

CWS/ATR/TM/2015/EE

Annual Technical Report on Trademark Information Activities in 2015 submitted by The Estonian Patent Office

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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. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN TRADEMARK INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

In Estonia, it is possible to apply for the protection of trade marks under the Trade Marks Act that took effect on 1 May 2004 (the first Trade Marks Act entered into force in 1992). From 1 May 2004, the EU legal acts concerning trade marks are also valid in Estonia.

Since spring 2007, it has been possible to file the trade mark applications through the electronic filing portal. The portal enables to fill in and send trade mark registration applications to the Estonian Patent Office and to look at the applications filed earlier. Anyone can fill in the form, but only the applicant (or a patent attorney representing him/her) can sign it. Estonian ID-card and its reader are required. Upon request, the Office issues a notification about the acceptance of the application. The notification can be saved or printed. 66% of the Estonian applicants used the possibilities of e-filing in 2015. Other documents relating to the examination can be filed electronically with a digital signature.

There are four possibilities to obtain legal protection for a trade mark in Estonia:

- by registering it in the register of trade marks and service marks by filing an application with the Estonian Patent Office;
- by registering it with the International Bureau of the World Intellectual Property Organization (WIPO), requesting legal protection in Estonia;
- by making a trade mark well known in Estonia;
- by registering it as a Community trade mark with the Office for Harmonization in the Internal Market (OHIM).

1,320 trade mark registration applications were filed in 2015, which was about 3% less than last year (1,356 applications in 2014). The number of applications filed by Estonian applicants has also decreased. While there were 1112 applications filed in 2014, only 1091 applications were filed in 2015, which is about 2% less. International trade mark registrations designating Estonia numbered 1,245 (1,367 in 2014). There were 10% less international registrations than last year. In total 2,565 trade marks were filed for legal protection (2,723 in 2014). In conclusion, the number of applications has decreased about 6% in comparison with last year.

At the end of the year, 1,199,767 Community trade marks were valid in Estonia (including 1,514 trade marks from Estonia), 27,954 registered national trade marks and 30,115 international trade marks with legal protection extended to Estonia.

The Trade Mark Department rendered 2,931 decisions – 1,573 for national applications and 1,258 for international registrations (3,251 decisions in 2014). Estonian applicants filed 42 international trade mark registration applications for forwarding to WIPO (45 in 2014). Among the countries designated for protection, Latvia and Lithuania were the first, followed by Finland and Russia.

In 2015, Estonian applicants made up 43% of the total of trade mark applications. Among other states Russia was the most interested in gaining legal protection in Estonia. Applications and international registrations from Russia formed 6% of the total of applications, followed by USA (5%), Germany (4%) and China (3%).

The most popular goods for which legal protection was applied in 2015 were pharmaceutical preparations (7%), followed by foodstuffs (6%), electrical and scientific apparatus (4.7%), clothes (3.8%), publications (3.6%) and alcoholic beverages (3.6%).

The most popular services were advertising, business management and office functions (10%), followed by education, training, entertainment, cultural and sports activities (5.4%), scientific and technological services (3.8%).

For those who are interested, including the Customs Authorities, Police and Commercial Register, the Trademark Database is available on the Office's web page. This contains data about registered and pending trade marks, as well as international registrations designating Estonia. The database is updated twice a week.

The examiners of the Trade Mark Department provide consultations on the issues related to trademarks in the Office, by phone and e-mail. 106 people were given consultations in the Office of about 60 hours in 2015. Presentations on trade marks were given at the regular trainings in the Office, in the framework of the World Intellectual Property Day and at seminars in Tartu and Haapsalu. Presentations were also held in the Estonian Entrepreneurship University of Applied Sciences and in Tallinn Industrial Education Centre.

Trade mark applications are fully examined on both absolute and relative (prior right) grounds. The average duration of the examination of trade mark applications and international registrations is 8.5 months. The examination of national applications from filing an application until making the decision took averagely 7.7 months.

Trade marks are published in the Estonian Trade Mark Gazette twice – first, in Part I when the decision on trade mark registration has been made, and second, in Part III after the trade mark has been entered into the register of trade marks and service marks. International registrations are published for appeal in Part II of the Gazette.

Disputes concerning trade marks are resolved in the Industrial Property Board of Appeal, and in court.

In 2015, 7 appeals (6 concerning national trade marks and 1 international registration) and 23 oppositions (9 concerning national trade marks and 14 international registration) were granted. Out of all the decisions that were made during examination, granted appeals and oppositions made up approximately 1%.

Outline of main policies and plans aimed at development of trademark information activities and expected time frames for their realization

New projects launched or resumed this year in the context of the policies and plans mentioned above, short description: aims, partners, tasks

Main areas of trademark information activities and related information and communication technology (ICT) practices which were in the focus of attention last year

During the year 2015 development of a software package Back Office for trade marks and designs, developed by the OHIM Cooperation Fund, have been going on. Said software enables the transition to electronic examination of trade marks and industrial designs, and to have electronic correspondence with applicants or their representatives. The application is integrated to many Estonian IT-services, e.g. the address data system, population register, commercial register, digital signing and financial web services.

Statistics: changes in terms of application filings and registrations with respect to previous year; trends or areas experiencing rapid changes

<http://www.epa.ee/en/statistics/statistics-2015>

Other matters and useful links (URLs): annual report of the Office, news page, statistics, etc.

<http://www.epa.ee/sites/www.epa.ee/files/elfinder/dokumendid/aasta2015.pdf>

II. SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

<http://www.epa.ee/en/databases/trade-marks-databases>

Information and support provided by the Office to applicants regarding filing on paper and/or e-filing (instructions, seminars, etc.) - URLs

<http://www.epa.ee/en/how-protect-your-trade-mark/how-protect-your-trade-mark-estonia>

Availability of the application dossier in electronic form

<http://www.epa.ee/en/additional-info/forms#km>

Matters concerning classifying

(i) Classification and reclassification activities; classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification

(ii) Use of electronic classification systems and pre-defined terms of the classification applied

<http://www.epa.ee/et/kaubamargid/kaupade-ja-teenuste-klassifitseerimine>

Matters concerning processing of different types of non-traditional marks (e.g., three-dimensional, motion, hologram, color mark, etc.)

Other activities

<http://www.epa.ee/en/additional-info/free-consultations>

III. SOURCES OF TRADEMARK INFORMATION PROVIDED BY THE OFFICE

<http://www.epa.ee/en/trade-marks/what-trade-mark>

Main types of publications in the field of trademark information, outline of the content and medium (on paper, on CDs, online - URLs)

Official Gazettes: main types of announcements, frequency of publication, medium (on paper, on CDs, online, URL), etc.

<http://www.epa.ee/en/official-gazettes/estonian-trade-mark-gazette>

Information products (coverage, medium, etc.) available to examiners, including external documentation and databases

<http://www.epa.ee/en/databases/trade-marks-databases>

Information products (coverage, medium, etc.) and services available to external users; conditions of access (e.g., free of charge, subscription, etc.)

<http://www.epa.ee/et/metoodilised-valjaanded/valjaanded-kaubamargist>

Legal status information (kind of information, coverage, medium, etc.)

<http://andmebaas.epa.ee/avalik/#/trademarks>

Other sources

<http://www.epa.ee/en/additional-info/free-consultations>

IV. ICT SUPPORT TO SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

The use of e-services should simplify and encourage people to offer innovational solutions. The Office's web page (www.epa.ee) provides many e-services: applications for legal protection of industrial property can be filed and applications filed earlier can be browsed at the portal of e-filing (online.epa.ee); at the portal of e-services (teenused.epa.ee) online applications concerning the registration, period of validity, changes in data and transfer of rights and ownership of trade marks and designs can be filed with the Patent Office.

Services of electronic search databases can be also used on our web page (<http://www.epa.ee/en/additional-info/databases>). The trademark database is the most visited, but as user statistics show, visits to the inventions' and industrial designs' databases are also frequent. Starting from last year, we also display the overview of supplementary protection certificates for medicinal products and plant protection products (SPC) on our web page.

The Patent Office is also responsible for forwarding the data concerning the subjects of legal protection of industrial property of Estonia to international databases. Information is available in international trade mark search portal TMView (www.tmdn.org/tmview/welcome) and WIPO database Global Brand (www.wipo.int/branddb); industrial designs can be searched in portal DesignView (www.tmdn.org/tmdsview-web/welcome); patents and utility models in worldwide database of patents Espacenet (worldwide.espacenet.com).

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Specific software tools supporting business procedures within the Office: general description, characteristics, advantages, possible improvements

Hardware used to supporting business processes of the Office

Internal databases: coverage, updates, interlinks with external sources

Establishment and maintenance of electronic search file: file building, updating, storage, documents from other offices included in the search file

Administrative management electronic systems (register, legal status, statistics, and administrative support)

Other matters

V. PROMOTION ACTIVITIES AIMED TO SUPPORT USERS IN ACCESS AND EFFICIENT USE OF TRADEMARK INFORMATION

Free consultations

In 2015, the specialists of the Estonian Patent Office continued to provide free consultations on the compilation of trade mark, industrial design and utility model applications as well as patent applications. Compared to the year 2014 the level of interest in these consultations was the same. 106 people received consultations on trade marks (60 hours), 36 people were interested in industrial design consultations (25 hours) and 233 people took part in consultations concerning inventions (172 hours).

E-mail enquiries are mostly received via info@epa.ee and helpdesk@epa.ee. We also provide phone consultations.

Small-Sized Enterprise Support

2015 was the tenth year of activities for the Small-Sized Enterprise Support Division, whose main goals are to arrange events for the entrepreneurs and the public to raise the awareness of intellectual property on behalf of the Patent Office. Last year 33 seminars (19 in the classroom of the Patent Office and 14 outside) were arranged to entrepreneurs and cooperation partners.

Four seminars on inventions, four on trade marks and two on industrial designs were held in the classroom of the Patent Office. In addition, two workshops on inventions were arranged in the Estonian National Library. County seminars took place in Tartu county and Lääne county.

Bigger events were arranged three times – in April we celebrated the World Intellectual Property Day with a seminar, in September a conference was arranged in cooperation with the Estonian Research Council, and in November a seminar for small-sized entrepreneurs was held in Tallinn. The Division also took part in Tallinn Entrepreneurship Day and Mini Maker Faire.

In cooperation with educational institutions a trade mark-themed lecture was held in 2015 in the Estonian Entrepreneurship University of Applied Sciences and in Tallinn Industrial Education Centre, and a lecture on inventions at Tallinn University Science Week. The Patent Office was also represented at the cooperation festival of Tallinn University of Technology and University of Tartu.

To promote the cooperation between the Patent Office and patent attorneys, two roundtables on inventions and two roundtables on trade marks were arranged. In addition, a training day about the e-services of Patent Office was organised for the attorneys, and also an information hour on GPPH, and a training concerning the characteristics of compiling patent claims for IT-related inventions.

In cooperation with WIPO an e-service created for filing international patent applications was introduced at a three-day training course. Also, in cooperation with the Estonian Patent Office, WIPO handed over the Schoolchildren's Trophy at The Estonian Contest for Young Inventors.

724 people attended the events arranged by the Division or by its attendance in 2015 – 21% more than in 2014. 338 participants filled in the feedback sheets. They evaluated the different components of the seminars on the scale of 1–5 as follows:

general level of the events – 4.42;

arrangement – 4.65;

contents – 4.47;

clarity – 4.48;

level of the lecturers – 4.43.

Office's library (if deals with trademark information): equipment, collection management, network of libraries in the country, cooperation with foreign libraries

Publications related to different business procedures and trademark information sources available to users, for example, books, brochures, Internet publications, etc.

Cooperation with universities, technology and innovation support centers, etc.

Education and training: training courses, e-learning modules (URLs), seminars, exhibitions, etc.

Other activities

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION

International exchange of trademark information in machine-readable form (e.g., Official Gazettes)

Participation in international or regional activities and projects related to trademark information

Assistance to developing countries

Other activities

VII. OTHER RELATED MATTERS