

# SCIT.ATR.TM.2006.EE

## Annual Technical Report 2006 on Trademark Information Activities submitted by Estonia (SCIT/ATR/TM/2006/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

Trademarks are registered under the Trademark Act, which entered into force on 1 May 2004. In January 2006 amendments in the court procedures concerning trademarks entered into force.

There are four 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 2006 the number of trademark registration applications was 1,704, which is approximately 2% less than last year (1,737 in 2005). The number of applications filed by Estonian applicants has remained almost the same. 1,266 applications were filed in 2005, whereas 1,284 applications were filed in 2006. So it shows a 1,4% rise. International trademark registrations designating Estonia numbered 3,430 (3,447 in 2005). This means a 0,5% decrease compared with last year. Thus in total 5,134 trademarks were filed for legal protection (5,184 in 2005). A falling tendency (18% fall in 2005, 1% fall in 2006), which began already in 2004 due to accession to the European Union, in both national and international trademarks, stopped in 2006.

At the end of the year, 31,689 registered national trademarks and 26,366 international registrations with protection extended to Estonia were valid in Estonia. Besides, also registered Community trademarks are valid in Estonia (see: <http://oami.europa.eu/en/office/stats.htm>).

The Trademark Department rendered 4,910 decisions, 1,547 of which concerned national applications and 3,363 international applications, which is 27% less than in 2005. Estonian applicants filed 97 international trademark registration applications for forwarding to WIPO, it is more than last year (67 in 2005). Latvia was number one among the countries designated for protection, followed by Lithuania, Russia, Ukraine, Finland, Germany and Sweden.

In 2006 the applications from the member states of the European Union made up 71% of the total of trademark applications, including 25% by Estonian applicants. Amongst the European Union member states Germany was the most interested in obtaining legal protection in Estonia, making up 14,4% of the total of applications, followed by France (6,4%), Russia (5,5%) and the USA (4,4%).

The most popular classes of goods in 2006 were pharmaceutical preparations (7%), followed by electrical and scientific apparatus (5,4%), printed products (4,9%), cosmetics and perfumery (4,8%) and foodstuffs (4,5%). The most popular class of services was advertising, business management and office functions (8%).

Trademark database includes registered and pending trademarks and international registrations designating Estonia, and is available to interested parties, including customs authorities and the police. The database is updated once a week.

Trademark applications will be fully examined also on the basis of relative circumstances which preclude legal protection (prior right). The average duration of the examination of both trademarks and international registrations is 9 to 10 months.

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

### 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 comprises of the following parts:

- 1) Trademarks for publishing,
- 2) International trademarks for publishing,
- 3) Registered trademarks,
- 4) Lists,
- 5) Changes in the state register of trademarks and service marks,
- 6) Signs 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.

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The Estonian Trademark Gazette is published 12 times a year.

The Estonian Trademark Gazette of the Estonian Patent Office are available also electronically (in pdf-format, <http://www.epa.ee/default.asp?id=576>):

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**

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.

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

Common Software Version 3.3.1. used for administration procedures. The data concerning international trademarks and their images are downloaded from WIPO server and added to the database of trademarks using SPIRIT-MECA version 2.00.00 software.

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 V7.05.5 to facilitate trademark examination procedure.

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)**

#### Library:

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 (WO), also available via the website of WIPO,  
US TRADEMARKS BIB,  
US PATENTS & TRADEMARKS ASSIGN,  
TRACES,  
USAMARK,  
TRADEMARKS OF RUSSIA

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.

There is a great demand for the computerised trademark services.

#### Office:

In 2006 the Estonian Patent Office continued to issue methodological guides on legal protection of industrial property. Two books were published. In 2006 the specialists of the Estonian Patent Office continued to provide free consultations for small entrepreneurs on how to prepare trademark, industrial design and utility model applications and patent applications.

On 17th and 18th February the Estonian Patent Office participated in the 14th Tartu knowledge fair Intellektika 2005. The Patent Office participated for the seventh time. Handouts on intellectual property protection, regulations governing the protection of industrial property, methodological guides concerning patents and trademarks, the official gazettes and the yearbooks of the Patent Office were distributed to the public during the fair. Consultations were provided. The Internet connection allowed to access the home page of the Estonian Patent Office and to perform searches in the databases of the Patent Office.

On 3rd and 4th May the Estonian Patent Office participated in the Technology Fair at Tallinn University of Technology.

The Estonian Patent Office homepage at [www.epa.ee](http://www.epa.ee) was currently updated. The homepage enables access to patent, utility model, industrial design, trademark and geographical indication registration information in both 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 and material on legal protection of industrial property, relevant links, current news and public databases. The press, television, radio and the Internet covered the activities of the Estonian Patent Office and related industrial property issues. The Estonian Patent Office participated in the opening of the info gate: [www.autor.ee](http://www.autor.ee) and in the National Patent Office Network: [www.innovaccess.eu](http://www.innovaccess.eu).

## VII. Matters concerning mutual exchange of trademark documentation and information

The Estonian Patent Library has agreements with 29 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)

#### OHIM

A seminar "Industrial property protection in EU" in Estonian Chamber of Commerce and Industry: library (3 participants), office (1 lecturer)

Staff training activities in the Estonian Patent Office:

The French firm SWORD arranged an in-service training (16 hours) for the users of Ascepto V7 and an in-service training (8 hours) for system administrators. The total number of trainees in the Estonian Patent Office was 12.

IT Further Training Centre of Tallinn University of Technology arranged a training of 12 hours in computers and 30 employees participated in it. The training was financed by the European Patent Office.

7 employees participated in the training of making public presentations (16 hours) arranged by Tallinn University.

32 employees participated in the internal training of the Estonian Patent Office arranged by the Ministry of Justice.

Customer training activities of the Estonian Patent Library in 2006:

Since 2002 the Estonian Patent Library holds training courses on industrial property information among entrepreneurs, specialists, students etc. in its special computerized public room for training courses. Also IP information users can work online here individually.

In 2006 3 training courses concerning IP information were carried out among entrepreneurs and specialists, 4 training courses among students. The subject matter of these courses is constantly revised and modified.

The aim of these training courses 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.

## Main trademark and industrial property information magazines/journals published in the country or region of the Office

<http://www.epa.ee/default.asp?id=576>

## 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=438](http://www.epa.ee/client/default.asp?wa_id=438)

**contain the Annual Report of the Office**

<http://www.epa.ee/ul/doc/valjaanded/aasta2006.pdf>

**contain trademark-related news regarding the Office**

[http://www.epa.ee/news.asp?wa\\_site\\_id=2](http://www.epa.ee/news.asp?wa_site_id=2)

[http://www.epa.ee/client/default.asp?wa\\_id=565](http://www.epa.ee/client/default.asp?wa_id=565)

**X. Other relevant matters**

The examiners of the Trademark Department provide consultations on the issues related to trademarks in the office, by phone and by e-mail. 192 people were given consultations (approximately 101 hours) in 2006 (136 people were given consultations for 70 hours in 2005).