

# SCIT.ATR.PI.2003.EE

## Annual Technical Report 2003 on Patent Information Activities submitted by Estonia (SCIT /ATR/PI/2003/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

In 2002 602 patent applications were filed and 518 decisions on patent applications were made, 67 applications for registration of utility models were filed and 74 utility models were registered. 7 international patent applications for forwarding to WIPO were submitted to the office by the Estonian applicants.

On 31 December 2003 2739 patent applications and 45 utility model registration applications were pending.

In 2003 the division of filed patent applications was the following: applicants from the European Union member states filed 62%, applicants from the USA filed 24% and Estonian applicants filed 3% of the applications.

The division of patent applications according to the International Patent Classification in 2003:

Section A - Human Necessities - 30%  
Section B - Performing Operations; Transport - 6%  
Section C - Chemistry; Metallurgy - 48%  
Section D - Textiles; Paper - 1%  
Section E - Fixed Constructions - 3%  
Section F - Mechanical Engineering / Lighting / Heating/Weapons/Blasting - 2%  
Section G - Physics - 4%  
Section H - Electricity - 6%  
(Only classified applications are included in the list.)

The Estonian Patent Office examines the compliance of the 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.

The grounds for rejection or withdrawal of patent applications have been the following:

- 1) The invention lacks subject matter or the invention is not patentable - 1,6%
- 2) The subject matter of the invention is not defined in the patent application, the scope of protection of the invention is not clear and concise - 3,7%
- 3) The invention does not comply with the criteria for patentability, including
  - novelty - 10,1%
  - inventive step - 3,4%
  - industrial applicability - 6,7%
- 4) The patent application does not comply with the requirement of the unity of invention - 0%
- 5) The patent application does not comply with the requirements for format of patent applications - 3,7%
- 6) The patent application processing fee is not paid - 75,5%
- 7) An applicant has withdrawn the patent application - 4,6%

(The reasons pointed out in Clauses 6 and 7 often relate to the substantial deficiencies in the application identified by the examiners.)

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 patent (i.e. the grant of patent protection). Traditional letters patent is issued to the patentee, which certifies the registration of the invention in the state register of patents.

The term of the patent is 20 years from the filing date of the patent application; a renewal fee should be paid for each year of validity.

Since 1 January 2000, medical products and plant protection products enjoy supplementary protection. It is valid for 5 years after the end of the term of the patent. In 2003 two applications for supplementary protection of medical and plant protection products were filed, all in all four applications since 2000.

The granted patents are published in the Official Gazette of the Estonian Patent Office after registration in the state register of patents.

Disputes concerning patents are resolved in the Industrial Property Board of Appeal and court.

Since 1 July 2002 the Republic Estonia is a full member of the European Patent Organization. As from that date it is possible to apply, under the European Patent Convention, for legal protection of an invention in the member states of the Convention with a single European patent application. Estonian citizens and residents can file an European patent application via the Estonian Patent Office or directly with the European Patent Office. In 2003 no European applications were filed by Estonian applicants.

By becoming a full member of the EPO, the number of patent applications filed in Estonia is expected to decline. In 2003 the number of patent applications declined by 15% compared with the corresponding data of the previous two years.

Since May 2003 the examiners of the Patent Department have been offering SMEs and sole proprietors free consultations on how to prepare patent applications and utility model registration applications. 58 free consultation hours were provided in 2003

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

The main official publication concerning the patents is The Estonian Patent Gazette in the Estonian Patent Office.

Mass media uses paper as a data carrier.

Word processing is mainly based on personal computers.

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. At the end of 2002 the Patent Office took into use the new version 3.2.2. of Common Software.

Bibliographic data of filed patent applications by the Estonian Patent Office are available for patent examiners in an internal computer database. Full-text processing is not possible.

## **IV. Search file establishment and upkeep**

The collection of patent documents comprises over 46,2 million documents from 26 different countries and 2 organisations (on paper carrier (about 4 million), in microfilm or microfiche form (about 7 million) and increasingly also on CD-ROM/DVD-ROM (about 35,2 million) and official patent gazettes from 34 countries and 2 organizations. During 2003 about 1,7 million new documents, the majority of them being on CD-ROM /DVD-ROM, were added to the collections and about 2,2 million documents (mainly duplicates) were written-off.

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**

By the end of 2003 the Estonian Patent Office had 78 modern workplaces which were integrated in the local network and supplied with e-mail and the Internet connection. Today the Information Technology Department administers six servers (those of databases, e-mail, ACSEPTO, web and Intranet, digital document management).

Administrative management systems concerning patent applications/granted patents are based on Common Software. Data concerning legal status, statistics and working order will be processed by specially arranged and programmed sub-files. Incomplete patent data for internal use are available in CS.

Preparations were made for establishing a direct Internet connection to the European Patent Office databases that would allow retrieving information from these extensive databases while the patent application is being examined in Estonia.

## **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 which 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 stack-rooms and are lent 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 FIRST

ESPACE BULLETIN

ESPACE LEGAL

ESPACE EP-A and EP-B

ESPACE WORLD

ESPACE ACCESS-EUROPE

ESPACE PRECES

ESPACE ACCESS-PRECES

ESPACE UK

ESPACE DK

ESPACE CH

ESPACE FI

ESPACE AT

GLOBALPAT

German databases:

DEPAROM KOMPAKT

DEPAROM ACT

DEPAROM U

US databases:

US Patent Search

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 specification, Index)

ESPACE-ACCESS-RFD

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. Also library offers more advanced services – patent information researches. The user can ask for an advanced search 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, monograph, 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 34 patent issuing authorities mainly from Europe, but also from USA and Japan. In 2003, the Estonian Patent Library received 60 titles of patent journals, 25 titles were acquired by purchase and 35 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 2003, we purchased 15 titles of CD/DVD-ROM and obtained 27 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**

#### WIPO:

1. Seminar "A guide through IP documentation" (1 participant)

#### EPO:

2. Seminar 19/2003 "The EPO: An inside view for new and future member states – Focus 2003" (2 participants)
3. PATLIB 2003 (4 participants)
4. EPIDOS 2003 Annual Conference (4 participants)
5. Seminar 1/2003 "Search and examination of European patent" (1 participant)
6. Seminar 8/2003 "Search and examination of patent application in biotechnology" (2 participants)
7. Seminar "Appeal procedure at the EPO" (1 participant)
8. Symposium „Managing IP rights in a knowledge-based society" (2 participants)
9. Seminar 3/2003 Search and examination in chemistry with focus on pharmaceutical" (1 participant)
10. Seminar Epoline" (2 participants)
11. Seminar 7/2003 "Search and examination of patent application in physics, electricity and mechanics" (1 participant)
12. Seminar 9/2003 "Search and examination of PCT applications" (2 participants)
13. Seminar „Searches of IP information from Internet and compact disks" (1 participant)

#### OHIM

1. Seminar "Absolute grounds of refusal" (2 participants)

#### Other:

##### Language courses

1. advanced English language learning courses (2 participants)
  2. advanced French language learning courses (17 participants)
  3. The Estonian Patent Office took part of the fair "Intellektika 2003", act with the exhibition and gave a lecture
- Training course "Management of product development" 12.-13.05.2003 Tallinn, (1 participant)
- Training course "IT in public sector" 22.05.2003 Tallinn, (2 participants)
- Training course "Estonian new Trademark Act, trademark legal protection in EU" 03.11.2003 Tartu, (1 participant)

#### Libraries related:

4. Training course „Modern libraries in Finland" 13.05.2003 Helsinki (1 participant)
5. Training course „Modern library" 28.06.-05.07.2003 Germany (1 participant)
6. Seminar "Digital library and it's user" 15.10.2003 Tallinn, (1 participant)

#### Customer training activities of the Estonian Patent Library in 2003.

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" and included 30 hours. In 2003 5 named training courses concerning IP information were carried out among patent attorneys, entrepreneurs and students. Also the subject matter of these courses is constantly revised and modified.

The aim of these training days (length up to one day) and training courses (length up to 5 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 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.