

Questionnaire

*XXIInd Colloquium of the International Academy of Heraldry,
arranged by Societas Heraldica Lundensis in cooperation with
Societas Heraldica Scandinavica and The Swedish Heraldry Society*

Heraldry and the Law

We suggest that the heraldic institutions, associations and organizations in each country together appoint one or more reporter(s) to answer the questions. Please send in the answers by May 30th, 2023.

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Part 1. Overview of the historical development

1.1. – A timeline of important changes

Provide a brief overview of the history of the legal regulation of heraldry in your country. Focus on the important shifts between periods in heraldry, for example the establishment of a heraldic office, important statutes or cases, or changes in the political organization (states established and dissolved). The information should serve as a background to the answers to the following questions.

We have very little knowledge about heralds in Lithuania. At the time of Grand Duke Vytautas the Great of Lithuania, at the beginning of the 15th century, we know of two heralds who were active here. According to Edmundas Rimša: "Afterwards, there were no official positions concerned with coats of arms. Until the end of the 18th century, secretarial offices usually performed these functions and partly, issuers of blazons, who had insufficient knowledge in this field for understandable reasons, During the pre-World War II period in Lithuania, commissions were performed only for creating some specific coat of arms. The National Coats of Arms Commission operated from 1929 to 1934, and a group of people looked after the Kaunas City coat of arms from 1934 to 1935". The 1922 Constitution of Lithuania recognised only the tricolour (without the knight) and called it the State flag, while the State flag used for several hundred years in the past - red with a white knight - remained outside the scope of the basic law. The interwar heraldry commission submitted its conclusions regarding the standard for the state coat of arms, but it was never adopted.

In the mid-1970s, Lithuanian intellectuals resolved to revive the historical cultural heritage - the distinctive sign of cities, coats of arms. In 1966, the Ministry of Culture established the Republican Heraldry Commission, headed by Deputy Minister. It was the first official institution dealing with heraldry matters. Over a period of several years, i. e. in 1968–1970 Commission confirmed 46 city and town coats of arms. Some of them were old and some of them were entirely new. The use of coats of arms in Lithuania was abolished in 1970 by the Soviet government. After the 1970 Song Festival (the participants of the Song Festival were holding the coats of arms of the cities), on the initiative of the Second Secretary of the Central Committee of the Communist Party of Lithuania, V. Kharazov, the Heraldry Commission was accused of propagating bourgeois nationalism and was abolished, and it was practically forbidden to use the new signs. It has been said that there are only 15 coats of arms in the Soviet

Union, which is the number of republics in that Union. Attempts to revive the Heraldry Commission were made in 1971 and 1980-1981, but unfortunately without success.

It should be borne in mind that between 1795-1918 and 1940-1990, Lithuania lost its independence due to the occupations of Tsarist Russia and the Soviet Union. This had a profoundly negative impact on all areas of public and private life in Lithuanian society, including heraldry.

The Heraldry Commission of the Republic was reinstated in 1987, along with the birth of the first shoots of Gorbachev's perestroika. In 1990 it was transformed into the Lithuanian Heraldry Commission under the Presidium of the Supreme Council of Lithuania. Since 1995 it has been subordinated to the President of the Republic of Lithuania, who, according to the Commission's regulations, approves the standards of arms approved by the majority of the Commission. Municipal flags, seals and other heraldic insignia are approved by the chair of the Commission or, in his absence, by the deputy chair. With the Commission's approval, of course. Since 1991, the Lithuanian Heraldry Commission has been approving all distinctive and promotional signs and logos of state institutions and officials, which depict state and municipal heraldry. The Commission is composed of 9 members. The Chair and Deputy-Chair of the Commission are appointed by presidential decree for a term of 6 years and the members for a term of 5 years. According to the law, the Lithuanian Heraldry Commission is a state institution accountable to the President of the Republic of Lithuania. However, it is not a juridical person.

1.2. – Heraldry as part of the law

Provide a brief overview of whether, and to what extent, heraldry historically has been considered being part of law, or has been dealt with outside law (for example has been treated as custom or a tradition, rather than as part of law). Consider whether different parts or aspects of heraldry have been treated differently.

At the time of the Grand Duchy of Lithuania, heraldry and law were essentially unrelated. The granting of coats of arms was under the jurisdiction of the ruler. There were unwritten rules for the creation of marshalled coats of arms. The appearance of one or another element in a coat of arms could be caused by inheritance, marriage, obtaining a new position, a change of status/rank in society, or simply personal ambition. The beginnings of a closer relationship between heraldry and law started between the wars, but the outbreak of World War II made it impossible to complete the process. It was not until fifty years later, when Lithuania regained its independence, that it was revived.

Part 2. International law on armorial bearings, flags, and other state emblems

2.1. – Paris Convention for the Protection of Industrial Property of 1883, art. 6^{ter}

Is your country contracting party to the Paris Convention for the Protection of Industrial Property of 1883? Has your country registered armorial bearings, flags, and other state emblems according to art. 6^{ter} of the convention? Which armorial bearings, flags, and other emblems are registered?¹

¹ Information about article 6^{ter} and a link to the database are available here:

<https://www.wipo.int/article6ter/en/> or <https://www.wipo.int/article6ter/fr/>

Under "Structured search"/"Recherche structurée", choose your country under "State"/"État".

Yes. Commission for Granting Permissions to Use the Official Symbols of the Republic of Lithuania or Signs Imitating Them in Trademarks and Designs submits to the Director of the State Patent Bureau a reasoned proposal regarding the use of the official symbols of Lithuania in the trademark applied for registration. These trademarks are usually logos with Lithuanian symbols.

2.2. – Legal protection of the coats of arms of other states and of international organizations
How is art. 6^{ter} of the convention implemented in national law, in order to protect armorial bearings, flags, and other emblems of states and of intergovernmental organisations legally?

Part 3. National heraldry

3.1. – National coat of arms – definition

Is the national coat of arms (or various national coats of arms, if there are different ones, such as a greater and a lesser national coat of arms) defined and described in statutory law? If so, in heraldic terms (blazon) or with reference to a picture?

Although there were attempts to create a greater and a lesser coat of arms between the wars (the idea of a greater coat of arms is still simmering in the public mind to this day), only one coat of arms has been officially adopted. It is defined in the Law on the State Coat of Arms, Other Coats of Arms and Armorial Signs of the Republic of Lithuania.

3.2. – National flag – definition

Is the national flag (or various national flags, if there are different ones) defined and described in statutory law? If so, through a description or with reference to a picture?

Lithuania currently has two national flags: the tricolour and the historical (armorial) flag. The tricolour was adopted as the national flag in the Constitution of the Republic of Lithuania in 1992, two years after the restoration of Lithuania's independence. It is also defined in the Law on the Flag of the Republic of Lithuania and Other Flags. Following an amendment to this law in 2008, the state flag with the Lithuanian knight, which was used in the times of the Grand Duchy of Lithuania, was recognised as the historical (armorial) flag of the Lithuanian State. The state flags are described in the law.

3.3. – Legal protection?

Is it forbidden to use the national coat of arms or flag without a permission, in some contexts or situations? Which authority grants permissions? Are there sanctions within criminal law or other types of law such as administrative regulations etc. for someone who uses the national coat of arms or flag without permission or in a wrongful manner?

In principle, all cases of use of the state coat of arms and the flag are provided for in (1) the Law on the State Coat of Arms, Other Coats of Arms and Emblems of the Republic of Lithuania; and (2) the Law on the Flag of the Republic of Lithuania and Other Flags. Article 127 of the Criminal Code of the Republic of Lithuania provides for penalties for the desecration of State symbols.

Part 4. Heraldry of the head of state and other central office holders

4.1. – The head of state

Are there specific rules about the armorial bearings or flags for the head of state? Do such rules extend to other persons close to the head of state, for example a royal family?

The Law on the President of the Republic of Lithuania defines that the President of the Republic of Lithuania has a flag, the symbol of the Head of State. The Law describes the flag, as well as the procedure for its approval and outlines guidelines for its use. The flag of the President is used only by the Head of State in office at the time.

4.2. – The prime minister and other central office holders

Are there specific rules about the armorial bearings or flags for the prime minister or other central office holders like ministers, the supreme commander, etc?

None. The persons in question do not have their own coats of arms distinguishing them as holding a particular office.

Part 5. Heraldry and seals of courts and state authorities

(Below are separate sections for military, regional, municipal, ecclesiastical, and academic authorities and institutions.)

5.1. – Adoption, grant or registration?

Are these arms and seals adopted by the court or authority itself, or granted or registered by some other authority? How do these procedures work?

In Lithuania, all heraldic designs using state symbols must be approved by the Lithuanian Heraldry Commission.

5.2. – Heraldic competence involved?

When a court or state authority wants to develop new symbols of any sort, is heraldic competence normally involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

Coordination with the Lithuanian Heraldry Commission is only obligatory if state or municipal symbols are used in the heraldic designs.

5.3. – Legal protection?

Are coats of arms of courts or state authorities legally protected? How?

Part 6. Heraldry and seals of military authorities

(If military authorities follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

6.1. – Adoption, grant or registration?

Are these arms and seals adopted by the authority itself, or granted or registered by some other authority? How do these procedures work?

The same rules apply to the symbols of the armed forces as to courts and other public institutions. When its various new heraldic designs use state symbols, such designs must be coordinated with the Lithuanian Heraldry Commission. In addition, the Lithuanian Armed Forces employ a heraldic specialist.

6.2. – Heraldic competence involved?

When a military authority wants to develop new symbols of any sort, is heraldic competence normally involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

See part 6.2.

6.3. – Legal protection?

Are coats of arms of military authorities legally protected? How?

Part 7. Regional and municipal heraldry

(If regional and municipal authorities follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

7.1. - Adoption, grant or registration?

Are arms adopted by regions, cities, towns, communities etc. themselves, or granted or registered by some authority? How do these procedures work?

Municipal heraldry must be created in accordance with the "Rules for the creation of coats of arms, heraldic flags, heraldic seals and armorial signs", approved by the Lithuanian Heraldry Commission. Municipal coats of arms shall first be approved by the Lithuanian Heraldry Commission. The Commission then submits the newly created coat of arms to the President of the Republic of Lithuania, who formally approves it by decree.

7.2. – Heraldic competence involved?

When a region, city, town, community etc. wants to develop new symbols of any sort, is heraldic competence involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

If the heraldry is to be officially approved, the procedure described in part 7.1 must be followed.

7.3. – Legal protection?

Are coats of arms of regions, cities, towns, communities etc. legally protected? How?

The guidelines for the protection and use of these coats of arms are laid down in the Law on the State Coat of Arms, Other Coats of Arms and Armorial Signs of the Republic of Lithuania. The procedure for the use of municipal, city, town and village coats of arms is further determined by municipal councils, while the procedure for the use of the coat of arms of an ethnographic region is determined by the Council for the Safeguarding of Ethnic Culture.

Part 8. Ecclesiastical and academic heraldry

(If ecclesiastical and academic institutions follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

See parts 5-7.

8.1. – Adoption, grant or registration?

Are arms adopted by ecclesiastical and academic entities themselves, or granted or registered by some authority? How do these procedures work?

8.2. – Heraldic competence involved?

When an ecclesiastical and academic entity wants to develop new symbols of any sort, is heraldic competence involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

8.3. – Legal protection?

Are coats of arms of ecclesiastical and academic entities legally protected? How?

Part 9. Family and personal heraldry

Personal heraldry in Lithuania is not regulated by laws or other legal acts. There are several organisations in Lithuania that bring together descendants of the nobility in groups of like-minded people or create new coats of arms for individuals who wish to do so. As far as we have heard, these organisations have their own registers of coats of arms, but unfortunately we do not have detailed information on this.

9.1. - Adoption, grant or registration?

Are these arms adopted by the families or individuals themselves, or granted or registered by some authority? How do these procedures work?

9.2. – Legal protection?

Are coats of arms of families and individuals legally protected? How? Is there a difference between granted and adopted coats of arms?

9.3. – Inheritance

How are coats of arms of families inherited and how may they be used by an armiger's spouse? Is there a difference between granted and adopted coats of arms? Have changes occurred because of changed family and gender structures?

Part 10. General assessment of the status of heraldry in a legal context

10.1. – Institutions and knowledge

Is the level of knowledge about heraldry on a reasonable level within state authorities and regional or municipal authorities? Are there enough institutions that deal with heraldry professionally? Are there many different institutions having similar responsibilities, and how does the coordination and cooperation work?

The level of knowledge of heraldry varies considerably between public authorities and regional or municipal authorities. The same is true for communities. The Lithuanian Heraldry Commission is the only and the main state institution dealing with heraldry. Its functions do not overlap with any other institution.

10.2. – Legal uncertainties

Are there legal uncertainties relating to heraldry? For example, is there a lack of legal protection of state symbols, or difficulties in adapting heraldic rules to new family and gender structures?

As far as coat-of-arms standards are concerned, the Lithuanian legal framework is quite strict. The coat of arms must always correspond to its visual standard.

10.3. – Recent disputes or proposals

Have there been recent disputes or law proposals highlighting the interest in heraldry and the law? If so, what was the case or proposal about, and what was the outcome? Was the issue reported in the media, and was there a public involvement?

Recently, various amendments to heraldry-related laws have been proposed from time to time, but most of the time the debate remains at the inter-institutional level and receives brief media coverage.

10.4. – Strengths and weaknesses

If you would make an over all assessment of the status of heraldry in your country, what are the main strengths and weaknesses related to the legal status of heraldry and the legal regulation of coats of arms? What could be used as a model for other countries and what could be improved?

In Lithuania, state and municipal heraldry is regulated in considerable detail by law. This provides clarity. However, in some aspects it is rather strict, leaving little room for flexibility. Some aspects need to be improved. In 2012, the Constitutional Law on the List of Constitutional Laws of the Republic of Lithuania was issued. The purpose of this law is to create the legal preconditions for the adoption of constitutional laws in accordance with the requirements laid down in Article 69(3) of the Constitution of the Republic of Lithuania. It stipulates that the Law on the State Coat of Arms, Other Coats of Arms and Armorial Signs of the Republic of Lithuania and the Law on the State Flag and Other Flags of the Republic of Lithuania, together with seven other laws, must be constitutional.

The aim is to adopt these constitutional laws and to update the other heraldry-related legislative framework. In this case, the legalisation of the Lithuanian great coat of arms may be considered again. There is a serious lack of legal regulation in society on how to dispose or recycle of worn-out flags.

Part 11. Bibliography

Please provide full references to the most relevant statutes, cases and literature referred to in the answers.

- Lietuvos Respublikos valstybės herbo, kitų herbų ir herbinių ženklų įstatymas (*Law on the State Coat of Arms, Other Coats of Arms and Armorial Signs of the Republic of Lithuania*): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.36/asr>
- Lietuvos Respublikos valstybės vėliavos ir kitų vėliavų įstatymas (*Law on the State Flag and Other Flags of the Republic of Lithuania*): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.1488?jfwid=32wf6lrn>
- Lietuvos Respublikos Prezidento įstatymas (*Law on the President of the Republic of Lithuania*): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.5913/asr>

- Herbų, herbinių vėliavų, herbinių antspaudų ir herbinių ženklų kūrimo taisyklės (*Rules for the creation of coats of arms, heraldic flags, heraldic seals and armorial signs*): <https://www.e-tar.lt/portal/lt/legalAct/622e4e20d2b811ec8d9390588bf2de65/asr>
- Lietuvos Respublikos baudžiamasis kodeksas (*The Criminal Code of the Republic of Lithuania*): <https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr>
- Lietuvos Respublikos konstitucinių įstatymų sąrašo konstitucinis įstatymas (the Constitutional Law on the List of Constitutional Laws of the Republic of Lithuania): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.420310>
- Rimša, Edmundas. *Heraldry: past to present*, Vilnius: Versus aureus, 2005.
- Use of Lithuanian state symbols in trademarks: <https://vpb.lrv.lt/lt/veiklos-sritys/prekiu-zenklai/oficialiu-simboliu-naudojimas-1>