

CWS.ATR.TM.2013.EE

Annual Technical Report 2013 on Trademark Information Activities submitted by Estonia (CWS/ATR/TM/2013/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. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN TRADEMARK INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

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

In Estonia it is possible to apply for the protection of trade marks under the Trade Marks Act that took effect on 1 May 2004 (the first Trade Marks Act entered into force in 1992). From 1 May 2004 the EU legal acts concerning trade marks are also valid in Estonia.

Since spring 2007 it has been possible to file the trademark applications through the electronic filing portal. The portal enables to fill in and send trademark registration applications to the Estonian Patent Office and to look at the applications filed earlier. Anyone can fill in the form, but only the applicant (or a patent attorney representing him/her) can sign it. Estonian ID-card and its reader are required. Upon request the Office issues a notification about the acceptance of the application. The notification can be saved or printed. 66% of the Estonian applicants used the possibilities of e-filing in 2013. Other documents relating to the examination can be filed electronically with a digital signature.

There are four possibilities to obtain legal protection for a trade mark in Estonia: • by registering it in the register of trademarks and service marks by filing an application with the Estonian Patent Office;

- by registering it with the International Bureau of the World Intellectual Property Organization (WIPO) requesting legal protection in Estonia;
- by making a trade mark well known in Estonia;
- by registering it as a Community trade mark with the Office for Harmonization in the Internal Market (OHIM).

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

For those who are interested, including the Customs Authorities, Police and Commercial Register, the Trademark Database is available on the Internet. This contains data about registered and pending trade marks, as well as international registrations designating Estonia. The database is updated twice a week.

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

Trade mark applications are fully examined on both absolute and relative (prior right) grounds. The average duration of the examination of trade mark applications and international registrations is 12,4 months. But the examination of national applications took 14.6 months, because the large number of applications filed in previous years caused a longer examination queue.

Trade marks are published in the Estonian Trademark Gazette twice – first, in Part I when the decision on trade mark registration has been made, and second, in Part III after the entry of a trade mark in the register of trade marks and service marks. International registrations are published for appeal in Part II of the Gazette.

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

1,263 trade mark registration applications were filed in 2013, which was about 14% more than last year (1,106 applications in 2012). The number of applications filed by Estonian applicants has increased. There were 857 applications filed in 2012. In 2013 there were 992, which is about 16% more. International trade mark registrations designating Estonia numbered 1,643 (1,535 in 2012). There were 7% more international registrations than last year. In total 2,906 trade marks were filed for legal protection (2,641 in 2012). In conclusion the number of applications has increased 10% in comparison with last year.

At the end of the year 986,496 Community trade marks were valid in Estonia (including 1,000 trade marks from Estonia), 28,284 registered national trade marks and 31,804 international trade marks with legal protection extended to Estonia.

The Trademark Department rendered 3,361 decisions – 1,422 for national applications and 1,939 for international registrations, which is about 5% less than in 2012 (3,581 decisions). Estonian applicants filed 31 international trademark registration applications for forwarding to WIPO (49 in 2012). Among the countries designated for protection, Russia was the first, followed by Ukraine, Latvia, Lithuania and Finland. The European Union was designated in 10 cases (33% of the applications).

In 2013 applications from the EU member states made up 65.6% of the total of trade mark applications, including 34.2% from Estonian applicants. Among the EU member states Germany was the most interested in gaining legal protection in Estonia. Applications and international registrations from Germany formed 4.8% of the total of applications, followed by France (3.9%) and Czech Republic (2.2%). Of other states Russia (8.8%), China (4.9%), the USA (4.7%) and Turkey (4.1%), were the most interested.

The most popular goods for which legal protection was applied in 2013 were pharmaceutical preparations (7.1%), followed by electrical and scientific apparatus (5.8%), foodstuffs (4.7%), cosmetics (3.9%) and clothes (3.9%).

The most popular services were advertising, business management and office functions (10%), followed by education, training, entertainment, cultural and sports activities (5.8%), scientific and technological research, design and development of computer hard- and software (3.8%).

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

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

<http://www.epa.ee/sites/www.epa.ee/files/elfinder/dokumendid/aasta2013.pdf>

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

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/trade-marks/what-trade-mark>

<http://www.epa.ee/en/general-info/e-services>

Matters concerning classifying

- (i) 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**
- (ii) Use of electronic classification systems and pre-defined terms of the classification applied**

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. International Classification of the Figurative Elements of Marks used in the Estonian Patent Office (in Estonian)

Matters concerning processing of different types of non-traditional marks (e.g., three-dimensional, motion, hologram, color mark, etc.)

<http://www.epa.ee/en/trade-marks/what-trade-mark>

III. SOURCES OF TRADEMARK INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of trademark information, outline of the content and medium (on paper, on CDs, online – URLs)

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

Since re-commenced operation of the Patent Office in 1992 we have considered advanced contemporary technical language important. Therefore folders and brochures, articles written by the employees of the Office and methodological guidelines have been currently published. In 2013 cooperation with OHIM for raising public awareness in the framework of bilateral program was continued and the following were published (in chronological order starting from the most recent):

- Newsletter No 4/2013 of the European Trade Marks and Industrial Designs (an online periodical on our website)
- Community Trade Mark (an online brochure)
- Newsletter No 3/2013 of the European Trade Marks and Industrial Designs - (an online periodical)
- Community Designs Registration System (an online brochure)
- Trade Mark: How to protect a trade mark (a folder, an online edition)
- Industrial Design: How to protect an industrial design (a folder, an online edition)
- Newsletter No 2/2013 of the European Trade Marks and Industrial Designs (online periodical)
- Collection of Law Cases of the European Court. Community Design Disputes (in pdf and an e-book)
- Collection of Industrial Design Legal Acts (an online edition)
- Collection of Trade Mark Legal Acts (an online edition)
- Newsletter No 1/2013 of the European Trade Marks and Industrial Designs (an online periodical).

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

The Estonian Patent Office publishes the following official gazettes:

- The Estonian Patent Gazette - 6 issues annually, published since December 1995;
- The Estonian Utility Model Gazette - a quarterly, published since 1994;
- The Estonian Trade Mark Gazette - a monthly, published since 1993;
- The Estonian Industrial Design Gazette - a quarterly, published since August 1998.

The Official Gazettes of the Estonian Patent Office (published from 1993 until 2002) are available on the website of the Estonian Intellectual Property and Technology Transfer Centre.

In its official gazettes the Estonian Patent Office publishes the decisions to register the objects of industrial property (trade marks, inventions, industrial designs, layout designs of integrated circuits, geographical indications) and amendments to the corresponding registers (the register of trade and service marks, the register of utility models, the register of patents, the register of industrial designs, the register of layout designs of integrated circuits, the state register of geographical indications and the register of European patents valid in Estonia) and all legal acts on industrial property protection, including the original texts and translations of laws and international agreements.

The official gazettes of the Patent Office are sold and disseminated by the Estonian Intellectual Property and Technology Transfer Centre at the address: Teaduspargi 8, 12618 Tallinn.

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

The next in line e-book in e-pub format "Collection of Law Cases of the European Court. Community Design Disputes." was published for the use in e-reader. The e-books of the Patent Office are available as free-of charge downloads on our website as well as in all larger bookstores of Estonia.

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

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

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

PrintPDF Share

<http://www.epa.ee/en/databases/trade-marks-databases>

•Database of the Estonian Patent Office

The database contains the data of the trade marks registered or filed for registration in the Republic of Estonia and international trade marks valid or filed for legal protection in Estonia under the Madrid Protocol.

The database is updated twice a week: on Tuesdays and Thursdays from 5.00 p.m. until 8 a.m. Searches made at that time may not provide a correct result.

The data available in the database is informative and does not have legal effect.

More: Trade marks database of the Estonian Patent Office

• e-Search plus

Trade marks are valid in European Union as whole, so also in Estonia!

A common search tool for Community trade marks and designs, which contains besides information on applications and registrations also information about relevant legal practice and representatives.

• TMview

A search tool developed in cooperation with OHIM, WIPO and national offices of different countries enabling to carry out searches in the databases of the national offices acceded to it as well as the databases of OHIM and WIPO. It is recommended to carry out the search before filing a Community trade mark application, because earlier national trade marks of member states of European Union may become an obstacle at its registration.

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

The information system of processing at the Patent Office consists of six registers (register of trade and service marks, register of patents, register of geographical indications, register of European patents valid in Estonia, register of utility models, register of industrial designs), for the administration of which application software Common Software. The software has been created particularly for carrying out the procedures of legal protection of industrial property and has been modified pursuant the law of Estonia. The information system of processing is connected with the portal of electronic filing of applications for legal protection of industrial property via which the received applications are imported by the interface to the databases. Besides that, the data to be published from the registers are sent to separately located search databases. On the basis of the registers statistics, reports and the official gazettes of the Office are compiled.

To facilitate trade mark examination procedure the software ACSEPTO of figurative and verbal searches is in use. It contains the data of Community trade marks and trade marks valid in Estonia, also data of the emblems, official control and warranty signs as well as the names of international intergovernmental organisations under protection in compliance with Article 6ter of Paris Convention for the Protection of Industrial Property.

Services of the electronic search databases of the Office can be used for making enquiries and searches for information on the website of the Office at www.epa.ee. The trade mark database was the largest and it was viewed most often.

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

<http://www.rik.ee/en/agency>

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

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

2013 was the eighth year of activities for the Small-Sized Enterprise Support Division, who arranges events for the entrepreneurs and the public to raise the awareness of intellectual property on behalf of the Patent Office as well as ensures the attendance of the Estonian Patent Office and its promotional materials at the intellectual property events arranged by other institutions.

20 seminars were arranged either by the Small-Sized Enterprise Support Division or by its attendance in 2013. In fact five seminars on inventions and four on trade marks were held in the classroom of the Patent Office. Besides these seminars, a general seminar celebrating the World Intellectual Property Day was held. Further training on supplementary protection of medicinal products and plant protection products as well as a round table on inventions were arranged for the patent attorneys in the classroom. However, colleagues from the Finnish Patent and Registration Office (PRH) visited our office. In cooperation with them a seminar for the employees of the Patent Department was arranged in our office. In autumn the employees of the Patent Department visited the PRH.

In 2013 as in previous years cooperation with Tallinn City Enterprise and developing centres of the counties continued. Regional seminars outside Tallinn were held in Paide, Pärnu and Kohtla-Järve.

329 people attended informative events arranged fully or partly by the Division in 2013. Out of them 108 attended seminars on inventions, 76 on trade marks and 94 the seminars outside Tallinn.

185 participants in the events in 2013 filled in the feedback sheets, which provided essential information for improvement of the performance of the Division in the future. On the basis of the feedback information received in 2013 a general profile of a participant in an informative event has been compiled by the Division or its participation.

The general profile of a participant in an informative event in 2013 was as follows:

- an entrepreneur/an entrepreneur starting the business (60.5%);
 - age 31-50 years (57.8%);
 - information about the seminar has been received from the website of the Patent Office (54.1%);
 - the participant has not attended a seminar arranged by the Patent Office before (81.1%);
 - the participant evaluated the general level of the seminar "we could say good" (49.2%);
 - the participant evaluated the contents of the seminar "excellent" (44.9%);
 - the participant evaluated the competence level of the lecturers "we could say good" (43.2%);
 - the participant evaluated the arrangement (64.9%) and timing (60.0%) of the seminars "excellent";
- Topics "Protection of the Rights of the Trade Mark Owner. Counterfeited Goods", "Structures for Supporting Entrepreneurs in Estonia", "Industrial Designs" and "Rights Accompanying Patent Protection and License" should be covered in the next seminars.

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION

The field of industrial property protection is international by its nature and it functions in compliance with particular precise international agreements and is very standardized. Therefore it requires the use of a large variety of IT facilities. The information systems of the Office form a tightly coupling system and its functioning without failures is essential both for the everyday operation of the office and the applicants for industrial property protection.

A portal online.epa.ee has been developed for filing applications for registration of a trade mark, patent applications, applications for registration of a utility model, applications for validation of an European patent, and applications for registration of an industrial design and to view the earlier filed applications in order to facilitate filing of applications with the Office. In 2013 new services enabling the user to file applications for forwarding and changing of the data of the trade mark and industrial design registrations or applications were prepared in the framework of the OHIM e-services project.

The information system of processing at the Patent Office consists of six registers (register of trade and service marks, register of patents, register of geographical indications, register of European patents valid in Estonia, register of utility models, register of industrial designs), for the administration of which application software Common Software. The software has been created particularly for carrying out the procedures of legal protection of industrial property and has been modified pursuant the law of Estonia. The information system of processing is connected with the portal of electronic filing of applications for legal protection of industrial property via which the received applications are imported by the interface to the databases. Besides that, the data to be published from the registers are sent to separately located search databases. On the basis of the registers statistics, reports and the official gazettes of the Office are compiled.

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

The Office also forwards the data regarding subjects of industrial property of Estonia to the international databases. Information can be found by the international trade mark search tool TMView (www.tmdn.org/tmview/welcome) and in the WIPO database Global Brand (www.wipo.int/branddb);

VII. OTHER RELATED MATTERS