

# CWS.ATR.TM.2009.EE

## Annual Technical Report 2009 on Trademark Information Activities submitted by Estonia (CWS/ATR/TM/2009/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.

### I. Evolution of registration activities

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

In 2009 the applications from the member states of the European Union made up 71% of the total of trademark applications, including 32% by Estonian applicants. Amongst the European Union member states Germany was the most interested in obtaining legal protection in Estonia. Applications and international registrations from Germany make 8% of the total of applications, followed by France (4,4%) and Italy (3,6%). From other countries Russia (6,3%), Switzerland (5,9%) and the USA (3,6%) were also interested in them.

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

In 2009 the number of trademark registration applications was 1,317, which is 27% less than last year (1,800 in 2008). The number of applications filed by Estonian applicants has also decreased. 1,426 applications were filed in 2008, whereas 1,043 applications were filed in 2009, i.e. 27% less. International trademark registrations designating Estonia numbered 1,955 (2,917 in 2008). The number of international trademarks filed was 33% less compared with last year. In total 3,272 trademarks were filed for legal protection (4,717 in 2008). A falling tendency, which began due to accession to the European Union already in 2004, continued in the following years as well as in 2009 in both national and international trademarks approximately 31%.

At the end of the year 597,884 registered Community trademarks, including 288 trademarks from Estonia, 30,224 registered national trademarks and 32,275 international registrations with protection extended to Estonia were valid in Estonia.

The Trademark Department rendered 4,083 decisions, of which 1,642 concerned national applications and 2,441 international applications, which is 6% less than in 2008. Estonian applicants filed 45 international trademark registration applications for forwarding to WIPO (83 in 2008). Latvia and Lithuania were number one among the countries designated for protection, followed by Russia, Finland and Byelorussia. In 5% of the applications the European Union was designated.

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

[http://www.epa.ee/client/default.asp?wa\\_id=565&wa\\_object\\_id=1&wa\\_id\\_key=](http://www.epa.ee/client/default.asp?wa_id=565&wa_object_id=1&wa_id_key=)

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

#### Publishing, printing, copying techniques

The official publication of the Estonian Patent Office is the Estonian Trademark Gazette, published under the Trademark Act. 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.

Registered trademarks are published in the Estonian Trademark Gazette twice – first, after the decision on registration of the trademark in Part I and second, after the entry of a trademark in the register of trademarks and service marks in Part III. International registrations are published for appeal in Part II of the Gazette.

The Estonian Trademark Gazette is published 12 times a year. The Estonian Trademark Gazette of the Estonian Patent Office is available also electronically

[http://www.epa.ee/default.asp?wa\\_id=576](http://www.epa.ee/default.asp?wa_id=576)

#### Main types of announcements of the Office in the field of trademark information

The Estonian Patent Office continued to issue methodological guides on legal protection of industrial property.

The Estonian Patent Office homepage at [www.epa.ee](http://www.epa.ee) was currently updated. The homepage enables access trademark registration information both in Estonian and English. It also contains all legal acts, 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 trademarks, relevant links, current news and the public databases.

The examiners of the Trademark Department provide consultations on the issues related to trademarks in the office, by phone and e-mail. 93 people were given in-office consultations of about 48 hours in 2009. Presentations on trademarks were made at the intellectual property seminars in Haapsalu, Jõhvi, Narva, Pärnu and Tallinn.

Trademark applications are fully examined on both absolute (distinctive character) and relative (prior right) grounds. The average duration of the examination of both trademark applications and international registrations is 10 - 12 months, but in 2009 the duration has become longer until 16 months due to a larger volume of applications filed in 2007 and 2008, and recruitment of new examiners.

#### URLs of web pages of the Office's website that provide access to online trademark gazettes and to other sources of trademark information, including download of bulk trademark data

The Estonian Trademark Gazette of the Estonian Patent Office is available also electronically  
[http://www.epa.ee/default.asp?wa\\_id=576](http://www.epa.ee/default.asp?wa_id=576)

Trademark database on the Internet, including registered and pending trademarks as well as international registrations designating Estonia, is available to interested parties, including the Customs authorities, the Police and the Commercial Register. The database is updated once a week.  
[http://www.epa.ee/default.asp?wa\\_id=507](http://www.epa.ee/default.asp?wa_id=507)

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

**Classification and reclassification activities; Classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification (please indicate whether goods and services for the registration of marks and whether the figurative elements of marks are classified by your Office and, if so, which classification(s) is (are) used)**

International Classifications (Nice Classification, Vienna Classification) of Goods and Services for the purpose of the registration of marks are used.

Before filing a registration application with the Patent Office, it is possible to submit an enquiry on registered and pending trademarks and to use the database of trademarks via the Internet which also includes international registrations of trademarks designating the Republic of Estonia.

**Use of electronic classification systems to check the classification symbols furnished by an applicant and which are contained in the lists of goods and/or services**

International Classification of the Figurative Elements of Marks used in the Estonian Patent Office (in Estonian)  
[http://www.epa.ee/client/default.asp?wa\\_id=831&wa\\_id\\_key=](http://www.epa.ee/client/default.asp?wa_id=831&wa_id_key=)

#### **Bibliographic data and processing**

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

### **IV. Trademark manual search file establishment and upkeep**

#### **File Building**

The Estonian Patent Office does not use the manual search files.

### **V. Activities in the field of computerized trademark 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). As the Community trademarks are valid in Estonia since 2004 the number of entries in the databases increased 7 times. Therefore the Estonian Patent Office started to use figurative and verbal searches software ACSEPTO V7.05.7 to facilitate trademark examination procedure in the end of 2006. Recently besides trademarks valid in Estonia and Community trademarks also data of the emblems, official control and warranty signs and names of international intergovernmental organisations under protection in compliance with Article 6 ter of Paris Convention for the Protection of Industrial Property.

Since April 2007 a portal for electronic filing of trademarks has been available. So digitally signed applications for registration of trademarks can be filed without coming to the Office.

The Estonian Patent Office maintains a computerised database that enables the search of verbal and figurative elements of the trademarks (applications, registered marks, international registrations).

The search databases of trademarks, industrial designs and geographical indications which are available via the Internet are regularly updated, their use is free.

Trademark database (<http://www2.epa.ee/Patent/mark.nsf/SearchEngl?OpenForm>) includes registered and pending trademarks and international registrations designating Estonia, and is available to interested parties, including customs authorities and the police. The database of trademarks contains the data since 1 October 1992 of registered trademarks, trademark registration applications filed with the Patent Office and international registrations of trademarks valid in Estonia or filed for registration under the Protocol Relating to the Madrid Agreement in the amount provided by the Trademarks Act.

The database is updated once a week. Updating of the database takes place from 5 p.m. until 12 p.m. (midnight) every Thursday. Searches done at that time may not be successful.

#### **External databases**

There is also possibility to use CTM-online via web page of the Estonian Patent Office.

### **VI. Administration of trademark information products and services available to the public (relating to facilities, e.g., for lodging applications, registering trademarks, assisting clients with search procedures, obtaining official publications and registry extracts)**

#### **Planning, administration, automation, security**

The computerised Estonian trademark database (compiled at the Patent Library) contains registered marks and published applications (both national and international) and it can be exploited at the reading room of the Patent Library. Search is carried out by the bibliographer and the customers pay a moderate price for the computerised services.

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

ROMARIN (WO), also available via the website of WIPO,  
US TRADEMARKS BIB  
TRADEMARKS ASSIGNMENTS  
TRACES  
USAMARK

In-house online access is established to the commercial databases Questel-Orbit via the Internet connection. This database is charged on the bases of annual fee and on the bases of usage.

### **URLs of web pages of the Office's website for electronic filing of trademark 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 registration procedures related to trademarks; opposition and appeal procedures related to trademarks; etc.**

[http://www.epa.ee/client/default.asp?wa\\_id=399&wa\\_object\\_id=1&wa\\_id\\_key=](http://www.epa.ee/client/default.asp?wa_id=399&wa_object_id=1&wa_id_key=)  
(in Estonian)

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

[http://www.epa.ee/client/default.asp?wa\\_id=916&wa\\_object\\_id=1&wa\\_id\\_key=](http://www.epa.ee/client/default.asp?wa_id=916&wa_object_id=1&wa_id_key=)

## **VII. Matters concerning mutual exchange of trademark documentation and information**

### **International or regional cooperation in the exchange of trademark information, e.g., in the form of official gazettes**

The Estonian Patent Library has agreements with 26 trademark offices on exchange of trademark gazettes.

### **Exchange of machine-readable information**

At present the information concerning Estonian trademark on machine-readable carriers is not being forwarded to our exchange partners.

## **VIII. Matters concerning education and training, including technical assistance to developing countries (please indicate URLs of web pages of the Office's website wherever appropriate)**

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

Like in the previous years also in 2008 the Division did cooperation with the developing centres of the counties. Cooperation is essential in order to support the regional development of Estonia and its main goal is to rise the innovation awareness also outside Tallinn. In 2009 the Division arranged an info day on intellectual property in Haapsalu and Pärnu. Besides lecturers from the patent office a local entrepreneur shared his experiences and a patent attorney told about the services patent agencies provide in Pärnu. The audience on both county study days was numerous and questions were sufficient for long consultations.

### **Training courses for national and foreign participants**

In 2009 the impact of the seminars held in the classroom of the Estonian Patent Office rose remarkably. 5 seminars were held in 2007, 6 in 2008, whereas in 2009 the Division arranged 8 classroom seminars in total (5 seminars on protection of inventions and 3 on trademark registration).

Besides the above-mentioned also cooperation with several institutions has still been essential. A seminar on trademarks and industrial designs in cooperation with the Estonian Academy of Arts took place in January. Cooperation was done also with the Association of Estonian Patent Attorneys and a study day on industrial design was arranged, where the lecturers were Triin Jerlei from the Estonian Patent Office and Adir Aronovich from the United States Patent and Trademark Office.

In the framework of the Year of Creativity and Innovation a trademark examiner of the Estonian Patent Office introduced registration of trademarks in foreign countries at annual conference of the Year of Creativity and Innovation.

Also cooperation with Tallinn City Enterprise continued successfully. On 7-8 October 2009 a subsequent Tallinn Entrepreneurship Day was arranged, where the Estonian Patent Office participated (already for the second year in cooperation with the Patent Library). On both days the Patent Office was there with an info desk. Interest in the publications of the Estonian Patent Office and the Patent Library was great. The Patent Office arranged a seminar "Protected Inventions – Additional Value and Benefit for the Enterprise" in the framework of Tallinn Entrepreneurship Day.

As in October Entrepreneurship Weeks and Days were arranged also in other towns besides Tallinn the Patent Office was invited to make presentations on the Entrepreneurship Day in Narva, where our examiners disseminated their knowledge on protection of inventions and trademark registration. Interest was extremely big and Russian-speaking population also attended the event (the presentations were translated into Russian).

Traditionally two larger seminars – one in East-Virumaa and the other in Tallinn – were arranged for the small-sized entrepreneurs in Tallinn.

In April an entrepreneurship day "A Wise Deed Brings Benefit" dedicated to the World Intellectual Property Day was arranged in Ida-Virumaa. The Patent Office did cooperation with several partners (e.g. team of Innovation Year 2009, East-Viru Entrepreneurship Centre,

Centre of Registers and Information Systems, Estonian Inventor's Association, Synest Ltd. Etc.). The difference between the previous seminars was that besides lectures also very efficient workshops took place and the event was like a mess (the participants could choose themselves whether and when to listen to the presentations, have coffee or participate in the workshops). The Patent Office made a presentation on the international patent classification at this event. The full classification has been published in Estonian.

## **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 trademarks**

[http://www.epa.ee/client/default.asp?wa\\_id=456&wa\\_object\\_id=1&wa\\_id\\_key=](http://www.epa.ee/client/default.asp?wa_id=456&wa_object_id=1&wa_id_key=)  
(mainly in Estonian)

### **contain the Annual Report of the Office**

<http://www.epa.ee/ul/doc/valjaanded/aasta2009.pdf>

### **contain trademark-related news regarding the Office**

[http://www.epa.ee/rss.asp?wa\\_site\\_id=2](http://www.epa.ee/rss.asp?wa_site_id=2)

## **X. Other relevant matters**