SCIT.ATR.TM.2002.EE

Annual Technical Report 2002 on Trademark Information Activities submitted by Estonia (SCIT/ATR/TM/2002/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

In 2002, the number of national trademark applications amounted to 1,898; the Estonian Patent Office also received 4,263 international trademark registrations where the Republic of Estonia was designated. All in all, protection was applied for 6,161 trademarks. The Trademark Department of the Estonian Patent Office made 6,523 decisions on trademark applications, 1,779 of them on national applications and 4,744 on international registrations which denotes an increase of 5% compared with the corresponding data in 2001. Estonian applicants filed 42 applications for forwading to WIPO. As of 31 December 2002, the number of pending applications was 8,083, among them 71% international registrations.

Of all trademark applications filed with the Estonian Patent Office in 2002, applicants from the European Union member states filed 55,6%, applicants from the USA filed 16,5% and Estonian applicants filed 16,5%. The number of registration applications filed by Estonian entrepreneurs has been increasing constantly and in 2002 it amounted to 1,017, exceeding the corresponding number of 2001 by 107 applications.

On January 1, 2002, the 8th edition of the Nice classification entered into force (international classification of goods and services for the purposes of registration of marks) which contained new additional service classes (no 43 to 45).

Among all applications for the legal protection of trademarks, the most popular classes for goods in 2002 were Class 5 (pharmaceutical preparations, 8,7% of the applications), Class 9 (electronics, computer technology 5,9%), Class 30 (foodstuffs 5,6%), Class ? (cleaning preparations and cosmetics 5,5%) and Class 16 (publications 4,5%). The largest number of registration applications for services concerned Class 35 (advertising, business management, office functions 5,7% of the applications), Class 42 (scientific research, industrial analysis, design and development of computer hardware and software, legal services 4,6%) and Class 41 (education, entertainment, cultural activities 3,9%).

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 includes international registrations of trademarks designating the Republic of Estonia.

The processing of trademarks is carried out by a substantive examination system, i.e. trademarks are examined as to the absolute grounds for refusal (distinctive character) and as to the relative grounds for refusal (earlier rights). The duration of the examination of a trademark application is approximately 10 months. The owner of the trademark receives a traditional trademark certificate.

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

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.
The Estonian Trademark Gazette is comprised of the following parts:

1) Trademark for publishing,
2) International trademarks for publishing,
3) Registered trademarks,
4) Lists,
5) Changes in the state register of trademarks and service marks,
6) Marks that are protected under article 6ter of the Paris Convention for the Protection of Industrial Property,
7) Legal acts and information concerning trademarks,
8) Registered geographical indications
9) Changes in the state register of geographical indications,
10) Legal acts and information concerning geographical indications.

The Estonian Trademark Gazette is published 12 times a year.

Mass storage media is not yet in use.

Editing and printing is done with PCs, including the trademark certificates and preparation for the printing of the Estonian Trademark Gazette.

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

Goods and services are classified according to the Nice Classification of Goods and Services, using an in-house electronic classificator.

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The Vienna Classification of Figurative Elements of Marks is used as the code system of figurative elements.

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

IV. Trademark manual search file establishment and upkeep

The Estonian Patent Office has the following manual search files:

- the card file of trademarks consisting of or including figurative elements in compliance with the Vienna Classification;

- the State Register of Trademarks and Service Marks.

V. Activities in the field of computerized trademark search systems

In order to facilitate the examination process of trademarks the Patent Office took into use ACSEPTO V4 - software for the figurative and verbal search of trademarks. In cooperation with the representatives of the software company Sword the software was installed and 14 employees of the Office were trained to use it. The end of 2002 already saw the transition to the new version V5.

The search databases of trademarks and geographical indications which are available via the Internet are regularly updated, their use is free. Since January 1, 2002, the database of trademaks has a new design and the data of international registrations have been added. At the end of 2002, preparations were made to digitise all periodical official publications of the Patent Office and since the beginning of 2003 they are all electronically accessible at the home page of the Patent Office (in pdf-format).

The in-house database system of the Estonian Patent Office is based on the UNIX IBM RS6000 server and PCs serving as workstations. The computer network is based on TCP/IP protocol and built up by Ethernet Twisted Pare network.
Common Software Version 3.2.2. used for administration and examination procedures. The data concerning more than 10,000 international trademarks and their images were downloaded from WIPO server and added to the database of trademarks using SPIRIT-MECA software.

VI. Administration of trademark 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 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 (WIPO),
- DEMAS (DE),
- US TRADEMARKS BIB,
- US PATENTS & TRADEMARKS ASSIGN,
- US TRADEMARKS ASSIST,
- BENELUX TRADEMARKS,
- TRACES,
- USAMARK,
- EUROM.
- TRADEMARKS OF RUSSIA 1991-2000
- ARTICLE 6 TER

There is a great demand for the computerised trademark services.

VII. Matters concerning mutual exchange of trademark documentation and information

The Estonian Patent Library has agreements with 33 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

OHIM
1. Seminar on Trade Marks Practice in the Baltic States, organized by the OHIM in cooperation with the Estonian Chamber of Commerce and Industry (10 participants from the Estonian Patent Office and patent attorneys)
2. Workshop "Relative grounds for refusal and Opposition procedures (2 participants)
WIPO
1. Seminar "The medium level of the industrial property" (1 participant)
2. Session WIPO Academy on Intellectual Property and Development (1 partipicant)
3. WIPOnet Regional Training Workshop (1 partipicant)
4. Workshop on the Implementation and Administration of the Madrid System (1 partipicant)
Other
Language courses
1. advanced English language learning courses (30 participants)
2. advanced French language learning courses (8 participants)
Fairs
The Estonian Patent Office took part of the fair “Intellektika 2002”, act with the exhibition and gave a lecture

Customer training activities of the Estonian Patent Library in 2002.

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, we arranged 2 information days on the field of use of information concerning industrial property. Also the Estonian Patent Library began with special training courses for entrepreneurs, named “Use of the industrial property information in the product development”.
The aim of these 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 enterpreneurship.

IX. Other relevant matters