

NJORD Latvia: A New Trademark Law Comes Into Force on March 6, 2020

The Saeima (Latvian parliament), has adopted a new law aimed at regulating legal relations in the field of trademark registration, as well as the use and protection of trademarks and geographical indications.



The law is designed to transpose Directive 2015/2436 of the European Parliament and of the Council on the approximation of the laws of the Member States relating to trademarks.

The new law increases the range of signs that can form trademarks, namely word mark, figurative mark, three-dimensional mark, position mark, ornament mark, color mark, sound mark, motion mark, multimedia mark and holographic mark.

Compared to the previous law, a registered trademark owner will have the right to prevent counterfeit goods from being imported from third countries, even if they are not released for free circulation, unless the declarant proves that the trademark owner does not have the right to prohibit the placing on the market of goods in the country of destination.

Not only natural and legal persons, but also associations of persons will be entitled to trademark owners if they can acquire rights and assuming obligations, including conducting business and being a claimant and defendant.

The new law clearly defines that trademark rights are exclusive property rights which, under the legal regime, are comparable to movable property within the meaning of the Civil Law, so that they may be alienated, pledged and otherwise put into private circulation.

The law also establishes civil liability for trademark infringement by providing that the trademark owner or the licensee may bring an action for infringement, with the permission of the trademark owner or without such permission when trademark owner has not responded to the exclusive licensee a request for legal action. The limitation period for bringing such actions is three years, and there are cases in which a potential claimant is not entitled to bring such an action because of conciliation.



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