

# SCIT.ATR.TM.2003.EE

## Annual Technical Report 2003 on Trademark Information Activities submitted by Estonia (SCIT/ATR/TM/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.

### I. Evolution of registration activities

Trademarks are registered under the Trademark Act, which entered into force on 1 October 1992 (amended in 1995, 1996, 1997, 1999, 2001 and 2002).

On 7 January 2003, the Act on the Accession to the Trademark Law Treaty entered into force. The accession to the treaty permits the Republic of Estonia to harmonise the existing requirements for trademark registration with those in effect in other countries and to simplify the application procedure.

In 2003 the number of national trademark applications amounted to 2,007; the Estonian Patent Office also received 5,327 international trademark registrations where the Republic of Estonia was designated. All in all, protection was applied for 7,334 trademarks. The Trademark Department of the Estonian Patent Office made 6,939 decisions on trademark applications, 1,793 of them on national applications and 5,146 on international registrations, which denotes an increase of 6% compared with the corresponding data in 2002. Estonian applicants filed 76 applications for forwarding to WIPO, which denotes an increase of over 80% compared with the corresponding data in 2002. As of 31 December 2003, the number of pending applications was 9,042, among them 70% international registrations.

Of all trademark applications filed with the Estonian Patent Office in 2003, applicants from the European Union member states filed 56,84%, applicants from the USA filed 4,68% and Estonian applicants filed 14,43%. Among the European Union member states, Germany has filed the greatest number of applications for the legal protection of trademarks in Estonia making up 44% of the total number of applications. The number of trademark registration applications submitted by the Estonian entrepreneurs has risen continuously and amounted to 1,058 applications in 2003.

Trademark registration applications and international registrations submitted to the Estonian Patent Office by countries (%).

The most popular classes of goods for which legal protection was applied for in 2003 were:

Class 5 - Pharmaceuticals - 7,7%  
Class 9 - Electrical and scientific apparatus - 6,1%  
Class 30 - Staple foods - 5,7%  
Class 3 - Cosmetics and cleaning preparations - 4,9%  
Class 16 - Paper goods and printed matter - 4,6%

The most popular classes of services were:

Class 35 - Advertising and business - 5,7%  
Class 42 - Miscellaneous (scientific and industrial research, computer programming, legal services) - 4,2%  
Class 41 - Education and entertainment - 3,6%

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 database is updated weekly.

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.

A trademark is valid for 10 years from the date of its entering in the register of trademarks. The owner of a trademark is obliged to use the trademark; the non-use of the trademark during a five-year period may result in the invalidation of the trademark.

The trademarks are published in the Official Gazette of the Estonian Patent Office after registration in the state register of trademarks and service marks.

Disputes concerning trademarks are settled in the Industrial Property Board and in court. In 2003, 88 appeals on trademark decisions were filed with the Board of Appeal which makes up 1,3% of the total number of decisions made by experts. Number of appeals satisfied by the Board of Appeal was 22 which makes up 0,3% of the total number of decisions made by the examiners.

### 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 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 in use yet.

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 classifier.

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 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 does not use the manual search files.

### **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 1 January 2002 the database of trademarks has a new design and the data of international registrations have been added. All periodical official publications of the Patent Office are since the beginning of 2003 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 Pair 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**

WIPO:

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

EPO:

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**