

ANNUAL TECHNICAL REPORT

1998

ON TRADEMARK INFORMATION ACTIVITIES

I. Evolution of registration activities:

Trademark Amendment Act came into force on Jan.13, 1998 and the Regulation on the Formal requirements and procedure for filing registration application documents of trademarks and service marks came into force on April 25, 1998. It is possible to file an application directly, by post or by fax. The original documents of the application submitted by fax and the required number of trademark reproductions should be filed within 1 month after the filing date of the fax. If the registration application is filed through a patent attorney, the power of attorney should be filed on the filing date of the registration application or within two months after the filing date of the registration application. The Statute of Collective Marks should be filed on the filing date of the registration application or within two months after the filing date of the registration application. An applicant who wishes to claim convention or exhibition priority shall indicate such claim in the application for registration of a trademark and provide documents substantiating the claim together with the application or within three months after the filing date of the application with the Patent Office. A trademark is entered in the State Register of Trademarks and Service Marks after payment of the appropriate state fee. The state fee shall be paid within three months after expiry of the time limit for appeal against a decision on the registration of a trademark or, in the case of an appeal, after termination of the appeal proceeding.

Access to the database containing information concerning the registration applications of trademarks and service marks and on the processing thereof is available since June 5, 1998.

Estonia joined with the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, which entered into force with regard of Estonia on Nov.18, 1998.

Since Dec.15, 1998 the Regulation on the procedure for filing international registration applications of trademarks and service marks with the Patent Office is in operation.

II. Matters concerning the generation, reproduction and distribution of secondary sources of trademark information, i.e. trademark gazettes

The official publication of the Estonian Patent Office is the Estonian Trademark Gazette. The Gazette contains the text and reproductions of all trademark applications published for opposition, all trademarks that have been registered, all registrations that have been amended, renewed, expired or cancelled.

The new Statutes of the Estonian Trademark Gazette entered into force on June 5, 1998. The structure of the Gazette has changed. In Part II of the Gazette the publication of the international registrations for opposition and in Part VI the symbols, which are protected pursuant to Article 6 ter of the Paris Convention, have been prescribed.

The Alphabetical List of Word Elements of Registered Trade and Service Marks is issued once a year as a supplement to the Estonian Trademark Gazette. The List contains word elements of trademarks and service marks registered in the previous year (with the standing of 1 January of the current year), supplementing the corresponding lists issued during previous years.

Mass storage media is not in use yet.

Editing and printing is done with PCs, including the trademark certificates and the Estonian Trademark Gazette.

III. Matters concerning classifying, reclassifying and indexing of trademark information:

Goods and services are classified according to the Nice Classification of Goods and Services, using an in-house electronic classifier.

Trademark applicants use the assistance of the librarians of the Estonian Patent Library in classifying their goods and services. Once a week trademark experts of the Estonian Patent Office provide consultations for more complicated cases.

The Vienna Classification of Figurative Elements of Marks is used as the code system of figurative elements.

WIPO Standard St. 60 is used for bibliographic data coding.

IV. Trademark manual search file establishment and upkeep

The Estonian Patent Office uses the following manual search files:

- the card file of trademarks consisting of or including figurative elements in compliance with the Vienna Classification;
- the State Register of Trademarks and Service Marks.

Both files are updated continually.

V. Activities in the field of computerised trademark search system

The Estonian Patent Office maintains a computerised administrative database that enables the search of trademarks, enhancing those consisting of or including verbal elements (applications and registered verbal marks).

Estonia is participating in the RIPP Common Software Project.

The in-house database system of the Estonian Patent Office is based on the UNIX RISC server and PCs serving as workstations. The computer network is based on TCP/IP protocol and built up by Ethernet Twisted Pair network.

VI. Administration of trademark services available to the public

In the Estonian Patent Office certified extracts from the Trademark Register are issued upon request.

The Receiving Department of the Estonian Patent Office issues extracts from the Database of registration applications and processing of registration applications.

The computerised Estonian verbal trademark database contains registered marks and published applications and it can be exploited at the reading room of the Patent Library during the working hours. The search is carried out by the bibliographer and the customers pay a moderate fee for the computerised services.

The Patent Library renders services using the following CD-ROM databases:

- ROMARIN (WIPO),
- DEMAS (DE),
- US TRADEMARKS PENDING
- US TRADEMARKS REGISTERED
- US TRADEMARKS ASSIGN
- US TRADEMARKS ASSIST
- BENELUX TRADEMARKS
- TRACES
- USAMARK.

There is a great demand for the computerised trademark services.

VII. Matters concerning mutual exchange of trademark documentation and information

The Estonian Patent Library has agreements with 32 trademark offices on the exchange of trademark bulletins on paper carrier. At present trademark information on machine-readable carriers is not being forwarded to our exchange partners.

VIII. Matters concerning education and training, including technical assistance to developing countries

1. Seminar "New Issues in the Legal Protection of Trademarks" arranged by training and consultation firm "Stuudium-S" in Tallinn, 10 participants;
2. VI Science and Innovation Mess "Innovatics-98";
3. RIPP seminar "Appellation Procedure in the European Patent Office" , 1participant;
4. Basic course "Baltic Management Training Program" arranged in cooperation with Dalhousie University in Canada and Institute of Administration Management in Estonia, 1participant;
5. Danish FEU Eurotraining in Tallinn;
6. Seminar "Agenda 2000" in Tallinn, 1 participant;
7. Seminar " Amendments in Trademark Act and Industrial Design Act", 2 participants;
8. Visit to the Patent and Register Office of Finland, 2 participants;
9. Visiting Scholars Program arranged by the U.S. Patent and Trademark Office, 1participant;
10. RIPP seminar "Trademarks, International Agreements and Classification" in Prague, 1 participant;
11. WIPO training "Madrid Protocol", 3 participants;
12. Seminar "Intellectual Property - 3" for judges and employees of the court of law.