

SCIT.ATR.PI.2005.EE

Annual Technical Report 2005 on Patent Information Activities submitted by Estonia (SCIT /ATR/PI/2005/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

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

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

In 2005 38 patent applications were filed, including 9 PCT applications, 510 decisions on patent applications were issued and 126 patents were granted, 87 utility model registration applications submitted and 83 decisions on utility models were issued and 81 utility models registered. Estonian applicants filed 23 patent applications and 74 applications for registration of a utility model. Estonian applicants filed 10 international patent applications for forwarding to WIPO.

The number of pending applications on 31 December 2005 was 1,843 patent and 57 utility model registration applications.

Since 1 July 2002 the Republic of Estonia is a full member of the European Patent Organisation. Since that time it is possible to obtain patent protection in all member states to the Convention by filing a single application under the European Patent Convention. Estonian citizens and residents can file a European patent application via the Estonian Patent Office or directly with the European Patent Organisation. From 2002 to 2005 Estonian applicants did not file any European patent applications.

Patent protection is granted to all fields of science and technology, including medicinal products. Patent protection is not granted to plant or animal varieties and to methods for treatment of the human or animal body and diagnostic methods practiced on the human or animal body.

The distribution of patent applications filed in 2005 by country of origin was as follows: 24% of the applications came from the member states of the European Union (excluding Estonia), 5% from the US and 61% from Estonia.

The number of patent applications has fallen due to Estonia's accession to the EPO. In 2003 the number dropped by 15 %, in 2004 by 80% and in 2005 by 95 compared with 2001 and 2002.

In 2004 the first 37 translations of European patent specifications were filed with the Estonian Patent Office. In 2005 183 translations of European patent specifications and 11 translations of patent claims.

The distribution of patent applications in 2005 according to the International Patent Classification:

SECTION A. Human Necessities 16%;
SECTION B. Performing Operations; Transport 24%;
SECTION C. Chemistry; Metallurgy 8%;
SECTION D. Textiles; Paper 0%;
SECTION E. Fixed Constructions 5%;
SECTION F. Mechanical Engineering/Lighting/Heating/
Weapons/Blasting 3%;
SECTION G. Physics 10%;
SECTION H. Electricity 21%.

The Estonian 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.

Last year two most reasons for rejection or withdrawal of patent applications were the non-payment of patent application processing fees (88%) and the non-compliance of the invention with the patentability criteria (7,8%).

The average duration of the examination of a patent application is 4,5 years.

The patent application is published after 18 months from the filing date or priority date. The registration of the invention in the state register of patents is deemed the grant of a patent. Traditional letters patent is issued to the patentee.

The term 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 medical products and plant protection products enjoy supplementary protection that is valid for 5 years after the end of the term of the patent. In 2005 6 applications for supplementary protection of medical and plant protection products were filed; that makes 12 applications altogether since 2000.

Disputes concerning patents are resolved in the Industrial Property Board of Appeal and in court. In 2005 no decisions made by the Estonian Patent Office on patent applications were appealed to the Board of Appeal. Last year one decision on rejection of an application for supplementary protection of medical and plant protection was appealed to the Board of Appeal.

The amendment to the Utility Models Act that entered into force on 1 May 2004 specified the processing of utility model applications and the provisions concerning the transfer of rights.

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

Only new inventions involving an inventive step and capable of industrial application may be protected by utility model. In the course of processing a utility model registration application, the Estonian Patent Office solely examines the compliance of the application with the formal requirements. The applicant for a utility model registration is responsible for the novelty and industrial applicability of the invention. If the invention is not new or industrially applicable, any interested person may file an action in court for cancelling the registration.

Where the registration application complies with the requirements, the invention is registered in the state register of utility models and the Estonian Patent Office issues a utility model certificate. The average duration of the processing of a utility model registration application is 3 months.

The term of legal protection of a utility model is 4 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 2 years.

In 2005 applicants from the member states (excl. Estonia) of the European Union filed 10% and 85% of the applications were by Estonian applicants.

The distribution of utility model registration applications in 2005 according to the International Patent Classification:

SECTION A. Human Necessities 25%;
SECTION B. Performing Operations; Transport 14%;
SECTION C. Chemistry; Metallurgy 6%;
SECTION D. Textiles; Paper 1%;
SECTION E. Fixed Constructions 12%;
SECTION F. Mechanical Engineering/Lighting/
Heating/Weapons/Blasting 3%;
SECTION G. Physics 12%;
SECTION H. Electricity 4%;
Unclassified applications 23%.

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

Official Gazettes

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.

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

The abstracts of the inventions are not published separately. 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.

Applications are classified in accordance with the International Patent Classification.

The Estonian Patent Office has used the Common Software in examination procedures already since 1996. The volume of databases is growing every year. Since 2002 the abstracts and drawings have been computerised in the databases of patents and utility models in addition to the input of bibliographical data. Two additional modules have been created – the module of the supplementary protection of patents and the module for registering the data of PCT/EE applications filed with the receiving office. 5005. the Patent Office took into use the new version 3.2.4. of Common Software.

IV. Search file establishment and upkeep

The collection of patent documents comprises over 48,15 million documents from 26 different countries and 2 organisations (on paper carrier (about 2,1 million), in microfilm or microfiche form (about 6 million) and increasingly also on CD-ROM/DVD-ROM (about 40,05 million) and official patent gazettes from 34 countries and 2 organizations. During 2005 about 3,6 million new documents, the majority of them being on CD-ROM /DVD-ROM, were added to the collections.

The search files are arranged partly according to the IPC and partly according to the number of patent document. Usually it depends on the data arrangement on data carrier (are the data sorted by the document number or IPC).

The library collection includes also monographs and reference literature on industrial property protection as well as non-patent literature.

The stock of the legal, scientific and reference literature is arranged according to the common principles employed in the libraries when dealing with book or journal files.

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

Incomplete patent data for internal use are available in CS.

VI. Administration of the industrial property office library 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)

The Estonian Patent Library is an independent library financed from the state budget. It is housed in a building from 1903 originally not meant for library use. During non-business hours it remains locked and is controlled by guards. In addition to that an alarm system was installed in 1996. The Estonian Patent Library provides services to the general public. As the library works in close cooperation with the Estonian Patent Office its main task is to serve the examining and professional staff of the Estonian Patent Office. The library acquires, processes and maintains patent documents, patent gazettes and other patent and non-patent literature. The older part of the collections is on paper, microfilm or microfiche. Now the majority of patent documents are on CD/DVD-ROMs. The library collections are acquired by purchases (the financial resources for it are allocated from the state budget) and by exchange of publications with other industrial property offices under international agreements.

The Estonian Patent Library is the only library that collects and processes patent literature in Estonia. Library participates in the interlibrary lending at the national or the international level. Lending requests are satisfied by e-mail, ordinary mail or by fax.

The patent and trademark gazettes as well as reference literature are kept in the public reading rooms; other materials, i.e. patent documents, are stored in the stock-rooms and are lend at the request of the users. The library also stores the collection of the official gazettes and specifications of the Estonian Patent Office.

The users can carry out searches using CD/DVD-ROMs at 9 workstations.

The following CD/DVD-ROM collections are available:

IPC: CLASS

ESPACE ACCESS A and B

ESPACE-ACCESS-EPC

ESPACE FIRST

ESPACE BULLETIN

ESPACE LEGAL

ESPACE ACCESS-PRECES

ESPACE EP

ESPACE WORLD

ESPACE AT

ESPACE CH

ESPACE DK (1990-1998)

ESPACE FI

ESPACE PRECES

ESPACE UK

GLOBALPAT (1971-1998)

German databases:

DEPAROM KOMPAKT

DEPAROM ACT

DEPAROM U

US databases:

US Patent Search (1975-2004)

US Patents BIB

US Patents Class

US Patents Assist

US Patents & TM Assign

USA App

USA Pat

Other countries:

PAJ Patent Abstracts of Japan

PAJ/INDEX

COSMOS FR

Patents of Russia (Full specifications)

ESPACE-ACCESS-RFD

Utility models of Russia (1994-2004, first pages)

The inventions protected in the Republic of Moldova 1993 - 2004

The library has the direct Internet access to the INPADOC databases through Open Patent Services interface. In-house online access is established to the commercial databases Derwent Innovations Index and Questel-Orbit via the Internet connection. These databases are charged on the bases of annual fees, Questel-Orbit is also charged on the bases of usage.

The library offers copying services from paper or microforms. The users can also order printouts of the documents on CD/DVD-ROMs. These services are offered for a moderate price. Library also offers more advanced services – patent information researches. User can claim for an advanced research in his favourite technical field, results will be printed and analysed 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 on paper.

VII. Matters concerning mutual exchange of patent documentation and information

The Estonian Patent Library maintains patent document and patent bulletin exchanges with 32 patent issuing authorities mainly from Europe, but also from USA and Japan. In 2005 the Estonian Patent Library received 55 titles of patent journals, 21 titles were acquired by purchase and 34 titles by exchange.

We provide the official publications of the Estonian Patent Office [„Eesti Patendileht” („Estonian Patent Gazette”), „Eesti Kaubamärgileht” („Estonian Trade Mark Gazette”), „Eesti Kasuliku Mudeli Leht” („Estonian Utility Model Gazette”), „Eesti Tööstusdisaini Leht” („Estonian Industrial Design Gazette”)] in paper form to all our exchange partners.

In 2005, we purchased 8 titles of CD/DVD-ROM and obtained 22 titles CD/DVD-ROM by means of exchange.

VIII. Other relevant matters concerning education and training in, and promotion of, the use of patent information, including technical assistance to developing countries

EPO:

Seminar on Intellectual Property Munich, EPO, 6-7.04 (2 participants)

PATLIB 2005 (3 participants) : library (3 participants)

EPIDOS/PATINNOVA 2005 Annual Conference (3 participants): library (3 participants)

ESPACE/MIMOSA seminar, Vienna, EPO, 16.-17.06 (1 participant)

M25-2005 Patent classification and documentation techniques and tools, The Hague, EPO, 27.-29.09 (1 participant)

M22-2005 Regional seminar: supplementary protection certificates including protection of biotechnological inventions, Warsaw, EPO, 6.-7.10 (1 participant)

Finantsaruannete koostamine rahvuslike ametite raamatupidajatele, Munich, EPO, 10.-11.10 (2 participants)

M24-2005 Design of Innovation Support Campaigns, Newport, EPO, 19.-21.10, (1 participant)

Developing the patent attorney profession in the EPO new member states, Prague, EPO, 6.-7.12 (2 participants)

OHIM

Classification and search according to the Vienna Classification, Tallinn, 26.-27.05 (20 participants)

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

TAIEX

Seminar on Arbitration, Athens 14-18.03 (2 participants)

Other:

Language courses

1. Advanced English language learning courses (27 participants)
2. French language learning courses (7 participants)
3. Finnish language learning courses (2 participants)
4. Advanced computer courses (3 participants)

Libraries related:

1. IV Nordic-Baltic Library Meeting "Research and Innovation: Nordic-Baltic Strategies for Library development" (1 participant)
2. Seminar on Information sciences 07.10.2005, Tallinn (1 participant)
3. Seminar "Digital library and it's user" 20.10.2005, Tartu (1 participant)
4. In-house training „Quality Customer Service" (12 participant)

Customer training activities of the Estonian Patent Library in 2005.

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 the Estonian Patent Library began with special training courses for entrepreneurs, named "Use of the industrial property information in the product development", in 2004 the Estonian Patent Library started a training course on industrial design.

In 2005 2 training courses concerning IP information were carried out among Estonian Inventors Association, 12 training courses among entrepreneurs, specialists, teachers, representatives of pupil companies, librarians, 3 training courses among unemployed, 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.

IX. 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.