

SCIT.ATR.TM.2008.EE

Annual Technical Report 2008 on Trademark Information Activities submitted by Estonia (SCIT/ATR/TM/2008/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. Evolution of registration activities

Changes experienced in terms of application filings and registrations with respect to the previous year

There are 4 possibilities to obtain legal protection for a trademark in Estonia:

- by registering a trademark in the state register of trademarks and service marks by filing an application with the Estonian Patent Office;
- by registering a trademark with the International Bureau of the World Intellectual Property Organization (WIPO) requesting legal protection in Estonia;
- by making a trademark well known in Estonia;
- by registering a trademark with the Office for Harmonisation in the Internal Market (OHIM) as a Community trademark.

In 2008 the number of trademark registration applications was 1,800, which is 9% less than last year (1,980 in 2007). The number of applications filed by Estonian applicants has also decreased a little. 1,537 applications were filed in 2007, whereas 1,426 applications were filed in 2008, i.e. 9% less. International trademark registrations designating Estonia numbered 2,917 (3,199 in 2007). The number of international trademarks filed was 9% less compared with last year. Thus in total 4,717 trademarks were filed for legal protection (5,179 in 2007). A falling tendency, which began in 2004 already due to accession to the European Union and continued in 2005 and 2006 in the number of both national and international trademarks in 2008 compared with last year, has slowed down. (There was a decrease of 14% in 2004, 18% in 2005, 1% in 2006 and an increase of 0.9% in 2007.) Although in 2007 a little rise in the number of registration applications of national trademarks could be noticed, there was still a decrease of 9% in the number of both national and international trademarks in 2008 compared with last year.

At the end of the year 507,715 registered Community trademarks, including 191 trademarks from Estonia, 308,800 registered national trademarks and 30,719 international registrations with protection extended to Estonia, were valid in Estonia.

The Trademark Department rendered 4,360 decisions, of which 1,861 concerned national applications and 2,499 international applications, which is 10% more than in 2007. Estonian applicants filed 83 international trademark registration applications for forwarding to WIPO (108 in 2007).

Latvia and Lithuania were the first ones among the countries designated for protection, followed by Russia and Ukraine. In 4% of the applications the European Union was designated.

In 2008 the applications from the member states of the European Union made up 72% of the total of trademark applications, including 30% by Estonian applicants and 3% by the applicants from the U.S.A.. Amongst the European Union member states Germany was the most interested in obtaining legal protection in Estonia. Applications and international registrations from Germany make 10% of the total of applications, followed by France (4.7%) and Italy (3.6%). From other countries Russia (6.7%), Switzerland (5.0%) and China (3.4%) were also interested in them.

Trademark applications are fully examined on both absolute (distinctive character) and relative (prior right) grounds. The average duration of the examination of trademarks and international registrations is 12 months.

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

The most popular goods, regard of which legal protection was applied for in 2008, were pharmaceutical preparations (5.8%), followed by electrical and scientific apparatus (5.3%), foodstuffs (4.9%), printed products (4.6%), clothes (4.1%) and cosmetics (3.5%).
The most popular services were advertising, business management and office functions (9.6%), followed by education, training, entertainment, cultural and sports activities (5.9%), scientific and technological research, design and development of computer hard- and software (3.8%).

TOP 5 countries
(Registered trademarks in 2008)

Estonia 934
U.S.A. 82
Switzerland 35
Finland 24
Germany 21

TOP 5 countries
(International registrations of trademarks entered into force in Estonia on 31 December 2008)

Germany 393
France 217
Russia 183
Switzerland 154
Italy 114

TOP 5 countries
(Trademark registrations valid in Estonia on 31 December 2008)

Estonia 9,130
U.S.A. 5,648
Germany 3,248
Switzerland 1,596
France 1,461

TOP 5 countries
(International registrations of trademarks valid in Estonia on 31 December 2008)

Germany 8,998
France 3,010
Switzerland 2,692
Italy 1,658
Holland 1,245

URLs of web pages of the Office's website that provide statistics related to trademarks

http://www.epa.ee/ul/doc/statistics/2008_kmtaotl1.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmtaotl2.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmtaotl3.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmtaotl4.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmmen1.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmmen2.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmmen3.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmreg1.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmreg2.pdf
http://www.epa.ee/ul/doc/statistics/2008_kmreg3.pdf

II. Matters concerning the generation, reproduction, and distribution of secondary sources of trademark information, i.e., trademark gazettes

Publishing, printing, copying techniques

The official publication of the Estonian Patent Office is the Estonian Trademark Gazette, published under the Trademark Act. The Gazette contains the text and reproductions of all trademark applications published for opposition, all trademarks that have been registered, all registrations that have been amended, renewed, expired or cancelled.

Registered trademarks are published in the Estonian Trademark Gazette twice – first, after the decision on registration of the trademark in Part I and second, after the entry of a trademark in the register of trademarks and service marks in Part III. International registrations are published for appeal in Part II of the Gazette.

The Estonian Trademark Gazette is published 12 times a year. The Estonian Trademark Gazette of the Estonian Patent Office is available also electronically
http://www.epa.ee/default.asp?wa_id=576

Main types of announcements of the Office in the field of trademark information

The Estonian Patent Office continued to issue methodological guides on legal protection of industrial property.

The Estonian Patent Office homepage at www.epa.ee was currently updated. The homepage enables access trademark registration information both in Estonian and English. It also contains all legal acts, regulations and international agreements by the Government of the Republic and Minister of Economic Affairs, and other legislation as well as material on legal protection of trademarks, relevant links, current news and the public databases.

The examiners of the Trademark Department provide consultations on the issues related to trademarks in the office, by phone and by e-mail. 101 people were given consultations of about 53 hours in 2008. Presentations on trademarks were made at the intellectual property seminars in Kullamaa, Viljandi, Võru, Hiiumaa and Tallinn.

URLs of web pages of the Office's website that provide access to online trademark gazettes and to other sources of trademark information, including download of bulk trademark data

The Estonian Trademark Gazette of the Estonian Patent Office is available also electronically
http://www.epa.ee/default.asp?wa_id=576

Trademark database on the Internet, including registered and pending trademarks as well as international registrations designating Estonia, is available to interested parties, including the Customs authorities, the Police and the Commercial Register. The database is updated once a week.
http://www.epa.ee/default.asp?wa_id=507

III. Matters concerning classifying, reclassifying and indexing of trademark information

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 (please indicate whether goods and services for the registration of marks and whether the figurative elements of marks are classified by your Office and, if so, which classification(s) is (are) used)

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.

Use of electronic classification systems to check the classification symbols furnished by an applicant and which are contained in the lists of goods and/or services

International Classification of the Figurative Elements of Marks used in the Estonian Patent Office (in Estonian)
http://www.epa.ee/client/default.asp?wa_id=831&wa_id_key=

Bibliographic data and processing

WIPO Standard St. 60 is used for bibliographic data coding.

IV. Trademark manual search file establishment and upkeep

The Estonian Patent Office does not use the manual search files.

V. Activities in the field of computerized trademark search systems

The Common Software (CS) is used in the Patent Office for administering the procedures of the examination. It has already been used for more than 10 years and it is regularly updated. Now Version 3.3.1 is in use. CS integrates automated data entry software SPIRIT (European patents) and SPIRIT-MECA (international trademark registrations). As the Community trademarks are valid in Estonia since 2004 the number of entries in the databases increased 7 times. Therefore the Estonian Patent Office started to use figurative and verbal searches software ACSEPTO V7.05.7 to facilitate trademark examination procedure in the end of 2006. Recently besides trademarks valid in Estonia and Community trademarks also data of the emblems, official control and warranty signs and names of international intergovernmental organisations under protection in compliance with Article 6 ter of Paris Convention for the Protection of Industrial Property.

Since April 2007 a portal for electronic filing of trademarks has been available. So digitally signed applications for registration of trademarks can be filed without coming to the Office.

The Estonian Patent Office maintains a computerised database that enables the search of verbal and figurative elements of the trademarks (applications, registered marks, international registrations).

The search databases of trademarks, industrial designs and geographical indications which are available via the Internet are regularly updated, their use is free.

Trademark database (<http://www2.epa.ee/Patent/mark.nsf/SearchEngl?OpenForm>) includes registered and pending trademarks and international registrations designating Estonia, and is available to interested parties, including customs authorities and the police. The database of trademarks contains the data since 1 October 1992 of registered trademarks, trademark registration applications filed with the Patent Office and international registrations of trademarks valid in Estonia or filed for registration under the Protocol Relating to the Madrid Agreement in the amount provided by the Trademarks Act.

The database is updated once a week. Updating of the database takes place from 5 p.m. until 12 p.m. (midnight) every Thursday. Searches done at that time may not be successful.

There is also possibility to use CTM-online via web page of the Estonian Patent Office.

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

The computerised Estonian trademark database (compiled at the Patent Library) contains registered marks and published applications (both national and international) and it can be exploited at the reading room of the Patent Library. Search is carried out by the bibliographer and the customers pay a moderate price for the computerised services.

The Patent Library renders services using the following CD/DVD-ROM databases:

ROMARIN (WO), also available via the website of WIPO,
US TRADEMARKS BIB
TRADEMARKS ASSIGNMENTS
TRACES
USAMARK

In-house online access is established to the commercial databases Questel-Orbit via the Internet connection. This database is charged on the bases of annual fee and on the bases of usage.

URLs of web pages of the Office's website for electronic filing of trademark applications

<https://online.epa.ee/>

URLs of web pages of the Office's website that provide information on business procedures such as: filing, publication, examination and registration procedures related to trademarks; opposition and appeal procedures related to trademarks; etc.

http://www.epa.ee/client/default.asp?wa_id=951&wa_object_id=1&wa_id_key=

URLs of web pages of the Office's website that provide a description of information products and services offered by the Office (e.g., trademark search service(s) and trademark databases), as well as information on how to access and utilize them

http://www.epa.ee/client/default.asp?wa_id=507&wa_id_key=

VII. Matters concerning mutual exchange of trademark documentation and information

International or regional cooperation in the exchange of trademark information, e.g., in the form of official gazettes

The Estonian Patent Library has agreements with 26 trademark offices on exchange of trademark gazettes. At present the information concerning Estonian trademark on machine-readable carriers is not being forwarded to our exchange partners.

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)

Like in years 2006 and 2007 also in 2008 Small-Sized Enterprise Support Division of the Estonian Patent Office did cooperation with the developing centres of the counties. Cooperation is essential in order to support the regional development of Estonia and its goal is to rise awareness of innovation also outside big cities. In 2008 the Division arranged info days on intellectual property in Viljandi, Võru and Kärdla. Besides lecturers from the patent office also local entrepreneurs shared their experiences and a patent attorney told about the services his office provides. The audience in these 3 events was numerous. There was lively discussion and many questions were asked.

Training courses for national and foreign participants

In 2008 the impact of the seminars held in the classroom of the Estonian Patent Office rose. Need for such seminars has remarkably grown compared with the previous years.

Besides the above-mentioned also cooperation with several institutions has still been essential. A student conference was held in Kullamaa to distribute the knowledge on intellectual property to the students.

The Division arranged a possibility for a patent examiner to participate in the summer school of the students and teachers of economics. The examiner took part in the work of the evaluation committee. Cooperation with Tallinn College of Tallinn University of Technology continued. In the framework of cooperation 2 trademark seminars were arranged.

In October 2008 a subsequent Tallinn Entrepreneurship Day was arranged, where the Estonian Patent Office in cooperation with the Patent Library participated. On both days the Patent Office had an info desk providing consultations on intellectual property and distributing informative publications. A seminar "Necessity, Chances and Risks of Intellectual Property" was arranged in the framework of the Entrepreneurship Day.

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

In April a 2-days seminar "Intellectual Property in Small and Medium-Sized Enterprises and Their Competitiveness". The seminar differed from the previous ones for a broad circle of topics.

In October a traditional seminar "Protected Intellectual Property Brings Success" for small and medium-sized enterprises was held in Viru conference centre.

Customer training activities of the Estonian Patent Library in 2008.

- Seminar "Estonian Patent Library 45: collections and services" 19.09.2008, Tallinn (65 participants)
- Training courses for students (5 courses). 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:

provide information on legislation related to trademarks

http://www.epa.ee/client/default.asp?wa_id=951&wa_object_id=1&wa_id_key=

contain the Annual Report of the Office

http://www.epa.ee/client/default.asp?wa_id=922&wa_object_id=1&wa_id_key=

contain trademark-related news regarding the Office

http://www.epa.ee/news.asp?wa_site_id=2

X. Other relevant matters

The library published a brochure "The Estonian Patent Library: development of patent collections and services in Estonia".