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Annual Technical Report 2004 on Industrial Design Information Activities submitted by Estonia (SCIT/ATR/ID/2004/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. The law was amended and the processing of applications specified in 2004.

On 1 April the Geneva Act of the Hague Agreement Concerning the International Deposit of Industrial Designs entered into force. Community design rights took effect on 1 May. It means more choices for entrepreneurs: people interested in the European market, can obtain protection in all countries of the European Community by filing a single application. Protection is obtained through the system of the international registration of industrial designs. Applications must be filed with the International Bureau of WIPO in English or in French designating the countries in which protection is sought. Thus, legal protection in the territory of Estonia is granted to industrial designs registered in Estonia, international registrations designating Estonia, European Community registrations and unregistered industrial designs.

Granting protection to unregistered industrial designs is an interesting aspect of the Community design protection system. It is especially beneficial to industries where styles and models change quickly over time, e.g. to the clothing industry. All industrial designs which have been disclosed to the public within the European Community shall be granted a 3-year term of protection against imitation (copying).

The number of industrial designs entered in the state register of industrial designs in Estonia on 31 December 2004 was 715. No international registrations of industrial designs have entered into force so far. The number of valid Community design registrations on 31 December was 77,000.

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. Only the compliance of the application with the formal requirements for the registration (the form, contents, filing dates of the documents) and the compliance of the design with the definition of the industrial design are examined.

Registered industrial designs are published in the Official Gazette of the Estonian Patent Office after the design has been entered in the state register of industrial designs. The rights of the owner of the industrial design may be contested in court pursuant to administrative or civil court procedure.

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 2004 numbered 149 which marks a 5% decrease compared to 2003. Two applications were divided into two, meaning that the total number of applications was 151. Domestic industrial designs made up 47% of the applications (29% in 2003). 105 international industrial design registrations were received under the Hague Agreement.

In 2004 the Estonian Patent Office entered 129 industrial designs into the state register of industrial designs. 40% of the industrial designs belong to Estonian nationals, 40 % to Finnish nationals, the UK, Japan, South-Korea and Holland follow them with 4 %. The majority of registered industrial designs belonged to the field of recording, communication and information retrieval equipment (51 designs). Other popular classes were sales and advertising equipment (21) and packages and containers (17).

The number of pending registration applications at the end of 2004 was 56. The average duration of the processing of an industrial design registration application is 1 to 2 months.

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 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 31 IP offices, 30 titles are acquired by exchange and 1 titles by purchase.

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

WIPO:

Seminar "Intellectual Property for SMES-s" 14.-15.09.2004 (3 participants)

EPO:

Seminar 19/2003 "The EPO: An inside view for new and future member states – Focus 2003 (2 participants)

PATLIB 2004 (4 participants) : library (4 participants)

EPIDOS 2004 Annual Conference (4 participants): library (3 participants)

Seminar 1/2003 "Search and examination of European patent (1 participant)

Seminar 8/2003 "Search and examination of patent application in biotechnology" (2 participants)

Seminar "Appeal procedure at the EPO" (1 participant)

Symposium „Managing IP rights in a knowledge-based society" (2 participants)

Seminar 3/2003 Search and examination in chemistry with focus on pharmaceutical" (1 participant)

Seminar Epoline" (2 participants)

Seminar 7/2003 "Search and examination of patent application in physics, electricity and mechanics" (1 participant)

Seminar 9/2003 "Search and examination of PCT applications" (2 participants)

Seminar „Searches of IP information from Internet and compact disks" (1 participant)

Seminar SE5b/2004 "Access to IP information and documentation on the Internet and on CD-ROM: library (1 participant) 21.06.-25.06.2004.

Public Symposium on Innovation Support 20.09.2004 21.09.2004: library (4 participants)

OHIM

Seminar "Protection of IP " 30.11.- 01.12. 2004 OHIM, TAIEX, Estonian Chamber of Commerce and industry (2 participants)

Other:

Language courses

1. Advanced English language learning courses (6 participants)

2. French language learning courses (19 participants)

3. Finnish language learning courses (1 participant)

4. Advanced computer courses (66 participants)

5. The Estonian Patent Office took part of the fair "Intellektika 2004", act with the exhibition

6. A seminar for SMEs in Tallinn on intellectual property protection, 14–15. Sept, in cooperation with WIPO and the Technical Assistance Information Exchange Office (TAIEX)

7. A symposium on innovation support, 20–21. Sept, in cooperation with EPO

Libraries related:

1. Training course „Modern libraries in Finland" 13.05.2003 Helsinki (1 participant)

2. Training course „Modern library" 28.06.-05.07.2003 Germany (1 participant)

3. Seminar "Digital library and it's user" 15.10.2003 Tallinn, (1 participant)

Customer training activities of the Estonian Patent Library in 2004.

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 2002 the Estonian Patent Library began with special training courses for entrepreneurs, named "Use of the industrial property information in the product development" and included 30 hours.

In 2004 4 training courses concerning IP information were carried out among Estonian Inventors Association, 4 training courses among entrepreneurs, patent attorneys, librarians of public libraries, 7 one-day training courses among students. The subject matter of these courses is constantly revised and modified.

In 2004 the Estonian Patent Library also started a special one-day training course on industrial design.

The aim of these training days (length up to one day) and training courses (length up to 5 days) is to highlight the impact of the use of information concerning patents, trademarks and industrial designs and they are arranged in the library or in centres of entrepreneurship.

IX. Other relevant matters