



Tax&Legal Highlights

Lithuania

The Supreme Administrative Court of Lithuania allowed ministers to make mistakes

The Supreme Administrative Court of Lithuania delivered the judgment in a landmark case in which Deloitte Legal represented the defended – the ex-minister of the Interior.

The judges have established that the fact that administrative courts have amended and annulled an order regarding the imposition of professional liability on the head of the institution under the Ministry of the Interior, does not constitute a prerequisite for instant liability of the minister of the Interior.

Advocate, Partner-in-Charge of Deloitte Legal Lithuania Gintautas Bartkus notes that the judgment establishes the indicators of the presence or absence of guilt which in their substance resemble the standard of *bonus pater familias*.

The minister may not be guilty, if:

- the decision of the minister was related to the discretionary powers instead of an enforcement of unambiguous requirements of the law;

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- the minister's orders were coordinated with lawyers and other specialists;
- the minister based the decision on conclusions and findings provided by other institutions and committees;
- the minister's actions were not ultra vires;
- the procedural requirements were not breached.

State Data Protection Inspectorate has prepared guidelines on the implementation of appropriate organizational and technical data security measures

State Data Protection Inspectorate has adopted guidelines which will not only help organizations to ensure compliance with the General Data Protection Regulation, but will also aid in preparing for the upcoming inspections by the State Data Protection Inspectorate. Regardless of the size of the organizations or the sector they operate in, it is expected that they will implement the minimum personal data security and privacy requirements set out in the guidelines.

Seimas will review the new draft legislation of the Law on Trade Marks

On November 6, the draft project of the Law on Trade Marks which implements the European Parliament and Council directive (EU) 2015/2436 of 16 December 2015, was submitted to Seimas for revision.

The new regulation on trademarks sets out these changes:

- It is no longer required to depict the trade mark graphically. After new legislation comes into force any form of trade mark will be eligible for registration as long as it is possible to clearly and precisely identify the subject matter of legal protection.
- Third parties may submit to the State Patent Bureau written observations, explaining on which grounds the trade mark should not be registered *ex officio*.
- Establishes grounds for registration of collective marks as well as certification marks.
- Establishes compulsory pre-litigation procedure in the State Patent Bureau.
- Lays down the rights of trade mark proprietors and restrictions to these rights, in relation to customs surveillance measures applied on the infringing goods, in particular in transit.

The Law on Trade Marks comes into force on January 1st, 2019.

Contacts Details

Gintautas Bartkus

Partner, Advocate

Deloitte Legal

Tel: + 370 5 255 3000

Email: gbartkus@deloittece.com

Kristine Jarve

Partner

Tax

Tel: + 370 5 255 3000

Email: kjarve@deloittece.com

Tomas Davidonis

Legal Partner, Advocate

Deloitte Legal

Tel: +370 5 255 3000

Email: tdavidonis@deloittece.com

Lina Minkė

Senior Manager

Tax

Tel: + 370 5 255 3000

Email: lminke@deloittece.com

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