

# SCIT.ATR.ID.2007.EE

## Annual Technical Report 2007 on Industrial Design Information Activities submitted by Estonia (SCIT/ATR/ID/2007/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

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

In Estonia it is possible to apply for protection of industrial designs pursuant to the Industrial Designs Protection Act, which entered into force on 11 January 1998. Since 1 May 2004 the legal acts of the European Community on industrial designs, including the Council Regulation 6/2002/EC of 12 December 2001 on legal protection of the Community designs, are in force in Estonia. Pursuant to this Regulation besides the existing ordinary possibilities for registration all industrial designs disclosed to the public within the territory of the European Community shall automatically have a 3-year protection against copying.

Since 1 April 2004 the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs has been in force. In order to protect an industrial design via the Hague system an application either in English or French should be filed with the International Bureau of WIPO in Geneva, designating the countries where the applicant wants to obtain protection. Riigikogu passed a change of law on 22 November 2007 pursuant to which it will be possible to file international applications also with the Estonian Patent Office. On 31 December it was possible to apply for protection via this system in 23 countries, a day later also in the European Community.

Iceland and Latvia from the Nordic countries and the Baltic states have acceded with the Hague system.

Norway, Denmark, Finland, Sweden and Lithuania are making preparations for accession. Low level of WPO fees, which did not cover the expenses of the offices, prevented the Nordic countries from accession until now. In 2007 the Assembly of the Hague Union approved of the new structure of fees, which means an increase of expenses for the applicants, but would also increase the number of countries participating in the system.

On 10 August 2007 the Industrial Designs Regulation entered into force. It assembles into one legal act all the requirements which were earlier included in different regulations. The new regulation prescribes the formal requirements for the documents (incl. an application) filed with the Estonian Patent Office and regulates availability of the data from the register, publication of the Industrial Design Gazette and the grant of an Industrial Design Certificate. It is essential for the applicants to know that the requirements for numbering the reproductions of industrial designs have changed.

In Estonia industrial designs are registered by formal examination 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.

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

Industrial design registration applications filed with the Estonian Patent Office in 2007 numbered 122 (121 before division), which is 11% less than in 2006. 70 international industrial design registrations were received under the Hague Agreement (128 in 2006), which is significantly (45%) less than last year. As a result of the division of the applications their number increased to 131 by 31 December (192 in 2006).

Although the number of applications decreased in 2007, interest in industrial designs increased. 55 people had consultations in the Estonian Patent Office (47 in 2006). Besides, many more received assistance by phone or e-mail. Presentations on industrial designs were made at the seminars on intellectual property in Johvi, Tallinn, Saaremaa and Rakvere as well as at the seminar on design at Estonian Academy of Arts.

The Estonian Patent Office made 269 decisions on registration. 30 notifications of refusals were sent to the WIPO, 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 dividing an international registration into separate applications meeting this requirement in Estonia.

At the end of 2007 the number of pending national registration applications was 62 and pending international registrations was 80. The average duration of the processing of an industrial design is 1 to 2 months.

The number of industrial designs entered in the Register of Industrial Designs in Estonia on 31 December 2007 was 966. Legal protection in Estonia was granted to 539 international registrations of industrial designs. In addition to them there are 287, 677 registered Community designs and unregistered Community industrial designs.

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

[http://www.epa.ee/client/default.asp?wa\\_id=996&wa\\_id\\_key=](http://www.epa.ee/client/default.asp?wa_id=996&wa_id_key=)

### 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 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 the manual 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 search database of industrial designs which is available via the Internet are regularly updated, use is free of charge. The database contains information on industrial designs registered 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 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 information products and 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**

The Estonian Patent Library receives gazettes containing the information on industrial design from 19 IP offices, by international exchange of publications.

### **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.)**

Year 2007 was the second year of activities for the Small-Sized Enterprise Support Division, which main goal is to raise the awareness of the entrepreneurs and the public in the field of legal protection of intellectual property by arranging seminars, info days, consultations and participating in the fairs.

One of the priorities of the division was undoubtedly raising awareness of the entrepreneurs in the counties. So cooperation between the Division and the developing centres of the counties continued in 2007 by arranging info days on intellectual property. In the framework of cooperation info-days were held in Kuressaare and Rakvere.

Info day in cooperation with Jõhvi representation of the Estonian Chamber of Commerce and Industry was held in Jõhvi in the beginning of the year. The info day was in two parts; the first was in Russian and the second in Estonian.

In 2007 the impact of the seminars held in the classroom of the Estonian Patent Office rose. There were 4 seminars for the entrepreneurs both in the field of trademarks and inventions as well as a seminar for the students of Business Law of Tallinn College of Tallinn Technical University. Approximately 90 people were trained in the classroom.

Also cooperation with Tallinn City Enterprise Board, which started last year, continued successfully.

Tallinn City Enterprise Board started to provide benefits to the items of industrial property for the grant of patent protection to facilitate getting protection to the innovative solutions of industrial property in foreign countries and to support their application in business in Tallinn in 2006. An Evaluation Committee was established. Two representatives of the Estonian Patent Office participate in its activities. Besides, in case the submitted application requires further examination the Committee of Tallinn City Enterprise Board does cooperation with the examiners of the special field of the Estonian Patent Office.

On 3-4 October a subsequent Tallinn Entrepreneurship Day was celebrated in Tallinn and the Estonian Patent Office participated as a cooperation partner for the second time by arranging 2 seminars: "Make Use of Industrial Property Information and Inventing is Simple!" and "About Trademarks. What is a Trademark? How to Protect It? How to Choose a Trademark not to Have Problems at Registration Later".

Besides the seminars, also an info centre of the Estonian Patent Office was opened for the entrepreneurs on two days. It provided information on intellectual property, consultations, and official gazettes of the Estonian Patent Office as well as other publications.

This year for the very first time those who were interested had an opportunity to test their knowledge in the field of intellectual property. The best one was awarded.

Traditionally two larger seminars were arranged for the small-sized entrepreneurs in Tallinn.

On 26 April the Estonian Patent Office in cooperation with WIPO celebrated the World Intellectual Property Day for the seventh time by arranging a seminar "Small and Medium-Sized Enterprises and Intellectual Property".

In October the Estonian Patent Office in cooperation with the European Patent Office arranged a seminar "Challenges and Risks at IP Protection" in the Conference Centre of Meriton Grand Hotel in Tallinn. 87 was a record number of participants.

The library published the training material related to the training program "Patent information in the R&D of the company" on CD-ROM and in the web. The leaflet "How to find IP protected in Estonia in the Internet" was published on the library's website.

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

Libraries related:

Seminar on ABC design (Estonian Academy of Arts), 29.05.2007, 6.11.2007 Tallinn (library 2 participants)

Customer training activities of the Estonian Patent Library in 2007.

16 training courses "Patent information in the R&D of the company" were carried out among the entrepreneurs and specialists. The courses were arranged in different enterprises and institutions of Estonia. 9 training courses were held for students. The subject matter of these courses is constantly revised and modified.

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

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

[http://www.epa.ee/client/default.asp?wa\\_id=922&wa\\_object\\_id=1&wa\\_id\\_key=](http://www.epa.ee/client/default.asp?wa_id=922&wa_object_id=1&wa_id_key=)

### **contain industrial design-related news regarding the Office**

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

## **X. Other relevant matters**