

SCIT.ATR.ID.2005.EE

Annual Technical Report 2005 on Industrial Design Information Activities submitted by Estonia (SCIT/ATR/ID/2005/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 expression "industrial designs" covers industrial designs and models. Offices which issue design patents should report their design patent information activities in this series of Annual Technical Reports.

I. Evolution of registration activities

The Industrial Design Protection Act entered into force on 11 January 1998. On

1 April 2004 the Geneva Act of the Hague Agreement Concerning the International Deposit of Industrial Designs entered into force. Community design rights, including the Council Regulation 6/2002/EC on legal protection of Community designs of 12 December 2001.

There are four possibilities to obtain legal protection for industrial designs:

- by filing an application for registration in the State Register of Industrial Designs with the Estonian Patent Office;
- by filing an application with the International Bureau of WIPO in Geneva designating Estonia among the countries in which protection is sought;
- by filing an application with the Office of Harmonization for the Internal Market OHIM) to obtain legal protection to industrial designs registered in the European Community;
- by disclosing industrial designs to the public within the territory of the European Community a 3-year protection against imitation (copying) shall be granted automatically.

The number of industrial designs entered in the State Register of Industrial Designs in Estonia on 31 December 2005 was 800. The number of international registrations of industrial designs granted legal protection in Estonia was 159. The number of valid Community design registrations on 31 December 2005 was 145, 538.

In Estonia industrial designs are registered by publication or registration system. The Estonian Patent Office does not examine the industrial design as to its novelty, inventiveness and 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.

The term of protection of an industrial design is 5 years from the filing date of the registration application; after that the owner of the right may, by paying the state fee, renew the term of protection four times for periods of 5 years each, up to a maximum of 25 years.

Industrial design registration applications filed with the Estonian Patent Office in 2005 numbered 93, which marks a 38% decrease compared to 2004. Domestic industrial designs made up 51% of the applications (47% in 2004). 165 international industrial design registrations were received under the Hague Agreement, as a result of the distribution of the application their number increased to 181 by 31 December.

The volume of the examination of international registrations in the Estonian Patent Office increased in 2005, 230 decisions on registration were made in 2005 (10 in 2004). 91 notifications of refusals were sent out, as there is a requirement in Estonia that an application may include only one industrial design, variants of an industrial design or a set of industrial designs. Refusal can be avoided by distributing an international registration into separate applications meeting this requirement in Estonia.

At the end of 2005 the number of pending domestic registration applications was 36 and pending international registration applications was 128. The average duration of the processing of an industrial design registration application is 1 to 2 months.

The most popular designed products at registration of industrial designs were watches in 2005 (141 international registrations of industrial designs by Swiss applicants). Protection was mainly sought for communication equipment (35 national applications by Nokia Corporation) and jewelry (22).

II. Matters concerning the generation, reproduction, and distribution of industrial design documents and of secondary sources of industrial design information, i.e., official gazettes

The official publication of the Estonian Patent Office is the Estonian Industrial Design Gazette.

The Statutes of the Estonian Industrial Design Gazette was confirmed by the Regulation of the Minister of Economics of May 15, 1998. The Estonian Industrial Design Gazette comprises of the following parts:

- 1) Registered industrial designs,
- 2) Renewal of term of industrial design,
- 3) Change in data relating to the registration of industrial design,
- 4) Transfer of rights of proprietor of industrial design into usufruct,
- 5) Deletion of industrial design registration,
- 6) Issue of a duplicate of industrial design certificate,
- 7) Lists,
- 8) Legal acts and information.

The Estonian Industrial Design Gazette is published 4 times a year.

Since 1 January 2003 The Estonian Industrial Design Gazette of the Estonian Patent Office are available also electronically (in pdf-format, <http://www.epa.ee/default.asp?id=515>):

Editing and printing is done with PCs, including the certificates and preparation for the printing of the Industrial Design Gazette.

III. Matters concerning classifying, reclassifying and indexing of industrial design information according to the classification systems applied

The Estonian Patent Office uses the 8th edition of the International Classification for Industrial Designs (Locarno Agreement). The Republic of Estonia became party to the said Agreement on Oct. 31, 1996. WIPO Standard St. 80 is used for bibliographic data coding.

IV. Search file establishment and upkeep

The Estonian Patent Office does not use search files.

V. Activities in the field of computerized search systems for industrial designs

The Estonian Patent Office maintains a computerised in-house database (applications, registered designs, international registrations).

The public search database of industrial designs which is available via the Internet is updated weekly, use is free of charge. The database contains information on registered industrial designs and on industrial design registration applications filed in the Republic of Estonia since 11 January 1998 to the extent specified in the Industrial Design Protection Act. The database allows queries on registration and application numbers, names of the holder, designer and product and Locarno classes. Pictures of the designs are scanned and kept in the database as images in gif-format. The database does not contain industrial designs registered in the International Register according to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, for which legal protection is applied or which have been granted legal protection in the Republic of Estonia. Information on the international registrations of industrial designs is available in a bulletin accessible at the web page of WIPO.

VI. Administration of industrial design services available to the public (relating to facilities, e.g., for lodging applications, registering designs, assisting clients with search procedures, obtaining official publications and registry extracts)

The computerised Estonian industrial designs database can be exploited at the reading room of the Estonian Patent Library. The searches are carried out at the request of the users and the customers pay a moderate price for the computerised services.

VII. Matters concerning mutual exchange of industrial design documentation and information

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

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

OHIM

A seminar "Industrial property protection in EU" in Estonian Chamber of Commerce and Industry: library (3 participants)

Others

Estonian Academy of Arts and Swedish Trade Council seminar "Innovation through design": library (6 participants)

Estonian Academy of Arts seminar "Intellectual property protection": library (2 participants)

A seminar "Industrial property protection in EU" in Estonian Chamber of Commerce and Industry: library (3 participants)

Customer training activities of the Estonian Patent Library in 2005:

In 2002, the Estonian Patent Library opened a special computerized public room for industrial property information training courses. Also IP information users can work online here individually.

In 2004 the Estonian Patent Library started a training course on industrial design.

In 2005 2 training courses concerning IP information were carried out among Estonian Inventors Association, 12 training courses among entrepreneurs, specialists, teachers, representatives of pupil companies, librarians, 3 training courses among unemployed, 4 training courses among students. The subject matter of these courses is constantly revised and modified.

Other:

Language courses

1. Advanced English language learning courses (27 participants)
2. French language learning courses (7 participants)
3. Finnish language learning courses (2 participants)
4. Advanced computer courses (3 participants)

IX. Other relevant matters