

CWS/ATR/ID/2016/EE

Annual Technical Report on Industrial Design Information Activities in 2016 submitted by the Estonian Patent Office

I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN INDUSTRIAL DESIGN INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

In Estonia, the protection of industrial designs can be applied for on the grounds of the Industrial Designs Protection Act that entered into force on 11 January 1998. From 1 May 2004, legal acts of the European Community concerning industrial designs, including the Council Regulation 6/2002 /EC of 12 December 2001 on legal protection of the Community Designs, are also valid in Estonia.

Pursuant to the Regulation, all industrial designs disclosed to public in the territory of the European Union automatically have a 3-year protection against copying as well as other existing possibilities for registration.

Estonia acceded to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs on 23 December 2003. Common Regulations of the Geneva Act of the Hague Agreement Concerning the Deposit of Industrial Design entered into force on 1 April 2004. To protect an industrial design via the Hague system, an application in English or French should be filed with the International Bureau of WIPO in Geneva, designating the countries where protection is wanted.

In Estonia, industrial designs are registered by formal registration system. The Estonian Patent Office does not examine the industrial design as to its novelty, individual character, industrial applicability or the right of a person to file the application. The rights of the owner of the registered industrial design may be contested in court.

It was an extraordinarily successful year in the field of industrial designs. In 2016, the Patent Office received 71 industrial design registration applications, which is a considerably larger number compared to the 50 applications in 2015. If we also count the 16 applications created by division, we end up with as many as 87 national applications. By country, the majority of national registrations were filed from Estonia, a large amount also came from Sweden (15%), one application from Finland and one from Ukraine. Estonian applicants filed 110 applications with the EUIPO in 2016. Registrations filed like that will acquire protection in the whole territory of the European Union, including Estonia.

The number of applications for international registration filed under the Hague Agreement also increased almost four times – it was 12 in 2015, but 46 in 2016. Most of the international registration applications were filed from France (40% of subtotal). The most popular international registrations were lighting apparatus and means of transport or hoisting. Most of them concerned cars and their lights.

57 people were given altogether 47 hours of consultations in the Patent Office (25 people in 2015). In addition, many more received advice by phone or e-mail. Presentations on legal protection of industrial designs were also given in the Patent Office, but also for example in Kuressaare.

At the end of 2016, there were 23 national applications and 29 international applications pending. The average processing time of an industrial design without deficiencies – from filing the application to decision – is approximately 3 weeks. On 31 December 2016 there were in total 482 industrial designs in the Estonian register of industrial designs. 891 international registrations of industrial designs had been granted legal protection in Estonia.

It is difficult to assess what caused the significant rise in the number of both national and international industrial design applications. There is certainly an interconnection between the amount of consultations given by the Patent Office and the number of applications. At the same time, it is often beneficial for the applicant, as a business strategy and also economically, to file the application directly with the EUIPO. We are of course content with the number of applications filed with both the Estonian Patent Office and EUIPO. One can only hope that 2017 will bring a continuous increase in the number of applications and the awareness of the applicants.

Outline of main policies and plans aimed at development of industrial design information activities and expected time frames for their realization

New projects launched or resumed this year in the context of the policies(plans) mentioned above, short description: aims, partners, tasks

Main areas of industrial design information activities and related information and communication technology (ICT) practices which were in the focus of attention last year

Statistics: changes in terms of application filings and grants (registrations) with respect to previous year; trends or areas experiencing rapid changes

<http://www.epa.ee/en/additional-info/statistics>

Other matters and useful links (URLs): annual report of the Office, news page, statistics, etc.

<http://www.epa.ee/en/industrial-designs/what-industrial-design>

II. SERVICES AND ACTIVITIES RELATED TO INDUSTRIAL DESIGN INFORMATION CARRIED OUT BY THE OFFICE

<http://www.epa.ee/en/how-protect-industrial-design/how-protect-industrial-design-estonia>

Information and support provided by the Office to applicants regarding filing on paper and/or e-filing (instructions, seminars, etc.) - URLs

<http://www.epa.ee/en/how-protect-industrial-design/how-protect-industrial-design-estonia>

Availability of the application dossier in electronic form

<https://teenused.epa.ee/>

Classification and reclassification activities; classification system used, e.g., International Classification for Industrial Designs (Locarno Classification), other classification

In Estonia industrial designs are registered by **formal registration system**. It means that the Estonian Patent Office examines the compliance of formal requirements, but does not examine the industrial design as to its novelty, individual character, industrial or handicraft applicability, or the right of a person to file the application. An applicant is responsible for the compliance of these requirements.

It is essential to know that registration application may include one industrial design, the variants of an industrial design or a set of industrial designs. The **variants** of an industrial design are such modifications of the industrial design which produce a similar overall impression and the differences may occur only in details, which are irrelevant to the overall impression.

A **set of industrial designs** is a logical group of designs which pursuant to the [Locarno International Classification for Industrial Designs](#) belong to the same class and are designed in the same manner. The logical group means that the designs belonging to the group have to be related in some way, e.g. according to their purpose of use (a knife and a fork, kitchen furniture, a lunch set etc.).

Other activities

III. SOURCES OF INDUSTRIAL DESIGN INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of industrial design information, outline of the content (industrial design applications, design patents, registrations, etc.) and medium (on paper, on CDs, online - URLs)

<http://www.epa.ee/en/databases/industrial-designs-databases>

Official Gazettes: main types of announcements, frequency of publication, medium (on paper, on CDs, online - URL), etc.

The issues are available on the website of the Estonian Patent Office since 2003. The Official Gazettes published from 1993 until 2002 are available online on the website of [the Estonian Intellectual Property and Technology Transfer Centre](#).

Information products (coverage, medium, etc.) available to examiners, including external documentation and databases

Information products (coverage, medium, etc.) and services available to external users; conditions of access (e.g., free of charge, subscription, etc.)

<http://www.epa.ee/sites/www.epa.ee/files/elfinder/dokumendid/td-voldik-2015eng.pdf>

Legal status information (kind of information, coverage, medium, etc.)

<http://www.epa.ee/en/databases/industrial-designs-databases>

Other sources

<http://www.epa.ee/sites/www.epa.ee/files/elfinder/dokumendid/aasta2016.pdf>

IV. ICT SUPPORT TO SERVICES AND ACTIVITIES RELATED TO INDUSTRIAL DESIGN INFORMATION CARRIED OUT BY THE OFFICE

In 2016, the most important event on the field of IT in the Estonian Patent Office was the introduction of new software package Back Office for trade marks and designs. Said system was developed by the OHIM Cooperation Fund and customized to meet the needs of the Estonian Patent Office. Back Office replaces Common Software that was in use since 1996, and enables to carry out electronic examination of trade marks and industrial designs. The system is linked to many IT-interfaces and X-road solutions. The new system enables to send digitally signed documents, to check data in the business register and population register, to use the address register to enter Estonian addresses, to check a person's data in the European Union and United Nations consolidated list. It is also linked to a financial service which is a subsystem of the register of taxable persons – a register that administers the financial claims of the country and keeps account how these are fulfilled.

The new information system for trade marks and industrial designs is connected to the portal of e-services (teenused.epa.ee), at the portal applications concerning the registration, period of validity, changes in data and transfer of rights and ownership of trade marks and designs can be filed with the Patent Office.

The use of e-services should simplify and encourage people to offer innovational solutions. At the Office's web page (www.epa.ee), through a portal (online.epa.ee) online applications concerning the enforcement of patents, utility models and European patents can be filled in and filed with the Patent Office. During the next few years we also aim to modernize the information systems of inventions.

Specific software tools supporting business procedures within the Office: general description, characteristics, advantages, possible improvements

Hardware used to supporting business processes of the Office

Internal databases: coverage, updates, interlinks with external sources

Establishment and maintenance of electronic search file: file building, updating, storage, documents from other offices included in the search file

Administrative management electronic systems (register, legal status, statistics, and administrative support)

Other matters

<http://www.epa.ee/sites/www.epa.ee/files/elfinder/dokumendid/aasta2016.pdf>

V. PROMOTION ACTIVITIES AIMED TO SUPPORT USERS IN ACCESS AND EFFICIENT USE OF INDUSTRIAL DESIGN INFORMATION

In 2016, the Estonian Patent Office arranged or helped arrange 27 information events in order to raise the awareness of intellectual property. Regular seminars concerning the protection of inventions, trade marks and industrial designs took place in the classroom of the Patent Office and round table meetings was arranged with the patent attorneys.

Office's library (if deals with industrial design information): equipment, collection management, network of libraries in the country, cooperation with foreign libraries

Publications related to different business procedures and industrial design information sources available to users, for example, books, brochures, Internet publications, etc.

<http://www.epa.ee/en/publications/methodical-publications>

Cooperation with universities, technology and innovation support centers, etc.

In autumn 2016, WIPO started a pilot project called "Baltic States Pilot Project for the Development of a Regional Pool of IP Commercialization Experts" where 17 universities from Latvia, Lithuania and Estonia take part. This is a capacity building program for regional professionals to develop necessary competences in the area of knowledge transfer and IP commercialization. As a result, a regional pool of experts and a cooperation network between Baltic universities will be established. The project will be carried out from 2016 to 2017.

For the second year, we took part in the Estonian Contest for Young Inventors, where the WIPO Schoolchildren's Trophy was handed over to a clever inventor. Anneli Simmul, chief examiner of the patent department, started working at the evaluation committee of this competition.

Education and training: training courses, e learning modules (URLs), seminars, exhibitions, etc.

In 2016 the cooperation with county development centres (Järva County Development Centre, Rapla County Development Centre, Harju County Entrepreneurship and Development Consultancy, Saaremaa Development Centre) and Tallinn City Enterprise Department became more extensive – joint events were organized where the importance of intellectual property protection was emphasized. The products and experience in the field of IP protection of several enterprises (Ulaelu Ltd., Creative Woodworks Ltd., Leisi Lapikoda Ltd. and Digimist Ltd.) were also introduced.

Other activities

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF INDUSTRIAL DESIGN INFORMATION

International exchange of industrial design information in machine-readable form (e.g., Official Gazettes)

Participation in international or regional activities and projects related to industrial design information

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Assistance to developing countries

Other activities

VII. OTHER RELATED MATTERS