent Law had gone through several amendments, which made its whole structure somewhat complicated. The clarified terminology includes a definition of 'novelty', one of the criteria for a patentable innovation. Now the definition has been brought in line with the European Patent Convention.

Other reasons for adopting the new law include requirements for proper implementation of EC law, as well as addressing obligations arising from international patent agreements. Although most requirements of EU directives had already been implemented in the old law, EU directive 98/44/EEC on legal protection of biotechnological inventions has been made more precise in the new law. For example, a definition of 'biotechnological invention' is now provided, resembling the definition included in the directive. In addition, the new law explains what inventions may be qualified as biotechnological inventions for the purposes of grant of patent. Further, the new law implements EU directive 2004/48/EC on enforcement of intellectual property rights.

With respect to international treaties, on 01.07.2005 Latvia joined the European Patent Convention of 1973, so that the new law needed to provide a clear procedure for patent applications under the convention. According to the new law, a European patent application may be submitted directly to the Latvian Patent Authority, whereas the old law required that an application be filed in Munich (Germany). Additionally, the new law addresses the 2000 amendments to the European Patent Convention, as well as the London Agreement of 17.10.2000 on application of Article 65 of the European Patent Convention.

On the basis of the new law, new regulations of the Cabinet of Ministers on the amount of administrative fees for grant of patent also have to be adopted. This is due to occur by 01.09.2007. Until then, current regulations No.309 as of 18.08.1998 are in force.

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### Amendments to several laws improve the enforcement of Intellectual Property rights

On 01.03.2007 important amendments to all laws governing intellectual property matters came into force, implementing EU

Directive 2004/48/EC on enforcement of intellectual property (IP) rights.

The amended laws are: the Copyright Law, the Law on Trademarks and Geographical Indications, the Law on Protection of Topographies of Semiconductor Products, the Law on Designs, and the Civil Procedure Law. In addition, the requirements of the Directive are also included in the new Patent Law.

The amendments provide additional protection to IP rights owners with respect to infringement of IP rights, such as ensuring the right to information, rights to evidence and preserving evidence, provisional and precautionary measures, corrective measures, compensation by way of damages, and legal costs.

An important amendment provides that now the owner of IP rights will also be entitled to claim compensation for moral damage. Before the amendments, it was possible to claim only compensation for losses. In addition, with respect to compensation of losses, the amendments state that if the precise amount of loss is impossible to calculate, then losses are measured taking into account the amount which the IP rights owner would be entitled to receive if licensing the respective rights under market conditions.

The most important amendments are included in the Civil Procedure Law, which substantially improves the system for owners of IP rights to protect their rights. They have the right to information, including the right to request information on the origin of potentially infringing goods, even before raising a claim. If it is necessary to collect evidence on infringing goods or activities, an owner of IP rights may request the court to decide on preserving evidence before raising a claim, including questioning witnesses and making an expertise. It is also possible to request interim measures, such as seizure of potentially infringing goods and a ban on continuing marketing and trade in them. Before adoption of the amendments, it was highly complicated to obtain these interim measures with respect to intangible property such as IP rights.

In general, it is expected that the amendments will significantly improve enforcement of IP rights in Latvia.

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### The Court highlights the photographer's rights to his photos

The Supreme Court Senate of the Republic of Latvia adopted an interesting judgment on the copyright of a photographer (judgment in case No.SKC-266 as of 19.04.2006). The case involved a photographer who had brought a claim against a dairy company, which had used

a photograph, taken by him in 1956, for the design of its cheese package. The photographer had never licensed the company to use the photograph. The lower court instance satisfied the claim and awarded damages to the photographer against the company. The judgment was appealed to the Supreme Court Senate.

The dairy company argued that the lower court instance had not considered whether a photograph may be considered a work subject to copyright within the understanding of the Copyright Law. The Copyright Law defines that a work is the result of the author's creative activity. However, the court did not evaluate the level of creativity in the photograph. The company believed that the photograph is a simple family-style snapshot in the background of scenery, thus not deserving the status of a work according to the Copyright Law. Moreover, the scenery depicted in the photography was a natural monument (the Staburags cliff, now flooded by a hydropower station basin) so that the company believed a picture of such a monument may not be covered by the Copyright Law.

The Senate rejected the appeal and pointed out that the very fact of the existence of the photograph proves that creative activity had taken place. No set standards exist for creative activity of an author, so that any photograph taken by any author is considered a work within the meaning of the Copyright Law. Additionally, the fact that the photograph depicts a famous object does not limit the rights of the author. Thus, permission of the author is necessary for the use of any photography.

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## LITHUANIA

### Stricter requirements for use of the word "Lithuania" in company names established

On 27.12.2006 the Lithuanian Government adopted an amendment to the Resolution on Approval of Rules for Granting Permission to Use the Name of Lithuania in the Name of a Legal Entity, Subsidiary, or Representative Office. One of the main amendments establishes that legal entities will be allowed to use the name of Lithuania (lith. "Lietuva" or "Lietuvos Respublika") in their names only in the Lithuanian language. Furthermore, the amendments provide that where permission to use the name of Lithuania in the name of a foreign entity's subsidiary or representative office is granted based on the latter's identification, the commission that grants permission to use the name of Lithuania assesses whether the foreign legal entity is well-known and complies with identification criteria.

The amendments further introduce more detailed requirements to be complied with and documents that must be submitted by a legal entity applying to use the name of Lithuania in its name.

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### EU legislation on copyright and related rights implemented in national laws

On 12.09.2006 the Lithuanian Parliament adopted an amendment and addendum to the Law on Copyright and Related Rights. The amendment implements Directive 2001/84/EC on the resale right for the benefit of the author of an original work of art and Directive 2004/48/EC on enforcement of intellectual property rights.

In view of Directive 2001/84/EC, Article 17 of the Law on Copyright and Related Rights, regulating the resale of fine art and original manuscripts, was amended. First of all, Article 17 now enables authors to receive royalty from resale of copies of fine art certified by the author. Further, the amended Article introduces a more detailed order of estimation and payment of royalty. Royalty must be paid if the resale price amounts to or exceeds EUR 300. Royalty rates vary from 0.25 % to 5 % depending on the resale price; nonetheless, royalty paid for one work may not exceed EUR 12,500.

Section VI of the Law on Copyright and Related Rights regulating enforcement of rights was amended with respect to Directive 2004/48/EC. Under the amendment, licensees of exclusive rights may now bring a court action to enforce their rights, with the aim of protecting rights assigned to them. Further, the amendment introduces more detailed provisions on sufficiency of evidence, measures for preserving evidence, and applying interim measures. New corrective measures are introduced. These include recall or removal from channels of commerce of goods, copies of works, or other objects that infringe copyright, related rights or sui generis rights, or destruction of copies and goods which the court has found to infringe these rights, along with materials and implements used in creating or manufacturing these objects.

Furthermore, instead of requesting compensation of damages (losses), right holders are entitled (i) to request compensation in the amount of up to 1,000 minimum living standards (currently up to app. EUR 37,650) or (ii) royalties or fees which would have been due if the infringer had requested authorisation to use the works or other objects (where the infringer acted intentionally or with negligence – in the amount of up to two such royalties and fees). These provisions aim to dissuade infringers.

In addition, the amendment brings some changes to regulation of copyright and

licensing agreements. These provisions are aimed at stronger protection of authors' rights, especially with respect to transfer of the entirety of one's rights.

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### Comprehensive procedures for registration and maintenance of .lt domains introduced

The official Administrator of the .lt top-level domain is the Information Technology Development Institute at Kaunas University of Technology (ITDI). On 13.03.2007 a Procedural Regulation for the .lt Top-level Domain of ITDI came into force.

The Regulation establishes rules for formation of names, applications, agreements between applicants and the Administrator, payment, suspension, extension, cancellation, transfer, etc. Even though the Regulation does not have significant power in the juridical sense, it introduces quite detailed procedures with respect to registration and maintenance of domain names.

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### Cautionary case law for publishers: copyright protection

On 12.04.2007 the Supreme Court of Lithuania delivered judgment in case No. 3K-3-48/2007 between publishing house "Briedis", M. B., V. J., others and publishing house "Saulabrolis", UAB "Arlila" and S. D. concerning protection of economic and moral rights. The Court noted that evaluating who is responsible for certain infringements involves evaluating actions of all persons related to the infringement, not only those directly engaged in the infringement. In this case the question of liability of a publisher was raised.

The Court pointed out that a publisher is a legal entity directly concerned in its activities with copyright objects and copyright regulations; therefore, it is subject to higher requirements of care, caution, and compliance with legal regulations. Consequently, before publishing a text a publisher must ensure that the person submitting the text for publication has valid legal rights to it. In this case, an agreement between the publisher and the person who submitted the text for publication contained a waiver clause stating that the person who submitted the text for publishing guarantees its authenticity and is fully liable for possible infringements of third party rights. Nonetheless, the Court was of the opinion that despite such waiver, actions of publishers have to be evaluated on a case-by-case basis, and in the present case the publisher was also found liable of copyright infringement.

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## Current debates: harmonization of copyright and related rights in the information society

Although the Directive on harmonization of certain actions of copyright and related rights in the information society (the Directive) was adopted in 2001, relevant and substantial questions related to regulation of copyright limitations still occur. The essential feature of the Directive that causes most confusion in regulation is that only one compulsory limitation has to be transferred to national legislation. The compulsory limitation of the Directive relates to temporary reproduction of a work when such reproduction is an integral and essential part of a technological process and whose sole purpose is to enable efficient transmission in a network between third persons by an intermediary. Unfortunately, all the other limitations relevant for daily use of works protected by copyright are left for the discretion of Member States. Considering the possibility to make their own choice, Lithuania, Latvia, and Estonia adopted different regulations implementing the Directive.

Recently in Lithuania several new drafts of the Law on Copyright and Related Rights have been adopted.

The first draft of the Law on Copyright and Related Rights relates to the limitation concerning reproduction of works for teaching and scientific research purposes. The draft proposes that all educational institutions would be entitled to use a work for educational and research purposes not only by way of reproduction, but also by way of public performance without authorisation of the author and without remuneration.

Such regulation appears to be too broad, exceeding educational and scientific research purposes. Even if entrance to concerts and other performances is free of charge, this does not justify use of work without the author's authorisation and remuneration. According to national legislation and international legal acts, all authors have an exceptional right to allow or prohibit public performance of their works and to receive appropriate remuneration. It is thus authors' exceptional privilege to choose whether to grant the right to perform their work publicly or not, despite the purpose of the public performance. Therefore, even if an educational institution organizes a public performance for educational purposes and does not collect any payment, still the author's permission should be obtained and remuneration paid. By comparison, in Latvia public performance of musical works is included in the limitation for educational and research purposes but is allowed only in the direct teaching process in educational institutions, provided that the auditorium includes only teachers and students, as well as persons directly connected with the education programme.

The second draft of the Law on Copyright and Related Rights relates to public display of works without the author's permission.

The draft proposes allowing public display of works without the author's permission, irrespective of the purpose of the public display, provided that it does not conflict with the rights and lawful interests of the author. However, such an abstract provision appears to conflict with the requirements of the Three-Step-Test implemented in national legislation. An author has a lawful interest in issuing authorisation to display a work or to prohibit it, especially when the work is displayed for commercial purposes. Crucially, the commercial purpose of use may be either direct or indirect. It is not difficult to define indirect commercial purpose. The most vivid example would be when a work is displayed publicly and payment is collected from viewers. However, indirect commercial purpose is much more complicated. Usually it is considered that a work is displayed for commercial purposes if the main activity of the user is commercial. Therefore, if a restaurant owner wants to decorate the walls with pictures protected by copyright, the author's permission must first be obtained. Even though the main activity of the restaurant is to gain commercial benefit from catering services and entertainment and not from displaying pictures, the author's permission has to be obtained.

It is also crucial to stress that copyright limitations not only restrict authors' rights, but also provide society with rights to use works protected by copyright legally and without restriction. Limitations promote dispersal of information, creativity, development of science and research, so that it is vital to ensure that limitations are implemented and applied correctly. Despite problems in applying limitations indicated in international legal acts and implemented in national legislation, at least new drafts of legal acts are under preparation, discussions and debates are under way.

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## A WORD OF ADVICE

### Transfer of domain name

We are noticing a recent increase in the transfer of domain names and in the necessity to acquire them. Currently, we mainly come across two types of "transactions" in practice:

The first type consists of cybersquatters or infringers who register domain names in order to sell them. Prices on the Lithuanian market vary from EUR 1,000 to EUR 30,000. They have no real intention to use the domain name to engage in commercial activity.

The next type consists of previous distributors/agents, who register domain names of the current distributor or producer and the distributor / producer is trying to acquire them.

In order to advise clients on the success of these "acquisitions", we would like to

bullet point the following practical advice. However, this list is not exhaustive and much depends on each individual case because the policy of some international companies is not to buy domain names from cybersquatters or infringers. Our advice is oriented for these clients:

- before starting "negotiations", ask the court bailiff to fix the status of the web page and domain name and fix the fact of the sale (some bailiffs are highly experienced in this field);

- present a claim to the infringer applying trademark protection legislation (optional and not used in the majority of cases);

- present a claim to the court applying trademark protection legislation and ask the court to apply interim measures (e.g., transfer administration of the domain name to the local distributor's office; prohibit transfer of the domain name to third parties).

Notably, relevant Lithuanian regulations do not treat administrative proceedings as a possible measure for protecting a trademark proprietor's rights in this situation. The Procedural Regulation for the .lt Top-level Domain (the Regulation) establishes the "first come, first served" principle. The date and time of receipt of a complete electronic application to register a domain name is the only reference point for setting the preference for use of a particular label in the name of the domain name.

The Regulation does not enable third parties to initiate either proceedings for domain name suspension (restraining domain access and restricting procedures) or proceedings for cancellation (terminating domain name agreement, cancelling domain name and removing the record of it from the database). These may be performed on the initiative of the administrator of .lt address zone (KTU ITPI) or under an act passed by the competent state authority (court). Cancellation proceedings may be initiated by the domain name owner as well.

On the other hand, the Lithuanian Law on Trademarks facilitates protection of a trademark proprietor's rights. Vilnius County Court deals with disputes relating to enforcement of these rights. Trademark proprietors may apply to the court for:

- an injunction to terminate all actions that infringe or may infringe the trademark proprietor's rights,

- reimbursement of losses or damage caused by actions that infringe trademark rights, including lost income and other expenses.

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## NEWS IN SORAINEN LAW OFFICES

### ● Recent deals

#### **Regular advice to Stockmann on trademark registration**

For some years we have been representing Stockmann, a leading department store brand, in registering over 50 new trademarks in Latvia. Most cases were handled by senior associate Brigita Terauda.

#### **Representing Hexal AG in complex patent litigation and dispute in Latvia**

A leading global original drug producer filed suit against Hexal claiming patent violation. We assisted the client in this highly complex litigation, which involved presenting specific evidence and guiding the client through the process of selecting the expert committee. The case resulted in the lifting of a ban imposed on our client on selling and marketing a particular medicine in Latvia. The client was assisted by partner Agris Repss.

#### **Protecting trademark owned by Baltic Latvian Universal Electronics (BLUE)**

Protecting the BLUE trademark owned by a world leader in production of high quality studio microphones. Partner Agris Repss and senior associate Ilze Znotina from Riga office represented the client in this case. The dispute involves multiple civil proceedings in Latvia and the U.S. as well as in the EU patent office in Alicante.

#### **Representing MicRec Publishing in copyright dispute**

Representing Latvian music recording company in copyright dispute against Universal. The case was handled by partner Girts Ruda.

#### **Representing Google Inc in IP dispute**

Representing the owner and operator of one of the most popular Internet search engines in a trademark infringement dispute involving unauthorised use of trademark in ccTLD .ee domain names. Without litigation, we successfully convinced the opponent to give up the domain name registration. The case was handled by senior associate Triin Toomemets from Tallinn office, with partner Agris Repss from Riga office advising the client in the IP dispute concerning the existence of Google's prior rights in certain signs.

#### **Advising Gulf International Lubricants Ltd in trademark infringement claim**

Advising and representing world-renowned manufacturer Gulf

International Lubricants Ltd in a trademark infringement claim against an unauthorised local reseller. In the landmark judgement delivered in this matter, the Estonian Supreme Court recognized for the first time that a trademark proprietor is entitled to prohibit the use of its trademark in a domain name of a third person. The case was handled by senior associate Triin Toomemets.

#### **Successful claim regarding securitization of trademark and domain name owned by Rautaruukki Oyj**

Representing leading Nordic supplier of metal-based components in a Pan-Baltic trademark infringement claim where a local company was using the client's trademark in its business and domain name as well as on its website. We succeeded in securing the claim and enforcing interim measures against the opponent, which is novel practice in the Baltics. The case was handled by senior associates Triin Toomemets, Liudas Ramanauskas, and partner Pekka Puolakka.

#### **Assisting SK Latvia SIA in dispute regarding registration of trademark**

Assisting a leading Latvian publishing house in a dispute with the State Patent Bureau regarding trademark registration. The State Patent Bureau finally decided to register the client's trademark. The case was led by partner Renata Berzanskiene and senior associate Liudas Ramanauskas.

#### **Assisting KEA European Affairs in an EU-wide study of collective management of author's and neighbouring rights**

Assisting KEA European Affairs, a consultancy specialising in EU legal and regulatory affairs and research, in conducting an EU-wide study of collective management of author's and neighbouring rights in Lithuania, Latvia, and Estonia and producing a report containing an overview of the national legal framework and administrative practices as regards collective management of author's and neighbouring rights. The client was advised by partners Renata Berzanskiene and Karin Madison, senior associate Brigita Terauda, and associates Sergejs Trofimovs and Ieva Berzina-Andersone.

#### **Sorainen Law Offices registers two trademarks of Vatchem CM Vatchem Cyprus Ltd**

Partner Renata Berzanskiene of our Vilnius office was involved in providing international drug company Vatchem CM Vatchem Cyprus Ltd with services on registration of two community trademarks in OHIM.

### ● Employees

#### **The team of lawyers administering the publication**

The IP legal update team is headed by partner **Renata Berzanskiene**. She also acts as Pan-Baltic Intellectual Property & IT legal team chair. She is widely regarded as a high-profile litigation expert specialising in litigation and arbitration, intellectual property, IT, and corporate law. At the recommendation of ICC Lithuania, in February 2007 Renata was appointed a member of the ICC Commission on Arbitration. At the end of 2006 the Czech Arbitration Court selected Renata as a panelist for .eu domain name disputes with the Czech Arbitration Court. Renata is a Chambers & Partners highly recommended practitioner in dispute resolution and intellectual property, and is also recommended in employment and general business law. She is also a Practical Law Company recommended practitioner in corporate / M&A.

**Vyte Danileviciute**, a legal assistant at our Vilnius office. Vyte gained good experience in IP law during her internship with the Trademark Department of Fitch, Even, Tabin & Flannery, a law firm engaged in intellectual property counselling since 1859. In addition to intellectual property law, her other main practice areas include company and employment law.

**Ieva Berzina-Andersone** is an associate at Riga office. Her key practice areas are company law, intellectual property law, and IT law. She graduated from the University of Latvia, Faculty of Law. Before joining Sorainen Law Offices in 2005, Ieva worked as a legal counsellor for the National Broadcasting Council of Latvia.

**Triin Toomemets** is senior associate, at our Tallinn office. Her areas of expertise include intellectual property, real estate, and dispute resolution. Ms. Toomemets has advised major international and local companies on IP-related issues such as patents, trademarks, domain names, and has extensive litigation and dispute resolution experience in this field. She holds LL. M from the Central European University in Budapest and is a member of the Estonian Bar Association.