

CWS.ATR.PI.2013.EE

Annual Technical Report 2013 on Patent Information Activities submitted by Estonia (CWS /ATR/PI/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.

The term "patent" covers utility models and Supplementary Protection Certificates (SPCs). Offices which issue design patents should report their design patent information activities in their Annual Technical Reports on Industrial Design Information Activities.

I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN PATENT INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

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

Inventions can be protected as patents or utility models on the grounds of the Patent Act and the Utility Model Act, which entered into force on 23 May 1994.

42 patent applications were filed in 2013, including 14 PCT applications, 101 utility models applications and 37 applications for supplementary protection of medicinal products and plant protection products. Estonian applicants filed 25 patent applications and 95 applications for registration of a utility model. Estonian applicants filed 6 international patent applications for forwarding to WIPO. The Patent Office made 102 examination decisions on patent applications and granted 78 patents. 101 examination decisions on utility model registration applications were made and 68 utility models were registered. The Office made 14 decisions on applications for supplementary protection of medicinal products and plant protection products were made and 24 supplementary protection certificates were granted.

On 31 December 2013 the number of pending applications was 118 patent and 101 utility model registration applications.

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

From the patent applications received in 2013 60% were from Estonian applicants, 16% from the member states of the European Union (excluding Estonia) and 2% from the USA.

The Patent Office examines the compliance of filed patent applications with the formal requirements and carries out substantive examination of the invention, examining the novelty of the invention worldwide, the inventive step and industrial applicability.

In 2013 the main reasons for rejection or withdrawal of patent applications were the non-compliance of the invention with the patentability criteria (37.8%), the non-compliance of the patent application with the formal requirements (16.2%) or the non-payment of the state fee charged in respect of a year of continued validity of the patent application (16.2%).

The average duration of the examination of a patent application is 3.1 years. The patent application is published in 18 months from the filing date or priority date. The registration of the invention in the register of patents is deemed the grant of a patent. A traditional letters patent is issued to the patentee.

The term of validity of the patent is 20 years from the filing date of the patent application; a renewal fee must be paid for each year of validity.

Since 1 January 2013 the Patent Department examines applications for supplementary protection for medical products and plant protection products. Supplementary protection for medical products and plant protection products is valid for five years after the patent has expired. Since 2000 the total number of filed applications is 116.

TOP 5

Patents granted in 2013

Eesti/Estonia 47
Soome/Finland 8
USA 5
Saksamaa/Germany 3
Taani/Denmark 3

TOP 5

Patents valid, 31.12.2013

Rootsi/Sweden 220
USA 192
Saksamaa/Germany 155
Eesti/Estonia 152
Soome/Finland 118

European Patents

Inventions can be protected by the European patent in Estonia since 1 July 2002, when Estonia became a full member of the European Patent Organisation (EPO). Starting from that date Estonia can be designated in the European patent application as a state where a European patent is intended to be validated. Besides, Estonian and foreign applicants can file a European patent application via the Estonian Patent Office to the EPO.

To validate a European patent in Estonia the proprietor should file a translation of the patent specification into Estonian with the Estonian Patent Office within 3 months from issuing a notification of the grant of the patent by the EPO and pay the prescribed fee for making it available to the public. Upon payment of an additional state fee the term for submitting the translation can be extended by 2 months.

The European patent valid in Estonia is legally equal to the Estonian patent. The Estonian Patent Office keeps the register of the European patents valid in Estonia.

To keep a European patent valid in Estonia the proprietor has to pay a renewal fee for each year of validity, starting from the second year after the EPO has notified of the grant of European patent. The state fee can be paid up to 6 months before the due date for payment or, in case of paying the supplementary fee, up to 6 months after the due date for payment. The due date for payment is the last day of the calendar month in which the year of validity of the European patent starts.

The first European patents entered into force in Estonia in 2004. By the end of 2013 there were in total 6,211 European patents valid in Estonia. The number of European patents to be validated in Estonia shows a constant rise. By the end of 2013 no European patent applications to be forwarded to the EPO had been filed with the Estonian Patent Office.

TOP 5

European patents validated in Estonia in 2013

USA 355

Saksamaa/Germany 202

Šveits/Switzerland 135

Itaalia/Italy 80

Prantsusmaa/France 75

TOP 5

European patents valid in Estonia, 31.12. 2013

USA 1257

Saksamaa/Germany 1111

Šveits/Switzerland 670

Prantsusmaa/France 476

Itaalia/Italy 334

Utility models

Applications for the registration of a utility model can be filed for equipment, method and substance.

The Patent Office began electronic reception of utility model applications in November 2008. The address of the portal of e-filing of applications is <http://online.epa.ee/>.

The Estonian ID card is required for the entry into the portal. Anyone can fill in the application for the registration of a utility model, but the application can be filed with the Estonian Patent Office only after it has been digitally signed by the applicant or the patent attorney. Upon request the Estonian Patent Office issues a notification about the acceptance of the utility model application. The notification can be saved or printed. 41 applicants used the possibilities of e-filing of an application in 2013.

From the utility model applications received in 2013 94% were from Estonian applicants and 3% from the member states of the European Union (excluding Estonia).

Only worldwide new inventions involving an inventive step and capable of industrial application may be protected by utility model. In the course of processing a registration application of a utility model, the Estonian Patent Office examines the compliance of the application with formal requirements. Pursuant to the amendments to the Utility Models Act entered into force on 1 January 2012 the Patent Office carries out a state of art search and forwards the search report to the applicant. The applicant can make corrections and amendments in the application on the basis of the report within two months from the issue of the search report, but it is not compulsory. If the invention is not new or industrially applicable or does not have an inventive step, any person may file an action in court for revocation of the registration.

When the registration application complies with the requirements, the invention is registered in the register of utility models and a utility model certificate is issued. The average processing time of a utility model registration application is 1 year, which is much shorter time compared to that of the patent application.

The term of legal protection of a utility model is four years from the filing date. After that the term of protection may be renewed for up to 10 years by paying the renewal fee: initially for four years and after that for another two years.

TOP 4

Utility models registered in 2013

Eesti/Estonia 58

Soome/Finland 4

Venemaa/Russia 2

Muud (4 riiki) / Others (4 countries) 1

TOP 5

Registered utility models valid on 31.12.2013

Eesti/Estonia 370

Venemaa/Russia 15

Soome/Finland 15

Türgi/Turkey 2

Muud (11 riiki) / Others (11 countries) 1

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>

<http://www.epa.ee/en/news>

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

II. SERVICES AND ACTIVITIES RELATED TO PATENT 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

Free consultations

The Receiving Department answers questions about fees and compilation of applications. Please call +372 627 7911.

The patent examiners of the Patent Department provide free consultations on compilation of a patent application and a utility model application every Thursday from 3 PM to 5 PM. Registration in advance is required. Please call +372 6277 910, +372 627 7944 or write an email to leiutis@epa.ee.

Seminars in Estonian <http://www.epa.ee/et/seminarid>

<http://www.epa.ee/en/protection-inventions/what-invention>

Classification¹, preclassification² (if applicable), reclassification³ activities; classification systems used (e.g., International Patent Classification (IPC)); matters concerning indexing of patent information

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

Abstracting, reviewing, and translation of the information contained in patent documents

<http://www.epa.ee/en/patent-information-and-services/patent-information>

III. SOURCES OF PATENT INFORMATION PROVIDED BY THE OFFICE

Main types of publications of the Office (patent applications, full text, first pages, abstracts, bibliographic data, granted patents, etc.), medium (on paper, on CDs, online – URLs)

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

<http://www.epa.ee/en/publications/official-gazettes>

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

<http://www.epa.ee/en/publications/official-gazettes>

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

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

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

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

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.

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.

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

Patent library: equipment, collection management, network of patent libraries in the country, cooperation with foreign patent libraries

<http://www.eitk.ee/en/>

Publications related to different business procedures and patent information sources available to users, for example, books, brochures, Internet publications, etc.

<http://www.epa.ee/sites/www.epa.ee/files/elfinder/dokumendid/voldik-leiutis2014.pdf>

<http://www.epa.ee/sites/www.epa.ee/files/elfinder/dokumendid/voldik-mudel2014.pdf>

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 PATENT INFORMATION

International exchange and sharing of patent information in machine-readable form, e.g., priority documents, bibliographic data, abstracts, search reports, full text information

The Office forwards the data regarding subjects of industrial property of Estonia to the international databases. Data concerning patents and utility models are accessible in the worldwide patent database Espacenet (worldwide.espacenet.com).

VII. OTHER RELATED MATTERS

1.	Classification is allotting one or more classification symbols (e.g., IPC symbols) to a patent application, either before or during search and examination, which symbols are then published with the patent application.
2.	Preclassification is allotting an initial broad classification symbol (e.g., IPC class or subclass, or administrative unit) to a patent application, using human or automated means for internal administrative purposes (e.g., routing an application to the appropriate examiner). Usually preclassification is applied by the administration of an office.
3.	Reclassification is the reconsideration and usually the replacement of one or more previously allotted classification symbols to a patent document, following a revision and the entry into force of a new version of the Classification system (e.g., the IPC). The new symbols are available on patent databases.