

CWS.ATR.PI.2012.EE

Annual Technical Report 2012 on Patent Information Activities submitted by Estonia (CWS /ATR/PI/2012/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. Evolution of patent activities

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.

25 patent applications were filed in 2012, including 1 PCT applications and 74 utility models applications. Estonian applicants filed 20 patent applications and 62 applications for registration of a utility model. Estonian applicants filed 6 international patent applications for forwarding to WIPO. The Patent Office made 180 examination decisions on patent applications and granted 116 patents. 86 examination decisions on utility model registration applications were made and 75 utility models were registered.

On 31 December 2012 the number of pending applications was 196 patent and 113 utility model registration applications.

Since May 2003 the examiners of the Patent Department have arranged free consultations to small sized enterprises as well as natural persons on how to prepare patent and utility model applications. 187 persons were given 148 hours of consultations in 2012.

Patents

Patent protection is granted to all scientific and technological inventions, including medical products. Plant or animal varieties and methods for treatment of the human or animal body and diagnostic methods practiced on the human or animal body are not patentable.

In November 2008 the Estonian Patent Office began electronic reception of patent applications. The address of the portal is <http://online.epa.ee/>.

The Estonian ID card is required for the entry into the portal. An application can only be filed with the Estonian Patent Office 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 patent application. The notification can be saved or printed. 10 applicants used the possibilities of electronic filing of an application in 2012.

From the patent applications received in 2012 80% were from Estonian applicants, 16% from the member states of the European Union (excluding Estonia) and 4% 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 2012 the main reasons for rejection or withdrawal of patent applications were the non-compliance of the invention with the patentability criteria (50.9%) or the non-payment of the state fee charged in respect of a year of continued validity of the patent application (20.9%).

The average duration of the examination of a patent application is 3.3 years. The patent application is published after 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 2000 it has been possible to apply for supplementary protection for medical products and plant protection products that is valid for five years after the patent has expired. 23 applications for supplementary protection for medical and plant protection products were filed in 2012. Since 2000 the total number of them is 79.

Disputes concerning patents are resolved in the Industrial Property Board of Appeal and in court. In 2012 one decision on a patent application made by the Estonian Patent Office was appealed to the Board of Appeal

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

Patents granted in 2012

Estonia 52
USA 16
Sweden 15
Finland 7
Israel 4

Patents valid, 31.12.2012

Sweden 240
USA 191
Germany 173
Estonia 128
Finland 123

Inventions can be protected by the European patent in Estonia since 1 July 2002, when Estonia became a full member of the European Patent Organization (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 2012 there were in total 5,495 European patents valid in Estonia. The number of European patents to be validated in Estonia shows a constant rise. By the end of 2012 no European patent applications to be forwarded to the EPO had been filed with the Estonian Patent Office.

specifications filed

Year Translations of the European patent specifications filed Translations of the European patent claims filed

2004 37 0
2005 183 11
2006 632 6
2007 871 3
2008 1183 6
2009 1084 3
2010 1085 3
2011 1255 2
2012 1293 0

By filing the translation of the patent claim of an European patent the applicant will be granted an equal provisional protection with national patent applications in Estonia, according to section 6 of the Implementation of Convention on the Grant of European Patents Act. The translation must be in accordance with the patent claim published according to the Section 1 of Article 93 of the Convention.

European patents validated in Estonia in 2012

USA 295
Germany 227
Switzerland 127
France 78
South Korea 76

European patents valid in Estonia, 31.12. 2012

Germany 1040
USA 1005
Switzerland 586
France 481
United Kingdom 292

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 electronic 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. 32 applicants used the possibilities of electronic filing of an application in 2012. From the utility model applications received in 2012 84% were from Estonian applicants and 10% 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.

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 1.1 years, which is much shorter time compared to 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.

Utility models registered in 2012

Estonia 73
Russia 1
Finland 1

Registered utility models valid on 31.12.2012

Estonia 405
Russia 14
Finland 13
Turkey 2
Others (10 countries) 1

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

http://www.epa.ee/client/default.asp?wa_id=565&wa_object_id=1&wa_id_key=

II. Matters concerning the generation, reproduction, distribution and use of primary and secondary sources of patent information

Publishing, printing, copying (main types of publications of the Office in the field of patent information, etc.)

The Estonian Utility Model Gazette – a quarterly, published since October 1994;
The Estonian Patent Gazette – 6 issues annually, published since December 1995;

Since 1 January 2003 the official gazettes of the Estonian Patent Office are available also electronically (in pdf-format, <http://www.epa.ee/default.asp?id=512> and <http://www.epa.ee/default.asp?id=513>):

Techniques as recording, microfilming and photocomposing are not in use.

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

The Estonian Patent Office homepage at www.epa.ee was currently updated. Rss-reader was added. The homepage enables access to patent, utility model, industrial design, trademark and geographical indication registration information both in Estonian and English. It also contains all legal acts (Estonian legal acts are in Estonian), 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 industrial property, relevant links, current news and the public databases of subjects for legal protection of the Estonian Patent Office, EPO, WIPO, OHIM.

(New) techniques used for the generation of patent information (printing, recording, photocomposing, Optical Character Recognition (OCR), etc.)

Databases: http://www.epa.ee/client/default.asp?wa_id=915&wa_object_id=1&wa_id_key=

URLs of web pages of the Office's website that provide access to online publication of patent documents and gazettes, and to other primary and secondary sources of patent information, including patent publication servers and download of bulk patent data

http://www.epa.ee/default.asp?wa_id=512
http://www.epa.ee/default.asp?wa_id=513

III. Matters concerning abstracting, classifying, reclassifying and indexing of technical information contained in patent documents

Abstracting, reviewing, translating

Translation of the IPC into Estonian is available on the Internet at the address http://www.epa.ee/client/default.asp?wa_id=875&wa_object_id=1&wa_id_key=

Classification¹, preclassification² (if applicable), and reclassification³ activities; Classification system used, e.g., International Patent Classification (IPC), other classification (please indicate whether or not patent documents are classified by your Office and, if so, which classification is used)

Applications are classified in accordance with the International Patent Classification, core level.

Bibliographic data and full-text processing

In the Patent Gazette there are published the most important bibliographic data (including patent classification, excluding abstracts and figurative accessories) of the patent applications laid open to public inspection after the lapse of 18 months from the filing date and bibliographic data (including patent classification, abstracts and figurative accessories) of the granted patents. The first pages of patent specifications contain the abstracts in Estonian and in English.

IV. Search file establishment and upkeep

V. Activities in the field of computerized and other mechanized search systems

In-house systems (online/offline)

The databases of the office are the core subject of the information system. These databases are administered by the Common Software (CS). CS is a system with client server architecture, based on the database software Informix and operation system UNIX. Automated data entry software SPIRIT-MECA is also integrated to CS. To facilitate trademark examination procedure the software ACSEPTO of figurative and verbal searches is in use. The search base is quite large containing data of trademarks valid in Estonia and Community trademarks, also data of the emblems, official control and warranty signs and names of international intergovernmental organizations under protection in compliance with Article 6ter of Paris Convention for the Protection of Industrial Property. In cooperation with the European Patent Organization there is a direct connection (Patnet2) that enables the examiners to use the databases of EPO in their work. Several e-services are available at our homepage. The portal of electronic filing of trademarks has been accessible since April 2007, in 2008 software for the electronic filing of patent, utility model and industrial design applications was added, as well as software for filing the Estonian-language patent specifications of the European patents validated in Estonia. So digitally signed applications can be filed without coming to the Office. The portal is available at the address online.epa.ee. In addition, the services of the databases of electronic searches have been available on the web page of the Estonian Patent Office (www.epa.ee) for a long time.

External databases

EPOQUE, Delphion, Espacenet, USPTO, Derwent, ROSPATENT, SciFinder, Chem.Abstr., PubMed, EBSCOhost, DEPATISnet, Epoline, Google Patent Search-BETA, PCT Applications, Estonian Patent Applications and Patents, European Patents Validated in Estonia, Estonian Utility Models, Vivisimo.

Administrative management systems (e.g., register, legal status, statistics and administrative support)

Important event of 2012 for the Patent Office was transition from the area of government of the Ministry of Economic Affairs and Communications to the area of government of the Ministry of Justice, where all activities in the field of intellectual property were brought together. In the beginning of 2012 the Information Technology of the Patent Office was consolidated with the the Ministry of Justice related with the processing of the applications for legal protection of industrial property were transferred to the Centre of Registers and Information Systems. Therefore the Patent Office does not deal with the development and improvement of client oriented information technological services (incl. public databases, portal of electronic filing of applications etc.).

The work area of the Patent Office presumes processing of a large amount of information, which takes place in compliance with particular precise International agreements and is very standardized. Information technology facilities of the Office form a tightly coupling system and its functioning without failures is essential in the everyday work of the office.

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, database software Informix and operation system UNIX are used. 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 and from there the data to be published from the registers are sent to separately located search databases.

VI. Administration of the industrial property office library, and information products and services available to the public (relating to facilities, e.g., for lodging applications, for assisting clients on searching procedures, for obtaining official publications and registry extracts)

Planning, administration, automation, security, buildings

The Estonian Intellectual Property and Technology Transfer Centre is a non-profit organization founded by Ministry of Economic Affairs and Communications and Estonian Chamber of Commerce.

The Estonian Intellectual Property and Technology Transfer Centre provides services to the general public. Main target group are small and medium sized enterprises (SME-s). The Estonian Intellectual Property and Technology Transfer Centre acquires, processes and maintains patent documents, patent gazettes and other patent and non-patent literature (the financial resources for it are allocated from the budget) and by exchange of publications with other industrial property offices under international agreements.

The Estonian Intellectual Property and Technology Transfer Centre have a library which is the only library that collects and processes patent literature in Estonia. The Centre participates in the interlibrary lending at the national or the international level. Lending requests are satisfied by e-mail or by ordinary mail.

The patent and trademark gazettes as well as reference literature and other materials, i.e. patent documents, are stored in the stock-rooms and are lent at the request of the users. The Estonian Intellectual Property and Technology Transfer Centre also stores the collection of the official gazettes and specifications of the Estonian Patent Office.

The users of the Centre can carry out searches using CD/DVD-ROMs at 8 workstations.

The following CD/DVD-ROM collections are available:

ESPACE ACCESS (until 2009)
ESPACE ACCESS EP-B (until 2011)
ESPACE ACCESS EPC (until 2009)
ESPACE BULLETIN
ESPACE LEGAL
ESPACE EP
ESPACE WORLD (until 2009)
ESPACE AT
ESPACE CH (until 2007)
ESPACE FI
ESPACE FR-A (until 2010)
ESPACE SI
ESPACE UK (until 2011)
German databases:
DEPAROM KOMPAKT (until 2011)
DEPAROM ACT (until 2011)
DEPAROM U (until 2011)
US collections:
USA App (until 2011)
USA Pat (until 2011)
Other countries:
PAJ Patent Abstracts of Japan
PAJ/INDEX
Patents of Russia (Full specifications) (until 2010)
ESPACE ACCESS-RFD (until 2011)
Utility models of Russia (until 2004, first pages)
The inventions protected in the Republic of Moldova (until 2008)
CNPATE-ACCESS

In-house online access is established to the commercial databases PatBase and Global Patent Index (GPI). These databases are charged on the bases of annual fees.

The Estonian Intellectual Property and Technology Transfer Centre offers copying services from paper. The users can order printouts of the documents on CD/DVD-ROMs. These services are offered for a moderate price.

The Centre also offers more advanced services – patent information researches: state-of-the-art search, freedom-to-operate search, technology monitoring, IP audit. User can claim for an advanced research in his favorite technical field, results will be analyzed and added to research report dossier.

Other services are free of charge: in the reading rooms the readers can use reference materials, monographs, other books and periodicals and carry out searches in patent documents.

Information services available to the public (including computerized services and search files contained in libraries remote from your Office and patent information posted by your Office on the World Wide Web)

<http://veeb.patentinfo.ee/riksweb/>

URLs of web pages of the Office's website for electronic filing of patent 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 grant procedures related to patents; opposition and appeal procedures related to patents; etc.

http://www.epa.ee/client/default.asp?wa_id=970&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., patent search service(s) and patent databases), as well as information on how to access and utilize them

VII. Matters concerning mutual exchange of patent documentation and information

The Estonian Patent Information Centre has agreements with 19 patent offices and 1 organization on exchange of patent gazettes and with 20 patent offices and 1 organization on exchange of utility model gazettes, (aasta lõpus) with 11 patent offices and 1 organization on exchange of patent gazettes and with 11 patent offices and 1 organization on exchange of utility model gazettes.

VIII. Other relevant matters concerning education and training in, and promotion of, the use of patent information, including technical assistance to developing countries (please indicate URLs of web pages of the Office's website wherever appropriate)

Training courses for national and foreign participants, use of audiovisual means

Cooperation with Tallinn City Enterprise continued successfully as well. On 2 October there was a subsequent Tallinn Entrepreneurship Day, where this time the formula of success was searched for. Proceeding from that the Small-Sized Enterprise Support Division arranged a seminar "Can Protection of Industrial Property Ensure the Success of the Enterprise? How Does It Work?", where links between protection of inventions and trade marks, and success were highlighted.

Traditionally the Small-Sized Enterprise Support Division arranged two big seminars: in April a seminar "Protection of Industrial Property for Beginners" celebrating the World Intellectual Property Day and in November a seminar on the link between patent protection and business model of the entrepreneur, software patents, business secrets, franchise etc. Theoretical side was illustrated with examples from the practice of industrial design and patent.

Promotional activities (seminars, exhibitions, visits, advertising, etc.)

In 2012 like in 2011 the seminars held in the classroom of the Estonian Patent Office were of great importance. In fact the Small-Sized Enterprise Support Division arranged there seven seminars, the main topic in four cases was protection of trade marks and in 3 cases protection of inventions. Need for corresponding seminars was urgent, particularly in the second half of the year.

Cooperation with the developing centres of the counties continued in order to support the regional development of Estonia by rising awareness of industrial property outside the capital. That year in cooperation with Rapla County Development and Enterprise Centre people of Rapla county could get a review of the issues related to protection of trade marks, inventions and industrial designs. Enterprise Estonia was also involved as its representative made a presentation on innovation voucher grant programme.

The Patent Department and the Small-Sized Enterprise Support Division got new experience in training high school teachers during participation in the project initiated by Estonian Research Council. Head of the Chemistry, Medicine and Foodstuffs Examination Division of the Patent Department Anneli Simmul distributed knowledge at student inventor training tutorials for those interested in Tartu and Rakvere.

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 patents

http://www.epa.ee/client/default.asp?wa_id=456&wa_object_id=1&wa_id_key=
(mainly in Estonian)

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 patent-related news regarding the Office

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

X. Other relevant 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.