

SCIT.ATR.PI.2008.EE

Annual Technical Report 2008 on Patent Information Activities submitted by Estonia (SCIT /ATR/PI/2008/EE)

Where URLs are requested below, it is preferred that either URLs which are likely to remain stable over time (three years or more) are provided, or home (main) page URLs are provided with a short explanation of how to access the corresponding information.

The term "patent" covers utility models and Supplementary Protection Certificates (SPCs). Offices which issue design patents should report their design patent information activities in their Annual Technical Reports on Industrial Design Information Activities.

I. Evolution of patent activities

Changes experienced in terms of application filings and grants with respect to the previous year

Distribution of patent applications filed in 2008 by country of origin was as follows: 7% of the applications came from the member states of the European Union (excluding Estonia), 1% from the U.S.A. and 86% from Estonia.

The distribution of the patent applications filed by the Estonian applicants according to the fields shows that the largest number of filed applications were related to power production – 10, physics and electronics (including IT), applications – 10 and coal processing – 4.

The number of patent applications has fallen due to Estonia's accession to the EPO. In 2003 the number dropped by 15%, in 2004 by 80%, in 2005 by 95%, in 2006 by 94%, in 2007 by 91% and in 2008 by 90% compared with 2001 and 2002.

The distribution of patent applications in 2008 according to the International Patent Classification:

SECTION A. Human Necessities 10%;
SECTION B. Performing Operations; Transport 1%;
SECTION C. Chemistry; Metallurgy 1%;
SECTION D. Textiles; Paper 0%;
SECTION E. Fixed Constructions 1%;
SECTION F. Mechanical Engineering/Lighting/Heating/
Weapons/Blasting 5%;
SECTION G. Physics 0%;
SECTION H. Electricity 1%;
Unclassified applications 81%

TOP 5 countries
(Patents granted in 2008)

Sweden 43
Germany 25
U.S.A. 23
France 18
Estonia 12

TOP 5 countries
(Patents valid on 31 December 2008)

Sweden 311
U.S.A. 243
Germany 202
Finland 148
France 108

The Estonian Patent Office examines the compliance of filed patent applications with the formal requirements and carries out substantive examination of the invention, examining the novelty of the invention worldwide, the inventive step and industrial applicability.

In 2008 the main reasons for rejection or withdrawal of patent applications were the non-payment of the state fee paid in respect of a year of continued validity of the patent application (59.1%) and the non-compliance of the invention with the patentability criteria (20.4%).

The average duration of the examination of a patent application is 4.5 years. The patent application is published after 18 months from the filing date or priority date. The registration of the invention in the register of patents is deemed the grant of a patent. A traditional letters patent is issued to the patentee.

The term of validity of the patent is 20 years from the filing date of the patent application; a renewal fee must be paid for each year of validity.

Since 1 January 2000 medical products and plant protection products enjoy supplementary protection that is valid for five years at the expiry of the patent. In 2008 6 applications for supplementary protection of medical and plant protection products were filed; that makes 24 applications altogether since 2000.

Utility models

The amendment to the Utility Models Act that entered into force on 1 May 2004 specified the processing of utility model applications and the provisions concerning the transfer of rights.

Applications for the registration of a utility model can be filed for equipment, and for method and substance.

Utility model registration applications filed from 2003 to 2008 by the subject of the invention:

Year Number of applications filed
Equipment (application)
Method (application)
Subject (application)
2003 67 43 20 4

2004 85 67 16 2
2005 87 61 21 5
2006 75 58 16 1
2007 124 80 39 5
2008 140 75 55 10

The distribution of the utility model applications filed by the Estonian applicants according to the fields shows that the largest number of filed applications were related to construction – 24, physics and electronics (including IT) – 21, power production and thermal engineering– 16, processing wastes – 11, foodstuffs and food processing – 10.

On 26 November 2008 the Estonian Patent Office started electronic receipt of utility model registration applications via a portal of electronic filing of applications for legal protection of industrial property. The address of the portal is <http://online.epa.ee/>. The Estonian ID card is required for the entry into the portal. A utility model application can be compiled by anyone, who has entered the portal. But an application can only be filed with the Estonian Patent Office only when it is digitally signed by the applicant or the patent attorney. Upon request the Estonian Patent Office issues a notification of the acceptance of the utility model application, which can be saved or printed out. One applicant used the possibility of electronic filing of an application in 2008.

In 2008 applicants from the member states (excluding Estonia) of the European Union filed 2% of the total number of applications, the applicants from the U.S.A. 1% and Estonian applicants 94%.

Distribution of utility model registration applications in 2008 according to the International Patent Classification:

SECTION A. Human Necessities 7%;
SECTION B. Performing Operations; Transport 6%;
SECTION C. Chemistry; Metallurgy 1%;
SECTION D. Textiles; Paper 0%;
SECTION E. Fixed Constructions 10%;
SECTION F. Mechanical Engineering/Lighting/Heating/Weapons/Blasting 5%;
SECTION G. Physics 10%;
SECTION H. Electricity 1%;
Unclassified applications 60%.

Only new inventions involving an inventive step and capable of industrial application may be protected by utility model. In the course of processing a registration application of a utility model, the Estonian Patent Office solely examines the compliance of the application with the formal requirements. The applicant for a utility model registration is responsible for the novelty and industrial applicability of the invention. If the invention is not new or industrially applicable, any person may file an action in court for revocation of the registration.

Where the registration application complies with the requirements, the invention is registered in the register of utility models and the Estonian Patent Office issues a utility model certificate. The average duration of the processing of a utility model registration application is three months, which is much shorter time compared with the patent application.

The term of legal protection of a utility model is four years from the filing date. After that the term of protection may be renewed for up to 10 years by paying the renewal fee: initially for four years and after that for another two years.

TOP 5 countries
(Utility models registered in 2008)

Estonia 59
Russia 3
Holland 1
Sweden 1
Denmark 1

TOP 5 countries
(Registered utility models valid on 31 December 2008)

Estonia 365
Finland 19
Russia 11
Poland 3
Sweden 2
Germany 2

Trends or areas experiencing rapid changes with respect to the previous year

Inventions can be protected by the European patent in Estonia since 1 July 2002, when Estonia became a full member of the European Patent Organization. Estonia can be designated in the European patent application as a state, where the European patent is intended to be enforced. Besides, Estonian and foreign applicants can file a European patent application via the Estonian Patent Office to the European Patent Office (EPO).

In order to enforce the European patent in Estonia the proprietor should file a translation of the patent specification into Estonian with the Estonian Patent Office within 3 months from issuing a notification of the grant of the patent by the European Patent Office and pay the prescribed fee for making it available to the public. It is possible to extend the term for submitting the translation by 2 months upon payment of an additional state fee.

The European patent valid in Estonia is legally equal to the Estonian patent. The Estonian Patent Office keeps a register of the European Patents valid in Estonia.

In order to keep the European patent valid in Estonia the proprietor of the patent has to pay a state fee for each year of validity after the notification of the grant of the European patent by the European Patent Organization. The state fee for keeping the validity of the patent can be paid up to 6 months before the due date for payment of the fee or, in case of paying the supplementary fee, up to 6 months after the due date for payment of the fee. The due date for payment of the fee is the last day of the calendar month, when the year of validity of the European patent starts.

The first European patents entered into force in Estonia in 2004. By the end of 2008 the total number of the European patents valid in Estonia was 2,445. The number of the European patents to be validated in Estonia shows a slow though constant increase. By the end of 2008 no European patent applications to be forwarded to the European Patent Office had been filed with the Estonian Patent Office.

Translations of the European patent specifications and the European patent claims filed with the Estonian Patent Office in 2004 – 2008

Year Translations of the European patent specifications filed Translations of the European patent claims filed

2004 37 0
2005 183 11
2006 632 6
2007 871 3
2008 1183 6

TOP 5 countries

(European patents validated in Estonia in 2008)

Germany 214
U.S.A. 145
Switzerland 123
France 89
Italy 87

TOP 5 countries

(European patents valid in Estonia on 31 December 2008)

Germany 541
U.S.A. 325
France 260
Switzerland 258
Italy 191

URLs of web pages of the Office's website that provide statistics related to patents

http://www.epa.ee/ul/doc/statistics/2008_pattaotl.pdf
http://www.epa.ee/ul/doc/statistics/2008_patmen.pdf
http://www.epa.ee/ul/doc/statistics/2008_patreg.pdf
http://www.epa.ee/ul/doc/statistics/2008_PCT.pdf
http://www.epa.ee/ul/doc/statistics/2008_eurpatreg.pdf

II. Matters concerning the generation, reproduction, distribution and use of primary and secondary sources of patent information

Publishing, printing, copying (main types of publications of the Office in the field of patent information, etc.)

Official Gazettes

The Estonian Utility Model Gazette – a quarterly, published since October 1994;
The Estonian Patent Gazette – 6 issues annually, published since December 1995;

Since 1 January 2003 the official gazettes of the Estonian Patent Office are available also electronically (in pdf-format, <http://www.epa.ee/default.asp?id=512> and <http://www.epa.ee/default.asp?id=513>):

Techniques as recording, microfilming and photocomposing are not in use.

Main types of announcements of the Office in the field of patent information

In 2008 the Estonian Patent Office continued to translate the classes and subclasses of the sections of the International Patent Classification into Estonian. We consider it important to enrich and update the Estonian technical language.

During 2008 the below-mentioned were published:

International Patent Classification. Section E. Fixed Constructions. Section F. Mechanical Engineering; Lighting; Heating; Weapons; Blasting. Tallinn, 2008

International Patent Classification. Section B. Performing Operations; Transporting. Tallinn, 2008.

An Annual Report and Statistics were published on paper and they were made available also electronically on our homepage. Informative pamphlets were issued.

The Estonian Patent Office homepage at www.epa.ee was currently updated. Rss-reader was added. The homepage enables access to patent, utility model, industrial design, trademark and geographical indication registration information both in Estonian and English. It also contains all legal acts (Estonian legal acts are in Estonian), regulations and international agreements by the Government of the Republic and Minister of Economic Affairs, and other legislation as well as material on legal protection of industrial property, relevant links, current news and the public databases of subjects for legal protection of the Estonian Patent Office, EPO, WIPO, OHIM.

URLs of web pages of the Office's website that provide access to online publication of patent documents and gazettes, and to other primary and secondary sources of patent information, including patent publication servers and download of bulk patent data

Online publications:

http://www.epa.ee/client/default.asp?wa_id=511&wa_object_id=1&wa_id_key=

The public databases available on our homepage are:

- database of the Estonian patent applications and patents;
- database of the European patents validated in Estonia;
- database of utility models;

http://www.epa.ee/client/default.asp?wa_id=915&wa_object_id=1&wa_id_key=

III. Matters concerning abstracting, classifying, reclassifying and indexing of technical information contained in patent documents

Classification¹, preclassification² (if applicable), and reclassification³ activities; Classification system used, e.g., International Patent Classification (IPC), other classification (please indicate whether or not patent documents are classified by your Office and, if so, which classification is used)

Applications are classified in accordance with the International Patent Classification, core level.

Bibliographic data and full-text processing

In the Patent Gazette there are published the most important bibliographic data (including patent classification, excluding abstracts and figurative accessories) of the patent applications laid open to public inspection after the lapse of 18 months from the filing date and bibliographic data (including patent classification, abstracts and figurative accessories) of the granted patents. The first pages of patent specifications contain the abstracts in Estonian and in English.

The Estonian Patent Office has used the Common Software in examination procedures already since 1996. The volume of databases is growing every year. Since 2002 the abstracts and drawings have been computerised in the databases of patents and utility models in addition to the input of bibliographical data. Two additional modules have been created – the module of the supplementary protection of patents and the module for registering the data of PCT/EE applications filed with the receiving office. CS is a system with client server architecture, the engine of the database is Informix. The software has been regularly updated. Now Version 3.3.1 is in use.

IV. Search file establishment and upkeep

The collection of patent documents comprises over 53,9 million documents from 26 different countries and 2 organisations on paper carrier (about 2,1 million), in microfilm or microfiche form (about 6 million) and increasingly also on CD-ROM/DVD-ROM (about 45,8 million) and official patent gazettes from 34 countries and 2 organizations. During 2008 about 1,8 million new documents, the majority of them being on CD-ROM/DVD-ROM, were added to the collections.

The search files are arranged partly according to the IPC and partly according to the number of patent document. Usually it depends on the data arrangement on data carrier (are the data sorted by the document number or IPC).

The library collection includes also monographs and reference literature on industrial property protection as well as non-patent literature.

The stock of the legal, scientific and reference literature is arranged according to the common principles employed in the libraries when dealing with book or journal files.

V. Activities in the field of computerized and other mechanized search systems

In-house systems (online/offline)

The Common Software (CS) is used in the Patent Office for administering the procedures of the examination. It has already been used for more than 10 years and it is regularly updated. Now Version 3.3.1 is in use. CS integrates automated data entry software SPIRIT (European patents) and SPIRIT-MECA (international trademark registrations).

External databases

EPOQUE, Delphion, Esp2cenet, USPTO, Derwent, ROSPATENT, SciFinder, Chem.Abstr., PubMed, EBSCOhost, DEPATISnet, Epoline, Google Patent Search-BETA, PCT Applications, Estonian Patent Applications and Patents, European Patents Validated in Estonia, Estonian Utility Models, Vivisimo.

VI. Administration of the industrial property office library, and information products and services available to the public (relating to facilities, e.g., for lodging applications, for assisting clients on searching procedures, for obtaining official publications and registry extracts)

The Estonian Patent Library is an independent library financed from the state budget. It is housed in a building from 1903 originally not meant for library use. During non-business hours it remains locked and is controlled by guards. In addition to that an alarm system was installed in 1996.

The Estonian Patent Library provides services to the general public. As the library works in close cooperation with the Estonian Patent Office its main task is to serve the examining and professional staff of the Estonian Patent Office. The library acquires, processes and maintains patent documents, patent gazettes and other patent and non-patent literature. The older part of the collections is on paper, microfilm or microfiche. Now the majority of patent documents are on CD/DVD-ROMs. The library collections are acquired by purchases (the financial resources for it are allocated from the state budget) and by exchange of publications with other industrial property offices under international agreements.

The Estonian Patent Library is the only library that collects and processes patent literature in Estonia. Library participates in the interlibrary lending at the national or the international level. Lending requests are satisfied by e-mail, ordinary mail or by fax.

The patent and trademark gazettes as well as reference literature are kept in the public reading rooms; other materials, i.e. patent documents, are stored in the stock-rooms and are lend at the request of the users. The library also stores the collection of the official gazettes and specifications of the Estonian Patent Office.

The users can carry out searches using CD/DVD-ROMs at 9 workstations.

The following CD/DVD-ROM collections are available:

ESPACE ACCESS A and B

ESPACE-ACCESS-EPC

ESPACE FIRST

ESPACE BULLETIN

ESPACE LEGAL

ESPACE EP

ESPACE WORLD

ESPACE AT

ESPACE CH

ESPACE DK (1990-1998)

ESPACE FI

ESPACE FR A

ESPACE UK

German databases:

DEPAROM KOMPAKT

DEPAROM ACT

DEPAROM U

US databases:

US Patents BIB

US Patents Class

US Patents Assist

US Patents & TM Assign

USA App

USA Pat

Other countries:

PAJ Patent Abstracts of Japan

PAJ/INDEX

Patents of Russia (Full specifications)

ESPACE-ACCESS-RFD

Utility models of Russia (1994-2004, first pages)

The inventions protected in the Republic of Moldova (1993-2007)

CNPATE-ACCESS

China Patent Applications

The library has the direct Internet access to the INPADOC databases through Open Patent Services interface. In-house online access is established to the commercial databases Derwent Innovations Index and Questel-Orbit via the Internet connection. These databases are charged on the bases of annual fees, Questel-Orbit is also charged on the bases of usage.

The library offers copying services from paper or microforms. The users can order printouts of the documents on CD/DVD-ROMs. These services are offered for a moderate price. Library also offers more advanced services – patent information researches. User can claim for an advanced research in his favourite technical field, results will be printed and analysed and added to research report dossier.

Other services are free of charge: in the reading rooms the readers can use reference materials, monographs, other books and periodicals and carry out searches in patent documents on paper.

URLs of web pages of the Office's website for electronic filing of patent applications

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

URLs of web pages of the Office's website that provide information on business procedures such as: filing, publication, examination and grant procedures related to patents; opposition and appeal procedures related to patents; etc.

http://www.epa.ee/client/default.asp?wa_id=823

URLs of web pages of the Office's website that provide a description of information products and services offered by the Office (e.g., patent search service(s) and patent databases), as well as information on how to access and utilize them

http://www.epa.ee/client/default.asp?wa_id=823

VII. Matters concerning mutual exchange of patent documentation and information

The Estonian Patent Library maintains patent document and patent bulletin exchanges with 27 patent issuing authorities mainly from Europe, but also from USA and Japan. In 2008 the Estonian Patent Library received 49 titles of patent journals, 19 titles were acquired by purchase and 30 titles by exchange.

We provide the official publications of the Estonian Patent Office [„Eesti Patendileht” („Estonian Patent Gazette”), „Eesti Kaubamärgileht” („Estonian Trade Mark Gazette”), „Eesti Kasuliku Mudeli Leht” („Estonian Utility Model Gazette”), „Eesti Tööstusdisaini Leht” („Estonian Industrial Design Gazette”)] in paper form to all our exchange partners.

In 2008 we purchased 5 titles of CD/DVD-ROM and obtained 24 titles CD/DVD-ROM by means of exchange.

VIII. Other relevant matters concerning education and training in, and promotion of, the use of patent information, including technical assistance to developing countries (please indicate URLs of web pages of the Office’s website wherever appropriate)

Training courses for national and foreign participants, use of audiovisual means

In 2008 the impact of the seminars held in the classroom of the Estonian Patent Office rose. Need for such seminars has remarkably grown compared with the previous years.

Besides the above-mentioned also cooperation with several institutions has still been essential. A student conference was held in Kullamaa to distribute the knowledge on intellectual property to the students.

The Division arranged a possibility for a patent examiner to participate in the summer school of the students and teachers of economics. The examiner took part in the work of the evaluation committee. Cooperation with Tallinn College of Tallinn University of Technology continued. In the framework of cooperation 2 trademark seminars were arranged.

In October 2008 a subsequent Tallinn Entrepreneurship Day was arranged, where the Estonian Patent Office in cooperation with the Patent Library participated. On both days the Patent Office had an info desk providing consultations on intellectual property and distributing informative publications. A seminar “Necessity, Chances and Risks of Intellectual Property” was arranged in the framework of the Entrepreneurship Day. Traditionally two larger seminars were arranged for the small-sized entrepreneurs in Tallinn.

In April a 2-days seminar “Intellectual Property in Small and Medium-Sized Enterprises and Their Competitiveness”. The seminar differed from the previous ones for a broad circle of topics.

In October a traditional seminar “Protected Intellectual Property Brings Success” for small and medium-sized enterprises was held in Viru conference centre.

As a result of rising the awareness of intellectual property inventing has become more active (see the diagram). Free consultations, which the Patent Office has given since 2003, play a significant role.

Libraries related:

PATLIB 2008, 28.-30.05.2008, Warsaw (4 participants)

EPO Patent Information Conference 28.10-30.10.2008, Stockholm: library (3 participants)

IP Awareness and Enforcement workshops and seminars: Berlin 16.01.-18.01.2008 (library 1 participant), Budapest 16.03.-18.03.2008 (library 1 participant), Berlin 13.07.-15.07.2008 (library 1 participant), Alicante 30.09.-01.10.2008 (library 1 participant), Luxembourg 02.12.2008 (library 1 participant), Brussels 10.12.-11.12.2008 (library 1 participant).

Seminar „Intellectual Property in Small and Medium-Sized Enterprises” (WIPO, Estonian Patent Office), 24.04-25.04.2008, Tallinn (library 5 participants).

Seminar “Protected intellectual property secures success” (Estonian Patent Office), 23.10.2008, Tallinn (library 2 participants).

Seminar “Inventing practices” (Estonian Inventors Association), 19.06-20.06.2008, Tallinn (library 1 participant).

Seminar “Chemical Abstracts Services” 07.10.2008, Tallinn (library 3 participants).

Annual Conference of InnoEstonia 11.11.-12.11.2008, Tallinn (library 1 participant).

Seminar “Success through entrepreneurship” (Estonian Chamber of Commerce and Industry) 28.08.2008, Tallinn (library 2 participants).

Seminar “Web 2.0 and libraries – opportunities and solutions”, 26.-27.08.2008, Tallinn, (2 participants)

Seminar of Estonian research and special libraries (Estonian National Library, Estonian Librarians Association), 22.10.2008, Tallinn (2 participants).

Seminar on terminology, 23.10.2008, Tallinn (2 participants).

Congress of Estonian Librarians, 09.06.-10.06.2008, Tallinn (2 participants).

Customer training activities of the Estonian Patent Library in 2008.

Seminar “Estonian Patent Library 45: collections and services” 19.09.2008, Tallinn (65 participants)

Training courses for students (5 courses). The subject matter of these courses is constantly revised and modified.

Promotional activities (seminars, exhibitions, visits, advertising, etc.)

Like in years 2006 and 2007 also in 2008 the Small-Sized Enterprise Support Division did cooperation with the developing centres of the counties. Cooperation is essential in order to support the regional development of Estonia and its goal is to rise awareness of innovation also outside big cities. In 2008 the Division arranged info days on intellectual property in Viljandi, Võru and Kärdla. Besides lecturers from the patent office also local entrepreneurs shared their experiences and a patent attorney told about the services his office provides. The audience in these 3 events was numerous. There was lively discussion and many questions were asked.

Assistance furnished by offices to facilitate the changing over of receiving offices to electronic data carriers for the exchange of patent documents (see also fourth sub-item of item VI, above)

Electronic filing of the translations of the patent specifications of the European patents validated in Estonia at the Estonian Patent Office via a portal of electronic filing of applications for legal protection of industrial property at the address <https://online.epa.ee/> started on 27 November 2008.

The Estonian ID card and its reader are required for the entry into the portal.

An application for validation of the European patent in Estonia can be compiled by anyone, who has entered the portal with the Estonian ID card.

But an application can be officially filed with the Estonian Patent Office only when it is digitally signed by the applicant or the patent attorney.

Upon request it is possible to receive a notification of the acceptance of the translation of the patent specification of the European patent validated in Estonia, which can be saved or printed out from the Estonian Patent Office.

Electronic filing of utility model registration applications at the Estonian Patent Office via a portal of electronic filing of applications for legal protection of industrial property at the address <https://online.epa.ee/> started on 26 November 2008.

The Estonian ID card and its reader are required for the entry into the portal.

A utility model registration application can be compiled by anyone, who has entered the portal with the Estonian ID card.

But an application can be officially filed with the Estonian Patent Office only when it is digitally signed by the applicant or the patent attorney.

Upon request it is possible to receive a notification of the acceptance of the utility model registration application, which can be saved or printed out from the Estonian Patent Office.

IX. Other general information related to the Office that is available on the Internet -- URLs of web pages of the Office's website that:

provide information on legislation related to patents

http://www.epa.ee/client/default.asp?wa_id=456&wa_object_id=1&wa_id_key=

contain the Annual Report of the Office

<http://www.epa.ee/ul/doc/valjaanded/aasta2008.pdf>

contain patent-related news regarding the Office

http://www.epa.ee/news.asp?wa_site_id=2

X. Other relevant matters

The library published a brochure "The Estonian Patent Library: development of patent collections and services in Estonia".

1.	Classification is allotting one or more classification symbols (e.g., IPC symbols) to a patent application, either before or during search and examination, which symbols are then published with the patent application.
2.	Preclassification is allotting an initial broad classification symbol (e.g., IPC class or subclass, or administrative unit) to a patent application, using human or automated means for internal administrative purposes (e.g., routing an application to the appropriate examiner). Usually preclassification is applied by the administration of an office.
3.	Reclassification is the reconsideration and usually the replacement of one or more previously allotted classification symbols to a patent document, following a revision and the entry into force of a new version of the Classification system (e.g., the IPC). The new symbols are available on patent databases.