

Dear Madam, Sir,

In response to your letter of April 19, 2013 (No. C.8261), on behalf of the State Patent Bureau of the Republic of Lithuania (SPB), we provide to you with this information.

Exceptions and limitations to patent rights

See the attached document.

Quality of patents

The SPB doesn't participate in any specific work-sharing program, however our experts participate in North and Baltic states patent offices' expert meetings. Also, they communicate with experts from other patent offices via email, if it is necessary regarding foreign applications. Considering that under Lithuanian Patent Law the SPB doesn't conduct search and substantive examination, there is no great demand for closer cooperation.

Confidentiality of communications between clients and their patent advisors

Regarding confidentiality of communications between clients and their patent advisors it should be noted, that activity of the patent advisors (patent attorneys) is regulated in Lithuania by the Regulation of Patent Attorneys, approved by the Order of the Government of the Republic of Lithuania No 362 of May 20, 1992. This Regulation does not provide for any rules regarding confidentiality of communications between clients and patent attorneys. Client and patent attorney may provide for confidentiality rules, e.g. in representation agreement. The SPB does not have any information regarding problems in relation to cross-border aspects of confidentiality of communications between clients and patent advisors. However, in some cases there might be problems with confidentiality of communications when an exaction of documents is addressed to foreign country and question of application of foreign law arises. There are no special remedies for solving problems in relation to confidentiality of communications between clients and their patent attorneys at the national level.

Transfer of technology

According to Lithuanian Patent Law, transfer of the right to a patent application or a patent must be recorded in the Register of Patents of the Republic of Lithuania. (Article 42)
A licensing contract shall have effect vis-a-vis third parties after entry in the Register of Patents of the Republic of Lithuania. (Article 45 (5) of the Patent Law)
According to activity area of the SPB, we are not able to provide any example or experience, or evaluate practice of transfer of technology in Lithuania.

Certain aspects of national/regional patent laws (Revised Annex II of document SCP/12/3 Rev.2: Report on the International Patent System)

Due to changes of the Patent Law, some parts regarding regulation in Lithuania should be changed as follows:

Prior Art

Lithuania:

1. Everything published or publicly used before the filing date (priority date).
2. Contents of Lithuanian patent applications or European patent applications with an earlier filing date (priority date) published on or after that date.

Novelty

Lithuania:

The invention does not form part of the state of the art. The state of the art consists of everything published or publicly used before the filing date (priority date), and the contents of Lithuanian patent applications or European patent applications with an earlier filing date (priority date) published on or after that date.

Grace Period

Lithuania:

Disclosure not to be taken into account in determining patentability if it occurred within six months before the filing date:

- (a) due to an abuse with respect to the inventor or his successor in title;
- (b) by display of the invention by the inventor or his successor in title at an official or officially recognized exhibition.

The burden of proof is on the applicant.

Sincerely

Ieva Katinė (Mrs.)

Law and International Affairs Division

Deputy Head

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