

Trade Mark Regulation

Approved Minister of the Economic Affairs and Communications Regulation No. 159 of 29 June 2004

(RTL¹ 2004, 89, 1407)

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Amended by the following Regulation:

05.07.2007 entered into force 16.07.2007 - RTL 2007, 58, 1045

This Regulation is established on the basis of subsections 1 (2), 34 (4), 40 (2), 49¹ (5), 51¹ (6), 67 (2), 71² (3) and 71³ (4) of the Trade Mark Act.

Chapter 1

Formal and Substantive Requirements for Applications for registration of Trade Marks and Other Documents Subject to Submission to Patent Office and Procedure for Filing such Documents

Division 1

General Requirements

§ 1. Definition of terms

Terms in the field of trade marks used in this Regulation which are not defined in the Patents Act are interpreted pursuant to the definitions specified in the Paris Convention for the Protection of Industrial Property, Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, Trademark Law Treaty and other international agreements in the field of trade marks ratified by the Riigikogu and implementing legislation thereof.

§ 2. General requirements for submission of documents

- (1) Unless otherwise provided by an Act or this Regulation, an original document or a copy thereof which has been notarised or officially certified by the Patent Office shall be submitted to the Patent Office.
- (2) The Patent Office may permit the submission of a facsimile copy of a document if the Patent Office is able to check the accuracy of the document from other sources.
- (3) Documents shall be filed with the reception department of the Patent Office in person or by post. A document may also be posted in the post box for applications for the registration of legal protection of objects of industrial property open at the Patent Office for twenty-four hours every day of the year.

§ 3. Number of copies of documents

Documents are submitted to the Patent Office in a single copy. In the case of a coloured trade mark, five reproductions of the trade mark in colour with the measurements of 80×80 mm shall be appended to the registration application (hereinafter application).

§ 4. Language and translation requirements for documents

- (1) In general, documents shall be submitted to the Patent Office in Estonian.
- (2) The use of language in the documents submitted to the Patent Office shall be in compliance with the Estonian Literary Standard within the meaning of the Language Act.
- (3) If a document is submitted in a foreign language, translation thereof into Estonian shall be submitted at the request of the Patent Office within two months after the date of making such request.

§ 5. General requirements for translations

- (1) The translations of documents submitted to the Patent Office shall correspond to the original documents.
- (2) The translator or the patent agent shall be responsible for the authenticity of translations. The authenticity of a translation shall be confirmed by a statement included at the end of the text stating “I confirm the authenticity of the translation” and the signature of the translator or the patent agent. The signature shall be legible or deciphered in capital letters.

(3) If a translation is prepared by a sworn translator, he or she may certify the translation pursuant to the procedure established for certification of translations of sworn translators.

§ 6. Accuracy of translation and corrections thereto

(1) Saving proof to the contrary, a translation is presumed to be accurate.

(2) A person applying for the registration of a trade mark (hereinafter applicant), proprietor of a trade mark or other person applying for an act related to trade marks may apply for corrections to be made in a translation to correct obvious wording and spelling mistakes if the corrections correspond to the text in the foreign language.

§ 7. General requirements for completion of text documents

(1) All documents shall be completed and submitted on white thick strong flexible matte paper in format A4 (210x297 mm).

(2) Each sheet of paper shall be used in portrait format.

(3) The left margin of a document shall be sufficiently wide to enable the document to be bound (minimum 20 mm).

(4) The text of the documents shall be in typewritten form, printed or presented using another technical method.

(5) Single signs and symbols may be handwritten using black ink, fountain pen or Indian ink.

(6) The text of the documents shall be typed with the minimum line spacing of 1.5. If a word processor is used, the text size shall be at least 12 points; if a typewriter is used, the height of capital letters shall be at least 2.1 mm.

(7) Documents must be typed with black non-erasable permanent ink and with such contrast which allows making an unlimited number of copies of the documents using all generally used copying devices.

(8) No sheet of a document shall be soiled or creased. A sheet shall not have any visible defects of the paper, folding marks, or blotches, spots or lines created upon printing or copying, or any other defects likely to become visible upon further copying.

Division 2

Formal and Substantive Requirements for and Procedure for Submission of Authorisation Documents and Data Certifying Payment of State Fees

§ 8. Authorisation documents

(1) An authorisation document is granted for the submission of one or several applications or for the performance of other trade mark related acts to one or several patent agents who have been awarded the qualification of a patent agent for operation in the area of trade marks (hereinafter patent agent).

(2) The joint representative specified in subsection 13 (3) of the Trade Marks Act is issued an authorisation document if:

- 1) restriction of the extent of the representative's authority is desired;
- 2) the joint representative has signed the registration application in the capacity of a representative;
- 3) some of the applicants have not signed the registration application;
- 4) the joint representative is appointed after submission of the application.

(3) An authorisation document shall set out the following:

- 1) the given name, surname and the address of the residence or the seat of the enterprise of the person represented, or the name and address of the seat of the person represented if the person is a legal person;
- 2) the given name and surname of the patent agent to be authorised;
- 3) in the case of a joint representative who is a natural person, the given name and surname of the natural person, in the case of a joint representative who is a legal person, the name of the legal person;
- 4) the extent of the authorisation, except in the case of a joint representative unless restriction of the authorisation thereof is desired;
- 5) the term of the authorisation, if the authorisation is granted for a specified term;
- 6) the signature of the person represented and in the case of a legal person, the signature of the legal representative thereof;

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7) the place and date of issue of the authorisation document.

(4) The signature of the represented person shall be legible or deciphered in capital letters. If the represented person is a legal person, the title of the legal representative who signed shall be added.

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(5) Upon performing procedures with the Patent Office, a registration application in which information required in subsections 18 (2) or (3) is entered and which is signed by all applicants shall be considered as a document certifying authorisation and substituting for an authorisation document. In such case, the performance of all procedures related to the trade mark, except for transferring the application in the case of a joint representative, shall be deemed to be the extent of authorisation of the joint representative and the patent agent.

§ 9. Differences in authorisation documents issued for performance of acts related to trade marks

(1) For the performance of acts related to trade marks, a represented person shall give only direct authorisation to a patent agent. The right of representation shall not be received or transferred by way of delegation of authority even if the authorisation document prescribes such right.

(2) In the case of a single authorisation document issued in the name of several patent agents, all the patent agents specified in the authorisation document are deemed to be authorised to an equal extent, unless the authorisation document prescribes restriction of the authority of a patent agent. The Patent Office has the right to perform procedures with any of the patent agents specified in an authorisation document, taking account of the extent of the authority of the specific patent agent.

(3) If the date on which the term of validity of an authorisation commences is not specified in the authorisation document, the term of authorisation shall commence as of the date of signing the authorisation document. If a patent agent submits an authorisation document after performing an act then, based on subsection 3 (1) of the Patent Agents Act, the date of performance of the act is deemed to be the date of granting authorisation, unless this is in conflict with the content of the authorisation document.

(4) An authorisation document granted to a joint representative is valid only for granting authorisation for the performance of acts related to the processing of an application, except for the transfer of the application. An authorisation document granted to a joint representative for the performance of acts related to registered trade marks shall be void.

- (5) If the term of validity of authorisation is not indicated in the authorisation document, the authorisation document is deemed to be issued for an unspecified term.
- (6) If a patent agent specified in an authorisation document has not been entered in the state register of patent agents or if he or she has not been granted the qualification of a patent agent for operating in the area of trade marks, the authorisation document is deemed to be void.
- (7) If several authorisation documents for the performance of the same procedure are issued to different persons, the Patent Office shall send communications to the person authorised by the more recent authorisation document.
- (8) If a new representative of an applicant or new representative of the proprietor of a trade mark submits an application for the performance of an act related to a trade mark, such representative is deemed to be authorised to represent to the full extent of the authority granted by the authorisation document and shall be entered in the register of trade marks and service marks as a representative, unless the authorisation document expressly provides otherwise.

§ 10. Submission of authorisation document

- (1) If an application is filed via a patent agent and the request for the registration of a trade mark is signed by the patent agent, the authorisation document shall be submitted on the date of submission of the application or within two months after the date of submission of the application.
- (2) If a person with no residence, seat or commercial or industrial enterprise operating in Estonia personally submits an application, such person shall authorise a patent agent to perform further acts related to trade marks. An authorisation document shall be filed within two months after the date of submission of the application.
- (3) If there are several applicants and the application for the registration of a trade mark is signed only by the joint representative of the applicants, the authorisation document shall be submitted on the date of submission of the application or within two months after the date of submission of the application.
- (4) An authorisation document for the performance of another act related to trade marks shall be submitted together with the application for performance of the act or by the due date set by the Patent Office.

(5) If an authorisation document for the performance of an act related to a trade mark submitted earlier is valid, the Patent Office shall be notified of the number of the application or registration of the trade mark with respect to which the earlier authorisation document was submitted.

(6) (Repealed - 02.030.2007 entered into force 16.07.2007 - RTL 2007, 58, 1045)

§ 11. Information concerning payment of state fee

(1) The state fees shall be paid into the bank account of the Ministry of Finance designated for the payment of state fees. State fees of up to 100 kroons may be paid in cash at the reception department of the Patent Office.

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(2) If a state fee is paid into the bank account, the Patent Office shall be submitted the following information concerning the payment of the state fee:

- 1) number of the payment document;
- 2) date of payment;
- 3) name of payer;
- 4) the amount of the payment made;
- 5) the name of the act for which the state fee is paid or the number of the relevant section of the State Fees Act;

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6) the number of the application, number of registration of the trade mark or in the absence thereof, data enabling identification of the trade mark;

7) signature of the payer.

(3) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the request shall be added.

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§ 12. Submission of information concerning payment of state fees

- (1) Data on the payment of the state fee shall be submitted to the Patent Office by the applicant, proprietor of the trade mark of person applying for the performance of another act related to trade marks, taking account of the terms provided by the Trade Marks Act.
- (2) The data concerning the payment of a state fee shall be submitted separately for each application or registration. If a state fee is paid for the performance of acts related to several applications or registrations, an additional list shall be submitted which sets out the distribution of the paid sum between the acts.
- (3) A state fee is deemed to be paid on time if the applicant, proprietor of a trade mark or person applying for the performance of another act related to trade marks has submitted the Patent Office the data concerning the payment of the state fee by the due date.
- (4) If the applicant, proprietor of a trade mark or a person applying for the performance of another act related to trade marks has submitted the Patent Office the data concerning the payment of the state fee by the due date but the state fee, paid in the required amount, does not accrue to the bank account of the Ministry of Finance designated for state fees then, in order to verify the payment of the state fee, the Patent Office may demand that the person who submitted the data provide a document certified by the bank in proof of the payment of the state fee.

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- (5) If, as the result of the verification specified in subsection (4), it becomes evident that the person who submitted the data has not paid the state fee, the application shall be deemed to be withdrawn and the Patent Office shall not perform the act for which the state fee should have been paid.
- (6) The payer of the state fee has the right to be refunded the state fee if the state fee was paid into the bank account of the Ministry of Finance designated for state fees but the applicant, proprietor of a trade mark or a person applying for the performance of another act related to trade marks has not submitted data concerning the payment of the state fee to the Patent Office by the due date and as a result, the application is deemed to be withdrawn, or if the Patent Office is unable to perform the act for which the state fee was paid.

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Formal and Substantive Requirements for Applications for Registration of Trade Marks and Procedure for Filing such Documents

§ 13. Submission of applications for registration of trade marks

(1) Applications shall be filed with the reception department of the Patent Office in person, by post or fax. An application may also be posted in the post box for applications for the registration of legal protection of objects of industrial property open at the Patent Office for twenty-four hours every day of the year. An application may also be submitted to the Patent Office in electronic form via the webpage with the address www.epa.ee.

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(2) The actual date of receipt of an application by the Patent Office is deemed to be the filing date of the application. This applies also if an application is delivered using a postal or delivery service.

(3) Original documents of an application filed by fax shall be submitted not later than by the date prescribed by the Patent Office pursuant to subsection 37 (1) of the Trade Marks Act, unless an Act or this Regulation prescribes an earlier date for submission of such documents.

§ 14. Application documents for registration of trade mark

(1) The application shall set out:

- 1) an application for the registration of a trade mark;
- 2) an authorisation document or reference to an authorisation document submitted earlier if the applicant has a representative;
- 3) documents in proof of Convention priority if Convention priority is applied for pursuant to subsections 29 (1) and (2) of the Trade Marks Act;
- 4) documents in proof of exhibition priority if exhibition priority is applied for pursuant to subsections 29 (3) and (4) of the Trade Marks Act;
- 5) information concerning payment of the state fee;
- 6) the regulations of the collective mark, if the application concerns a collective mark;

- 7) a list of the members of the association if the application concerns a collective mark;
 - 8) the regulations of the guarantee mark, if the registration application concerns a guarantee mark.
- (2) Other documents may be included in the application by the applicant if the applicant deems it necessary.

§ 15. Data to be submitted in application for registration of trade mark

- (1) An application for the registration of a trade mark shall contain:
- 1) an application for the registration of a trade mark;
 - 2) the name, address of the residence or seat of the applicant and, if the applicant so wishes, other details of the applicant;
 - 3) the name of the patent agent representing the applicant if the application is filed via a patent agent;
 - 4) name of the joint representative if the applicants have a joint representative;
 - 5) the address of a commercial or industrial enterprise operating in Estonia and belonging to a person whose residence or seat is in a foreign state, if such person is not represented by a patent agent;
 - 6) a representation of the trade mark;
 - 7) a list of goods and services classified according to the Nice Classification together with class numbers;
 - 8) a requirement for a Convention priority if a Convention priority is applied for;
 - 9) a requirement for an exhibition priority if an exhibition priority is applied for;
 - 10) a list of colours, if the representation of the trade mark is in colour;
 - 11) where the mark is a three-dimensional mark, a statement to that effect;
 - 12) where the mark is a collective mark, a statement to that effect;
 - 13) where the mark is a guarantee mark, a statement to that effect;
 - 14) the list of application documents;

- 15) the signature of the applicant or the representative of the applicant.
- (2) An application for the registration of a trade mark may include a description of the trade mark, the translation and transliteration of the part of the trade mark consisting of words in a foreign language, a list of elements of the trade mark which are not subject to protection and data on the payment of the state fee.
- (3) It is recommended to submit an application for the registration of a trade mark on a blank document form conforming to the requirements of Annex 1.
- (4) Information which cannot be supplied in the data fields of the application for the registration of a trade mark may be provided on one or several additional sheets of paper signed by the same person(s) who signs (sign) the application for the registration of the trade mark.

§ 16. Information concerning applicant

- (1) It shall be indicated in the request for the registration of a trade mark whether the applicant is from Estonia or from a foreign country and whether the applicant is a natural or legal person.
- (2) Information concerning a natural person shall consist of the given name, surname and full residential address of the person and, if the person has an enterprise, the full address of the applicant's residence or seat of the enterprise. If it is not evident from the name of a natural person which part of the name is the given name and which part is the surname, the surname shall be underlined or indicated in some other manner.
- (3) Information concerning a legal person shall consist of the full or abbreviated name of the legal person which is entered in the commercial register or non-profit associations and foundations register, or in another official register pursuant to the law of the home country of the legal person, and the full address of the seat of the legal person.
- (4) If the residence or seat of an applicant is located outside of Estonia, the two-letter code of the country pursuant to Standard ST. 3 of the World Intellectual Property Organization (hereinafter WIPO) for the identification of countries shall be indicated in addition to the address.
- (5) If the residence or seat of the applicant is in a federal state, the federated state shall be indicated in the address in addition to the country; the name of the city or other settlement shall be underlined or indicated in some other manner.
- (6) If there are several applicants, information concerning all applicants shall be submitted.

(7) An applicant is required to notify the Patent Office of any changes to the information concerning the applicant. In the absence of such notification, the information communicated to the Patent Office shall be used in the processing.

§ 17. Other contact details of applicant

(1) It is recommended to add the telephone and fax number and, if the applicant is a legal person, also the registry code to the information concerning an applicant.

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(2) If an applicant wishes for the Patent Office to send its communications at another address than the address of the residence or seat, the applicant may add the correspondence data to the application.

§ 18. Information concerning representative of applicant

(1) A patent agent or, if there are several applicants, a joint representative elected from among such applicants may act as a representative of an applicant.

(2) Information concerning a patent agent shall consist of his or her given name and surname and the registration number of the patent agent in the state register of Estonian patent agents.

(3) Information concerning a joint representative shall consist of the name thereof. The name of a joint representative shall be identical with the name of the joint representative as the name of the applicant.

(4) If both a joint representative and a patent agent are authorised and the applicants do not specify in writing which of the two is authorised to correspond with the Patent Office, the Patent Office shall send communications to the patent agent.

§ 19. Representation of trade mark

(1) The graphic representation of a trade mark shall be submitted with the size of 80×80 mm.

(2) It is recommended that a black-and-white word mark with no design be presented in standard characters using font *Univers Bold* with size 24. If the word mark is too long for the field with the size of 80×80 mm, the font shall be reduced to the necessary size. If an applicant does not use font *Univers*

Bold in standard characters in the representation of a trade mark but indicates in the description of the trade mark that the mark is a word mark, the Patent Office shall change the font and the trade mark shall be registered in standard characters using font *Univers Bold*.

(3) Trade marks represented by a design, combined and three-dimensional trade marks shall be presented in the form chosen by the applicant.

(4) If legal protection for a trade mark is applied for in a certain colour combination, the representation of the trade mark shall be in colour.

(5) The Patent Office may require the submission of a sample of a sound trade mark.

§ 20. Description of trade mark

(1) If the trade mark is a collective mark, a notation to such effect shall be made in the application for registration of the trade mark.

(2) If the trade mark is a guarantee mark, a notation to such effect shall be made in the application for registration of the trade mark.

(3) The type of the trade mark shall be indicated in the application for registration of the trade mark, i.e. whether the mark is a word mark, a trade mark represented by a design, a combined or a three-dimensional trade mark.

(4) If the representation of the trade mark is in colour, a list of colours shall be included. The list of colours shall correspond to the colours used in the representation.

(5) If words or parts of words in a foreign language are used, translation thereof into Estonian and if necessary, a transliteration shall be included.

(6) If a trade mark includes elements or parts which constitute an element of the trade mark not subject to protection pursuant to subsection 9 (3) of the Trade Marks Act and the applicant wishes them to be set out in the decision to register the trade mark, then such elements and parts shall be listed in the application for registration of the trade mark.

§ 21. List of goods and services classified according to the Nice Classification together with class numbers

- (1) The goods and/or services for the designation of which a trade mark will be used shall be indicated in an application for registration of the trade mark together with the corresponding class numbers of goods and services according to the Nice Classification.
- (2) Class numbers of goods and services shall be determined according to the current Nice Classification.
- (3) Submission of the list of goods and services is obligatory. The list of goods and services shall not be substituted by the expression “the entire class”, etc.
- (4) In class 45, the expression "personal and social services provided to individuals by third persons for the satisfaction of their needs" shall not be used; the specific services for the marking of which the applicant wishes to register the trade mark shall be listed instead.
- (5) The list of goods and services submitted on the date of submission of the application shall not be extended later. The list of goods and services may be restricted later.

§ 22. Priority claim

- (1) If the applicant wishes to use the opportunities provided for in § 29 of the Trade Marks Act to establish priority, the priority claim shall be filed on the date of submission of the application or within two months after the date of submission of the application.
- (2) A priority claim may be submitted with regard to all or some of the goods or services indicated in the list of goods and services.
- (3) If a priority claim is not submitted with regard to all the goods or services indicated in the list of goods and services, a list of the goods or services shall be submitted with regard to which a priority claim is submitted.
- (4) Upon application for a Convention priority, the number of the first application, the date of priority and the name of the country or a two-letter code of the country shall be indicated.
- (5) Upon application for an exhibition priority, the date of priority (the date when the exhibit designated by the trade mark is displayed at a public exhibition), the name of the exhibition and the name of the country or a two-letter code of the country shall be indicated.

§ 23. Signature

(1) An application for the registration of a trade mark shall be signed by the applicant, or a patent agent if he or she has authorisation. If there are several applicants, all applicants or a patent agent, or the joint representative of the applicants, if the joint representative holds an authorisation document, shall sign the application.

(2) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be indicated.

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(3) When signing an application, the date of signing shall be indicated.

(4) An application on the additional sheet of paper of the application for registration of a trade mark shall conform to the requirements provided in subsections (1)-(3).

§ 24. Regulations of collective mark and submission thereof

(1) The regulations of a collective mark shall include the name and address of the seat of the association of persons with active legal capacity, the terms and procedure for becoming a member of the association and the terms and procedure for using the trade mark

(2) A list of members of the association whose goods and services are designated with the collective mark shall be attached to the regulations.

(3) The regulations of a collective mark may contain provisions concerning the quality or other characteristics of the goods or services, monitoring the use of the trade mark and liability prescribed for the violation of the conditions of using the trade mark or other conditions which the members of the association deem necessary to agree upon.

(4) The original copy of the regulations of a collective mark or an officially certified copy thereof or a copy of the regulations of the collective mark certified by the Patent Office shall be submitted to the Patent Office.

(5) In the case of amendment of the regulations of a collective mark or the list of members of the association, the new regulations of the collective mark or the list of members of the association shall be submitted to the Patent Office.

§ 25. Regulations of guarantee mark and submission thereof

- (1) The regulations of a guarantee mark shall include the name and address of the residence or seat and a list of the required common features of goods and services designated with the guarantee mark which can be used as the basis for quality control.
- (2) The regulations of a guarantee mark may contain provisions concerning the quality or other characteristics of the goods or services, monitoring the use of the trade mark and liability prescribed for the violation of the conditions of using the trade mark or other conditions which the applicant for the guarantee mark deems necessary to require.
- (3) The original copy of the regulations of a guarantee mark or a notarised copy thereof or a copy of the regulations of the guarantee mark certified by the Patent Office shall be submitted to the Patent Office.
- (4) In the case of any changes to the regulations of a guarantee mark, new regulations of the guarantee mark shall be submitted to the Patent Office.

§ 26. Documents certifying priority claims and submission thereof

- (1) If priority is claimed in an application, the documents certifying priority shall be submitted on the date of submission of the application or within three months after the date of submission of the application.
- (2) A document in proof of Convention priority is a certificate which is issued to the applicant by the agency which received the first application and which sets out the information in the first application.
- (3) A document in proof of Convention priority shall contain the number of the first application, the date of submission of the first application, the name of the country where the first application was filed or the two-letter code thereof, a representation of the trade mark, the name and address of the residence or seat of the person who filed the first application and a list of the goods or services included in the first application.
- (4) A document certifying exhibition priority is a document issued by the administration of an exhibition which certifies the compliance of the exhibition with the requirements provided for in subsection 29 (4) of the Trade Marks Act and the use of the trade mark at the exhibition and which contains the name of the person who exhibited goods or services designated by the trade mark, the list of such goods and services and the date of public display thereof at the exhibition.

- (5) Original documents certifying priority issued to the applicant by the administrative agency which received the first application or by the administration of the exhibition shall be filed with the Patent Office.
- (6) Copies of documents certifying priority shall not be accepted.
- (7) If priority is claimed on the basis of several first applications, documents certifying priority concerning all these applications shall be filed.

Division 4

Formal and Substantive Requirements for Other Documents Subject to Submission to Patent Office

§ 27. Application for renewal of term of legal protection of trade marks

- (1) In order to renew the term of legal protection of a trade mark, the proprietor of the trade mark shall submit a written application to which data concerning the payment of the state fee shall be attached.
- (2) If the application is submitted by an authorised representative of the proprietor of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (3) The following information shall be set out in an application for the renewal of the term:
 - 1) a request for the renewal of the term;
 - 2) the registration number;
 - 3) the name and address of the residence or seat of the proprietor of the trade mark;
 - 4) the name and contact details of the authorised representative of the proprietor of the trade mark if the proprietor of the trade mark has a representative;
 - 5) the signature of the proprietor of the trade mark or the representative of the proprietor of the trade mark.

(4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

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§ 28. Application for making register entry concerning licence of trade mark

(1) In order to make a register entry concerning a licence, the licensor or licensee shall file a written application to which the licence agreement or a copy thereof officially certified by the Patent Office or an excerpt containing the data needed for making the entry officially certified by the Patent Office and data concerning payment of the state fee shall be attached.

(2) If the application is submitted by an authorised representative of the licensor or licensee, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.

(3) An application for making a register entry concerning a licence shall contain the following data:

- 1) a request for making a register entry concerning a licence;
- 2) the registration number;
- 3) the data of the licensor or licensee (the name and address of the residence or seat);
- 4) the nature of the licence (non-exclusive, exclusive licence or sublicense), territorial scope and scope with regard to goods and services;
- 5) the term of the licence;
- 6) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
- 7) the signature of the applicant or of the applicant's representative.

(4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

(5) An application may contain other relevant information which the licensor or licensee deems necessary to be entered in the register.

§ 29. Application to delete register entry concerning licensing of trade mark

- (1) For the premature deletion of a register entry concerning a licence, the person who submitted the application for making the register entry concerning the license shall file a corresponding application.
- (2) If the application is submitted by an authorised representative of the person requesting deletion of the entry concerning a licence, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (3) An application for deletion of a register entry concerning the licensing of a trade mark shall contain the following data:
 - 1) a request for deleting the register entry concerning the licence;
 - 2) the registration number;
 - 3) the data of the applicant (name and address of the residence or seat);
 - 4) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 5) the signature of the applicant or of the applicant's representative.
- (4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 30. Application for making register entry concerning pledge of trade mark

- (1) For making a register entry concerning a pledge, the proprietor of the trade mark or the pledgee shall submit a written application to which the notarised agreement to establish the pledge and data on the payment of the state fee in accordance with the provisions of the State Fees Act relating to registered securities over movables shall be attached.
- (2) If the application is submitted by an authorised representative of the proprietor of the trade mark or pledgee, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.

- (3) An application for making a register entry concerning a pledge shall contain the following data:
- 1) a request for making a register entry concerning a pledge;
 - 2) the registration number;
 - 3) the data of the proprietor of the trade mark and pledgee (the name and address of the residence or seat);
 - 4) the monetary amount of the pledge (amount of pledge);
 - 5) the amount of the claim secured by the pledge;
 - 6) the term for performance;
 - 7) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 8) the signature of the applicant or of the applicant's representative.
- (4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.
- (5) An application may contain other relevant information which the proprietor of the trade mark and pledgee deem necessary to be entered in the register.

§ 31. Application for amendment of terms of pledge contract

- (1) In order to make amendments to the terms of a pledge contract, the proprietor of the trade mark or the pledgee shall file an application for amendment of the pledge contract to which a notarised attachment to the pledge contract, a court judgment which has entered into force or other document in proof of amendment and data concerning payment of the state fee pursuant to the provisions of the State Fees Act concerning registered security over movables shall be annexed.
- (2) If the application is submitted by an authorised representative of the proprietor of the trade mark or pledgee, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (3) An application for amendment of a register entry concerning a pledge shall contain the following data:

- 1) a request for amending a register entry concerning a pledge;
 - 2) the registration number;
 - 3) the terms of the contract that have been amended;
 - 4) the data of the applicant (name and address of the residence or seat);
 - 5) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 6) the signature of the applicant or of the applicant's representative.
- (4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 32. Application for change of pledgee

- (1) If the proprietor of the trade mark, pledgee or the person to whom the pledge was transferred (hereinafter new pledgee) wishes to change the person of the pledgee, he or she shall submit an application for amendment of entry, to which the notarised document in proof of transfer of the pledge and data concerning payment of the state fee pursuant to the provisions of the State Fee Act concerning registered security over movables shall be annexed.
- (2) If the application is submitted by an authorised representative of the proprietor of the trade mark, pledgee or new pledgee, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (3) An application for amendment of a register entry concerning a pledge shall contain the following data:
- 1) a request for amending a register entry concerning a pledge;
 - 2) the registration number;
 - 3) the data of the new pledgee (the name and address of the residence or seat);
 - 4) the data of the applicant (name and address of the residence or seat);

5) the name and contact details of the authorised representative of the applicant if the applicant has a representative;

6) the signature of the applicant or of the applicant's representative.

(4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 33. Application for change of ranking of registered security over movables

(1) In order to change the ranking of a registered security over movables, the proprietor of the trade mark shall submit an application for change of ranking of the registered security over movables to which a notarised agreement between the persons the ranking of whose rights is changed, and data concerning payment of the state fee pursuant to the provisions of the State Fee Act concerning registered security over movables shall be annexed.

(2) If the application is submitted by an authorised representative of the proprietor of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.

(3) An application for amendment of a register entry concerning a pledge shall contain the following data:

1) a request for amending a register entry concerning a pledge;

2) the registration number;

3) data concerning the change in the ranking;

4) the data of the applicant (name and address of the residence or seat);

5) the name and contact details of the authorised representative of the applicant if the applicant has a representative;

6) the signature of the applicant or of the applicant's representative.

(4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 34. Application for deletion of entry concerning registered security over movables

- (1) The proprietor of the trade mark or the pledgee shall submit a written application in order to delete a register entry concerning a pledge upon termination of the claim secured by the pledge. If the application is submitted by the proprietor of the trade mark, the pledgee's notarised consent shall be annexed to the application.
- (2) In order to delete a register entry concerning a pledge if the pledge has been waived, the pledgee shall submit the application together with a notarised application for waiver of the pledge.
- (3) If the application is submitted by an authorised representative of the proprietor of the trade mark or pledgee, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (4) An application for deletion of a register entry concerning a pledge shall contain the following data:
 - 1) a request for deleting the register entry concerning the pledge;
 - 2) the registration number;
 - 3) the data of the applicant (name and address of the residence or seat);
 - 4) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 5) the signature of the applicant or of the applicant's representative.
- (5) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 35. Application for entry in register transferring of trade mark

- (1) For entry in the register of transferring a trade mark, the applicant, proprietor of the trade mark, new applicant or new proprietor of the trade mark shall submit a written application and the data concerning payment of the state fee.

- (2) If the application is submitted by the new applicant or new proprietor of the trade mark, the document in proof of transferring the trade mark signed by the applicant or proprietor of the trade mark shall be annexed to the application.
- (3) If the trade mark to be transferred is encumbered by a registered security over movables, the written consent of the pledgee shall be annexed to the application.
- (4) If the application is submitted by an authorised representative of the applicant, proprietor of the trade mark, new applicant or new of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (5) An application for entry in the register of transferring a trade mark shall contain the following data:
- 1) a request for entry in the register of transferring of the trade mark;
 - 2) number of application or registration number;
 - 3) the data of the new applicant or new proprietor of the trade mark (the name and address of the residence or seat);
 - 4) a list of goods and services which remain in the original registration if the trade mark is transferred only with regard to a part of the goods and services;
 - 5) a list of goods and services contained in the separated registration if the trade mark is transferred only with regard to a part of the goods and services;
 - 6) the data of the applicant (name and address of the residence or seat);
 - 7) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 8) the signature of the applicant or of the applicant's representative.
- (6) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 36. Application for entry in the register of transfer of trade marks

- (1) For entry in the register of the transfer of a trade mark, the person to whom the rights conferred by a trade mark are to be transferred (hereinafter new applicant or new proprietor of trade mark) shall file a written application and submit the data concerning payment of the state fee.
- (2) A document in proof of the transfer of the rights conferred by the trade mark shall be appended to the application.
- (3) If the application is submitted by an authorised representative of the new applicant or new proprietor of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (4) An application for entry in register of transfer of a trade mark shall contain the following data:
 - 1) a request for entry in register of transfer of the trade mark;
 - 2) number of application or registration number;
 - 3) the data of the successor of the new applicant or new proprietor of the trade mark (the name and address of the residence or seat);
 - 4) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 5) the signature of the applicant or of the applicant's representative.
- (5) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 37. Application for division of application or registration

- (1) For division of an application or registration, the applicant or proprietor of the trade mark shall submit a written application and data concerning the payment of the state fee.
- (2) If the application is submitted by an authorised representative of the applicant or proprietor of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (3) An application for division of an application or registration shall contain the following data:
 - 1) a request to divide the application or registration;

- 2) number of application or registration number;
 - 3) a list of goods and services to remain in the original application or registration;
 - 4) a list of goods and services contained in the separated application or registration;
 - 5) the data of the applicant (name and address of the residence or seat);
 - 6) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 7) the signature of the applicant or of the applicant's representative.
- (4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 38. Other cases of application for entry in register of amendment of data in application or registration

- (1) For amendment of data in an application or registration, the applicant or proprietor of the trade mark shall submit a written application in the case of change of the name, residence or seat thereof, other contact details or the representative, or for limitation of the list of goods and services.
- (2) If the application is submitted by an authorised representative of the applicant or proprietor of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (3) An application for amendment of data in an application or registration shall contain the following data:
 - 1) a request to amend the data in the application or registration;
 - 2) number of application or registration number;
 - 3) the data whose amendment is requested;
 - 4) the data in their amended form;
 - 5) the data of the applicant (name and address of the residence or seat);
 - 6) the name and contact details of the authorised representative of the applicant if the applicant has a representative;

7) the signature of the applicant or of the applicant's representative.

(4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

(5) A separate application for amending the data in an application or registration need not be filed for changing a representative if an application for performing another act related to trade marks is filed through the new authorised representative.

§ 39. Application for correction of errors in registration data

(1) For correction of an error in registration data, the proprietor of the trade mark shall submit a written application. A document certifying the existence of the error or a reference to a document submitted to the Patent Office earlier shall be annexed to the application. Such certifying documents need not be annexed if correction of an obvious spelling mistake is requested.

(2) If the application is submitted by an authorised representative of the applicant or proprietor of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.

(3) An application for correction of an error in registration data shall contain the following data:

1) a request for correction of the error in the registration data;

2) the registration number;

3) the data to be corrected;

4) the data in their corrected form;

5) the data of the applicant (name and address of the residence or seat);

6) the name and contact details of the authorised representative of the applicant if the applicant has a representative;

7) the signature of the applicant or of the applicant's representative.

(4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 40. Application for issue of duplicate certificates of registration

- (1) In order to be issued a duplicate certificate of registration, the proprietor of the trade mark shall submit a written application and data concerning the payment of the state fee.
- (2) In the case of a coloured trade mark, a graphic representation of the trade mark with the size of 80×80 mm shall be annexed to the application.
- (3) If the application is submitted by an authorised representative of the applicant or proprietor of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (4) An application for the issue of a duplicate certificate of registration shall set out the following data:
 - 1) a request to be issued a duplicate certificate of registration;
 - 2) the registration number;
 - 3) the data of the applicant (name and address of the residence or seat);
 - 4) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 5) the signature of the applicant or of the applicant's representative.
- (5) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 41. Withdrawal of application and surrender of trade marks

- (1) In order to withdraw the application, the applicant shall submit a written application.
- (2) In order to surrender a registered trade mark, the proprietor of the trade mark shall submit a written application.

(3) If the application is submitted by an authorised representative of the applicant or proprietor of the trade mark, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.

(4) An application to withdraw an application or surrender a registered trade mark shall contain the following data:

- 1) a request to withdraw an application, or to surrender a registered trade mark and delete the registration;
- 2) number of application or registration number;
- 3) a list of the goods and services to be deleted if the application is withdrawn or the registered trade mark is surrendered with regard to a part of the goods and services;
- 4) a list of the goods and services to remain in the application or registration if the application is withdrawn or the registered trade mark is surrendered with regard to a part of the goods and services;
- 5) the data of the applicant (name and address of the residence or seat);
- 6) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
- 7) the signature of the applicant or of the applicant's representative.

(5) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 42. Other cases of application for deletion of trade mark from register

(1) For deletion of a trade mark from the register, the proprietor of the trade mark or another person shall submit a written application.

(2) In the case of application for deletion of a trade mark from the register on the basis of a court judgment or decision of the Industrial Property Committee, the corresponding court judgment or decision of the Industrial Property Committee shall be annexed to the application.

(3) If the application is submitted by an authorised representative of the proprietor of the trade mark or another person, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.

(4) An application for deletion of a trade mark from the register shall contain the following information:

- 1) a request to delete the trade mark from the register;
- 2) the registration number;
- 3) a reference to the provision of law, legal fact or court judgment which is the basis for the application;
- 4) a list of the goods and services to be deleted if deletion of the trade mark from the register is requested only with regard to a part of the goods and services;
- 5) a list of the goods and services to remain in the registration if deletion of the trade mark from the register is requested only with regard to a part of the goods and services;
- 6) an explanation of the interest in the matter if the application is filed by an interested person;
- 7) the data of the applicant (name and address of the residence or seat);
- 8) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
- 9) the signature of the applicant or of the applicant's representative.

(5) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 43. Application for making prohibition on disposal in register

(1) For making a prohibition on disposal in the register, a trustee in bankruptcy, bailiff or other person shall file a written application and a corresponding ruling for the securing of the action, proposal of the bailiff or other document in proof of the existence of the grounds for making a prohibition on disposal provided by law.

(2) If the application is submitted by an authorised representative, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.

(3) The following information shall be set out in an application for making a prohibition on disposal:

- 1) a request to make a prohibition on disposal;
 - 2) number of application or registration number;
 - 3) the data of the applicant (name and address of the residence or seat);
 - 4) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 5) the name and signature of the applicant or the representative thereof.
- (4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

§ 44. Submission of other notices and documents to Patent Office

- (1) For making other notations or entries in the register or adding other notices or documents to the registry file, a written application shall be submitted to which certifying documents shall be annexed as necessary.
- (2) If the application is submitted by an authorised representative, an authorisation document or a reference to an authorisation document submitted earlier shall be attached to the application.
- (3) An application shall contain at least the following information:
- 1) an explanation concerning the purpose of submission of the notice or document;
 - 2) the number of the relevant application or registration number;
 - 3) the data of the applicant (name and address of the residence or seat);
 - 4) the name and contact details of the authorised representative of the applicant if the applicant has a representative;
 - 5) the signature of the applicant or of the applicant's representative.
- (4) The signature shall be legible or deciphered in capital letters. If the applicant is a legal person, the title of the legal representative who signed the application shall be added. When signing an application, the date of signing shall be indicated.

Chapter 2

Structure and Procedure for Publication of Official Publication of Patent Office "Estonian Trade Mark Gazette"

§ 45. Purpose of "Estonian Trade Mark Gazette"

Eesti Kaubamärgileht ["Estonian Trade Mark Gazette"], the official publication of the Patent Office (hereinafter Trade Mark Gazette) is the official periodical publication of the Patent Office which is published:

- 1) in order to inform the public of decisions to register trade marks, registration data, amendments and corrections to registration data, register entries and international registration of trade marks pursuant to the provisions of subsection 40 (1), § 49, subsection 50⁷ (3) and subsection 70 (6) of the Trade Marks Act;
- 2) in order to inform the public of registration data, amendments to registration data and deletion of registration pursuant to the provisions of subsection 22 (3) of the Geographical Indications Protection Act, subsection 18 (6), 19 (7) and 20 (4) of Government of the Republic Regulation No. 151 of 5 May 2000 "State Register of Geographical Indications".

§ 46. International standards

For distinguishing bibliographical data in the Trade Mark Gazette, codes are used according to WIPO Standard ST.60 Recommendation Concerning Bibliographic Data Relating to Marks (Identification and minimum required), that is, INID codes.

§ 47. Publication of Trade Mark Gazette

The Trade Mark Gazette is published on the first working day of each month.

§ 48. Parts of Trade Mark Gazette

The parts of the Trade Mark Gazette are:

- 1) the title page;
- 2) contents (in Estonian and English);
- 3) a list of INID codes in Estonian and English;
- 4) a list of codes of countries, other organisations and intergovernmental organisations;
- 5) Part I "Notices on Decisions to Register Trade Marks";
- 6) Part II "Notices on Decisions to Register International Registrations";
- 7) Part III "Registered Trade Marks";
- 8) Part IV "Amendments and Corrections to Registration Data";
- 9) Part V "State Emblems, Official Signs and Hallmarks Indicating Control and Warranty, Emblems of Intergovernmental Organisations and Abbreviations of Names and Names which are Protected Pursuant to Article 6ter of Paris Convention for Protection of Industrial Property";
- 10) Part VI "Legislation Related to Trade Marks and Other Information";
- 11) Part VII "Registered Geographical Indications";
- 12) Part VIII "Amendments to State Register of Geographical Indications";
- 13) Part IX "Legislation Related to Geographical Indications and Other Information";
- 14) Part X "Lists".

§ 49. Title Page of Trade Mark Gazette

- (1) The title page shall contain the following information:
 - 1) the name of the publication: *Eesti Kaubamärgileht* ["Estonian Trade Mark Gazette"];
 - 2) a notation: official publication of the Patent Office;
 - 3) number, year of publication, month(s) of publication, place of publication;
 - 4) the number of the year of issue;

- 5) a notation concerning the date as of which the data published in that issue are deemed to be published;
- 6) the ISSN code (the international code for serial publications);
- 7) the small coat of arms of the Republic of Estonia together with the name of the country *EESTI VABARIIK* (Republic of Estonia).

(2) The overleaf of the title page shall contain the following information:

- 1) a reference to the provisions of the Trade Marks Act and the Geographical Indications Protection Act pursuant to which the Trade Mark Gazette is published (in Estonian and English);
- 2) the name of the publication and name of the publisher (in English);
- 3) a notation concerning the date as of which the data published in that issue of the Trade Mark Gazette are deemed to be published (in English);
- 4) the name and contact details of the distributor (in Estonian and English);
- 5) copyright mark (©-mark, name of the publisher (Patent Office) and the year of issue).

§ 50. Part I "Notices on Decisions to Register Trade Marks

(1) In Part I, data concerning trade marks concerning which the Patent Office has made a registration decision and against which an appeal may be made pursuant to subsection 41 (2) of the Trade Marks Act shall be published.

(2) The following information shall be published at the beginning of Part I:

"Published pursuant to § 40 of the Trade Marks Act. An appeal may be filed against the applicant's right to a trade mark within two months after the publication of the notice on the decision to register the trade mark pursuant to subsection 41 (2) of the Trade Marks Act to the Industrial Property Board of Appeal."

(3) A notice concerning a decision to register a trade mark shall set out the following:

- | | |
|-----------------------|--------|
| | INID |
| | code: |
| 1) application number | (210); |

- 2) the filing date of the application (220);
- 3) Convention priority data, if a priority claim is satisfied:
first application number, filing data, country code (310), (320), (330);
- 4) exhibition priority data, if a priority claim is satisfied:
date of display of exhibit, name of exhibition and name of country (230);
- 5) a representation of the trade mark (540);
- 6) a list of goods and/or services classified according to the Nice Classification together with class numbers (511);
- 7) a list of colours, if the representation of the trade mark is in colour (591);
- 8) a notation "Three-dimensional mark" if the mark is three-dimensional (554);
- 9) the element of the trade mark which is not subject to protection if such element is indicated in the registration decision (526);
- 10) a notation "Collective mark" if it is a collective mark (551);
- 11) a notation "Guarantee mark" if the mark is a guarantee mark (551);
- 12) the given name, surname and residential address of the applicant or, in the case of a legal person, the name, address of the seat and country code thereof (731);
- 13) the name of the representative of the applicant, if the applicant has a representative (740);
- 14) the address of a commercial or industrial enterprise operating in Estonia and belonging to a person of a foreign state, if such person has no representative
- 15) a notation "Distinctive character following the use which has been made of the trade mark" if the trade mark has been registered based on subsection 9 (2) of the Trade Marks Act (521).

(4) A superscript is used with the numerical code (511) indicating the number of the version of the Nice Classification pursuant to which the list of goods and services has been classified.

(5) Part I may also include a subdivision "Amendments and corrections to notices concerning decisions to register trade marks" which shall set forth the following:

- 1) The number of the Trade Mark Gazette where the notice concerning the decision to register the trade mark was published;
- 2) application number;
- 3) published data;
- 4) data in their amended or corrected form.

§ 51. Part II "Notices on Decisions to Register International Registrations"

(1) In Part II, data concerning internationally registered trade marks concerning which the Patent Office has made a registration decision and against which an appeal may be filed pursuant to subsection 41 (2) of the Trade Marks Act shall be published.

(2) The following shall be published at the beginning of Part II:

"Published pursuant to subsection 70 (6) of the Trade Marks Act. An appeal may be filed against the right of the proprietor of the internationally registered registration to the trade mark within two months after the publication of the notice on the decision to register the trade mark pursuant to subsection 41 (2) of the Trade Marks Act to the Industrial Property Board of Appeal." The list of goods and/or services is published only if it has been restricted with regard to Estonia in the course of expert assessment.

(3) A notice concerning a decision to register an internationally registered registration shall set out the following:

	INID
	code:
1) the number of the international registration	(111);
2) the consecutive number of the international registration	(210);
3) date of the international registration	(151);
4) in the case of later subscription, the date of the later	(891);

subscription

5) Convention priority data, if a priority claim is satisfied:

first application number, filing data, country code (310), (320), (330)

6) a representation of the trade mark (540);

7) the numbers of classes of goods and/or services and where necessary, a list of goods and/or services

(511);

8) in the case of a coloured trade mark, a list of the colours of the trade mark or a notice "Coloured mark"

(591);

9) a notation "Three-dimensional mark" if the mark is three-dimensional (554);

10) the element of the trade mark which is not subject to protection if such element is indicated in the registration decision

(526);

11) a notation "Collective mark" if it is a collective mark

(551);

12) a notation "Guarantee mark" if the mark is a guarantee mark (551);

13) the name and address of the proprietor of the international registration (730);

14) the number of the WIPO Gazette of International Marks where the registration was published

15) a notation "Distinctive character following the use which has been made of the trade mark" if the trade mark has been registered based on subsection 9 (2) of the Trade Marks Act

(521).

(4) A superscript is used with the numerical code (511) indicating the number of the version of the Nice Classification pursuant to which the list of goods and services has been classified.

(5) Part II may also include a subdivision "Amendments and corrections to notices concerning decisions to register international registrations" which shall set forth the following:

1) the number of the Trade Mark Gazette where the notice concerning the decision to register the international registration was published;

- 2) the number of the international registration;
- 3) published data;
- 4) data in their amended or corrected form.

§ 52. Part III "Registered Trade Marks

(1) In Part III, data concerning the trade marks registered in the register of trade and service marks is published.

(2) The following shall be published at the beginning of Part III:

"Published pursuant to § 49 of the Trade Marks Act. For declaration of invalidity of exclusive right of proprietor of the trade mark to the trade mark, an action may be filed pursuant to §§ 52 or 54 of the Trade Marks Act. For declaration of extinguishment of exclusive right of proprietor of the trade mark to the trade mark, an action may be filed pursuant to § 53 of the Trade Marks Act."

(3) Concerning a registered trade mark, the data specified in clauses 50 (3) 1)-11) and 14)-15), and the following data shall be published:

	INID
	code:
1) the registration number	(111);
2) the date on which the registration is made	(151);
3) the date of expiry of the registration	(181);
4) date of publication of notice on decision to register trade mark	(442);
5) the given name, surname and residential address of the proprietor of the trade mark; in the case of a legal person, the name, address of the seat and country code	(732);
6) name of the representative of the proprietor of the trade mark if the proprietor of the trade mark has a representative	(740).

(4) A superscript is used with the numerical code (511) indicating the number of the version of the Nice Classification pursuant to which the list of goods and services has been classified.

§ 53. Part IV "Amendments and Corrections to Registration Data"

(1) Part IV "Amendments and Corrections to Registration Data" may contain the following subdivisions:

- 1) renewal of term of legal protection of trade marks;
- 2) licensing of trade marks;
- 3) pledging of trade marks;
- 4) transferring of trade marks;
- 5) transfer of trade marks;
- 6) division of registration;
- 7) other changes in the registration data;
- 8) corrections in the registration data;
- 9) issue of duplicate certificates of registration;
- 10) deletion of trade mark from register.

§ 54. Subdivision "Renewal of Term of Legal Protection of Trade Marks"

The following is published in the subdivision "Renewal of Term of Legal Protection of Trade Marks":

- 1) the registration number;
- 2) the date of expiry of the registration.

§ 55. Subdivision "Licensing of Trade Marks"

(1) The following shall be published in the subdivision "Licensing of Trade Marks" in the case of making an entry concerning a licence:

- 1) the registration number;

- 2) the data of the licensee (the name and address of the residence or seat);
- 3) the nature and extent of the license;
- 4) the term of the licence;
- 5) other information which the licensor and licensee deem necessary to be entered in the register;
- 6) the date of entry into force of the register entry.

(2) The following shall be published in the subdivision "Licensing of Trade Marks" in the case of deletion of an entry concerning a licence:

- 1) the registration number;
- 2) the data of the licensee (the name and address of the residence or seat);
- 3) the date of entry into force of the register entry.

§ 56. Subdivision "Pledging of Trade Marks"

(1) The following shall be published in the subdivision "Pledging of Trade Marks" in the case of making an entry concerning a pledge:

- 1) the registration number;
- 2) the data of the pledgee (the name and address of the residence or seat);
- 3) the monetary amount of the pledge;
- 4) the amount of the claim secured by the pledge;
- 5) the term for performance;
- 6) the number of the ranking of the pledge;
- 7) other information which the parties to the pledge contract deem necessary to be entered in the register;
- 8) the date of entry into force of the register entry.

(2) The following shall be published in the subdivision "Pledging of Trade Marks" in the case of amendment or deletion of an entry concerning a pledge:

- 1) the registration number;
- 2) the data of the pledgee (the name and address of the residence or seat);
- 3) the amended data if the entry was amended;
- 4) the date of entry into force of the register entry.

§ 57. Subdivision "Transferring of Trade Marks"

In the subdivision "Transferring of Trade Marks", the following is published:

- 1) the registration number;
- 2) the data of the new proprietor of the trade mark (the name and address of the residence or seat);
- 3) the number of the separated registration if the trade mark is transferred only with regard to a part of the goods and services;
- 4) a list of goods and services which remain in the original registration if the trade mark is transferred only with regard to a part of the goods and services;
- 5) a list of goods and services contained in the separated registration if the trade mark is transferred only with regard to a part of the goods and services;
- 6) the date of entry into force of the register entry.

§ 58. Subdivision "Transfer of Trade Marks"

In the subdivision "Transfer of Trade Marks", the following is published:

- 1) the registration number;
- 2) the data of the new proprietor of the trade mark (the name and address of the residence or seat);
- 3) the date of entry into force of the register entry.

§ 59. Subdivision "Division of Registrations"

In the subdivision "Division of Registrations", the following is published:

- 1) the registration number;
- 2) a list of goods and services to remain in the original registration;
- 3) the number of the separated registration;
- 4) a list of goods and services contained in the separated registration;
- 5) the date of entry into force of the register entry.

§ 60. Subdivision "Other Changes in Registration Data"

In the subdivision "Other Changes in Registration Data", the following data is published:

- 1) the registration number;
- 2) the amended data;
- 3) the date of entry into force of the register entry.

§ 61. Subdivision "Corrections to Registration Data"

In the subdivision "Corrections to Registration Data", the following is published:

- 1) the registration number;
- 2) the data to be corrected;
- 3) the corrected data.

§ 62. Subdivision "Issue of Duplicate Certificates of Registration"

In the subdivision "Issue of Duplicate Certificates of Registration", the following shall be published:

- 1) the registration number;
- 2) the date of issue of duplicate certificates of registration.

§ 63. Subdivision "Deletion of Trade Marks from Register"

In the subdivision "Deletion of Trade Marks from Register", the following is published:

- 1) the registration number;
- 2) a list of the goods and services to be deleted if the trade mark is deleted from the register only with regard to a part of the goods and services;
- 3) a reference to the provision of law, legal fact and/or court judgment which is the basis for deletion;
- 4) the date of entry into force of deletion.

§ 64. Part V "State Emblems, Official Signs and Hallmarks Indicating Control and Warranty, Emblems of Intergovernmental Organisations and Abbreviations of Names and Names which are Protected Pursuant to Article 6ter of Paris Convention for Protection of Industrial Property"

In Part V, data concerning the state emblems, official signs and hallmarks indicating control and warranty, emblems of intergovernmental organisations and abbreviations of names and names which are granted protection pursuant to Article 6ter of the Paris Convention for the Protection of Industrial Property is published.

§ 65. Part VI "Legislation Related to Trade Marks and Other Information"

In Part VI, the following is published as necessary:

- 1) legislation related to trade marks;
- 2) lists of patent agents registered in the state register of patent agents;
- 3) other information related to trade marks.

§ 66. Part VII "Registered Geographical Indications"

- (1) In Part VII, data concerning the geographical indications entered in the state register of geographical indications are published.
- (2) At the beginning of Part VII, the following information is published: "Published pursuant to subsection 22 (3) of the Geographical Indications Protection Act. Appeals against registered geographical indications may be filed pursuant to §§ 43–44 of the Geographical Indications Protection Act."
- (3) The following shall be published concerning a registered geographical indication:
 - 1) the registration number;
 - 2) the date on which the entry concerning registration data is made;
 - 3) representation of the geographical indication;
 - 4) a list of goods and services for the designation of which the geographical indication is used;
 - 5) a definition of the geographical area;
 - 6) a short summary of the description;
 - 7) data concerning the protection of the geographical indication in its country of origin or data concerning a competent authority of the country of origin who has certified the connection of a certain characteristic, reputation or other characteristic feature of the goods or services with the geographical origin of the goods or services, and the data of the competent authority of the country of origin who has certified the applicant's right to apply for the registration of the geographical indication pursuant to the provisions of subsection 9 (1) of the Geographical Indications Protection Act;
 - 8) the name and address of the residence or seat of the applicant for the registration of the geographical indication;
 - 9) the name of the representative of the applicant for the registration of the geographical indication, if the applicant has a representative;
 - 10) number of the application for registration of the geographical indication;
 - 11) date of submission of the application for registration of the geographical indication.

(1) Part VIII "Amendments to State Register of Geographical Indications" may contain the following subdivisions:

1) amendments to registration data;

2) deletion of registrations.

(2) In the subdivision "Amendments to Registration Data", the following is published:

1) the registration number;

2) a reference to the court judgment which is the basis for amendment of the registration data if the amendment is made based on a court judgment;

3) the date of entry into force of the register entry;

4) the amended data.

(3) In the subdivision "Deletion of Registrations", the following is published:

1) the registration number;

2) a reference to the court judgment based on which a registration is deleted;

3) the date of entry into force of the register entry.

§ 68. Part IX "Legislation Related to Geographical Indications and Other Information"

In Part IX, the following is published as necessary:

1) legislation related to geographical indications;

2) other information related to geographical indications.

§ 69. Part X "Lists"

In Part X of the Gazette, the following lists are published:

1) "Numerical list of published notices concerning decisions to register trade marks" - the numbers of applications in the growing order;

- 2) "Numerical list of published notices concerning decisions to register international registrations"
- the numbers of international registrations in the growing order;
- 3) "Numerical list of applications for registration of registered trade marks" - numbers of applications in the growing order and registration numbers;
- 4) "Annual numerical list of registered trade marks"- a list published annually concerning the registered trade marks published during the previous calendar year; the registration numbers of trade marks by publication;
- 5) "Annual numerical list of registered geographical indications"- a list published annually concerning the registered geographical indications published during the previous calendar year; the registration numbers of geographical indications by publication.

§ 70. Formal requirements for Trade Mark Gazette

- (1) The Trade Mark Gazette shall be completed in format A4.
- (2) The cover of Trade Mark Gazette shall be made of Stromcard.

Chapter 3

Formal Requirements for Certificates of Registration and Procedure for Completion of Forms thereof

§ 71. Definition of certificate of registration

A certificate of registration (hereinafter certificate) is a document which certifies that a registration has been made in the register.

§ 72. International standards

For distinguishing bibliographical data in a certificate, codes are used according to Standard ST.3 of WIPO Standard ST.60 Recommendation Concerning Bibliographic Data Relating to Marks (Identification and minimum required), that is, INID codes.

§ 73. Content of certificate

A certificate contains of the cover and an information page.

§ 74. Data and requisite information on front side of cover of certificate

The following data and requisite information shall be entered on the front side of the cover of a certificate:

- 1) the name of the country – the Republic of Estonia;
- 2) the coat of arms of the country – small national coat of arms of the Republic of Estonia;
- 3) the name of the certificate - Certificate of Registration;
- 4) the number of the certificate - registration number;
- 5) the name of the agency which issued the certificate - Patent Office;
- 6) the title of the head of the agency which issued the certificate - Director General;
- 7) the signature of the head of the agency which issued the certificate;
- 8) the name of the head of the agency which issued the certificate;
- 9) the seal of the agency which issued the certificate - the seal of the Patent Office bearing the small national coat of arms;
- 10) the seat of the agency which issued the certificate - Tallinn;
- 11) the date of issue of the certificate - the date of signing the certificate;
- 12) the embossing seal impression of the agency which issued the certificate - the embossing seal impression of the Patent Office;
- 13) the legal grounds for issue of the certificate - this certificate has been issued pursuant to § 49¹ of the Trade Marks Act;
- 14) the legal relationships certified by the certificate - this certificate certifies the making of a registration concerning a trade mark in the register of trade and service marks;

15) term of legal protection of the trade mark - the term of legal protection of the trade mark shall be ten years after the date of making a registration in the register of trade and service marks. The term of legal protection of a trade mark may be extended at the request of the proprietor of the trade mark for ten years at a time. For extension of the term, the proprietor of the trade mark shall submit an application to such effect and pay the state fee.

§ 75. Data and requisite information on information page of certificate

(1) The information page of a certificate shall bear the following data and requisite information with INID codes:

	INID code:
1) the registration number;	(111);
2) the date on which the registration is made	(151);
3) the date of expiry of the registration	(181);
4) date of publication of notice on decision to register trade mark	(442);
5) the given name, surname and residential address of the proprietor of the trade mark; in the case of a legal person, the name, address of the seat and country code	(732);
6) application number	(210);
7) the filing date of the application	(220);
8) Convention priority data, if a priority claim is satisfied: first application number, filing data, country code (310), (320), (330);	
9) exhibition priority data, if a priority claim is satisfied: date of display of exhibit, name of exhibition and name of country	(230);
10) a representation of the trade mark	(540);
11) a list of goods and services classified according to the Nice Classification together with class numbers	(511);
12) a list of colours, if the representation of the trade mark is in colour	(591);

13) a notation "Three-dimensional mark" if the mark is three-dimensional (554);

11) the element of the trade mark which is not subject to protection if such element is indicated in the registration decision

(526);

15) notation "Collective mark" if its is a collective mark

(551);

16) a notation "Guarantee mark" if the mark is a guarantee mark (551);

17) name of the representative of the proprietor of the trade mark if the proprietor of the trade mark has a representative

(740);

18) the address of a commercial or industrial enterprise operating in Estonia and belonging to a person of a foreign state, if such person has no representative;

19) a notation "Distinctive character following the use which has been made of the trade mark" if the trade mark has been registered based on subsection 9 (2) of the Trade Marks Act

(521).

(2) If it is necessary to continue the list of goods and services specified in clause (1) 11), an additional page shall be annexed to the information page of the certificate for such purpose.

§ 76. Formal requirements for cover of certificate

(1) The format of the cover of the certificate is a two-sided folded sheet whose front side sets forth the data and requisite information specified in § 74.

(2) The format of the cover of the certificate shall have the measurements of 300 mm in height and 426 mm in width.

(3) The format of the cover of the certificate shall be of white Stromcard with impressed folding lines at the distance of 200 mm and 213 mm from the right edge.

(4) The data and requisite information specified in § 74 shall be printed on the front side of the cover of the certificate in black printing ink. The text is printed in Charlesworth Bold typeface.

(5) The garlands of hops decorating the margins of the front page of the cover of the certificate shall be printed in blue ink.

(6) On the front side of the cover of the certificate, there is a place for the number of the certificate marked with a blue printed guilloche pattern background.

- (7) The number of the certificate is entered in the marked space using a number stamp.
- (8) The front side of the cover of the certificate shall be completed in conformity to the example set forth in Annex 2.

§ 77. Formal requirements for information page of certificate

- (1) The information page of a certificate is an A4 format sheet of paper with data fields which shall contain the data and requisite information specified in subsection 75 (1).
- (2) The additional page of the information page is an A4 format sheet of paper containing the data field "(511) List of goods and services classified according to the Nice Classification together with class numbers (continued)".

§ 78. Binding of certificate

- (1) Decorative binding is used to formalise a certificate.
- (2) The information page (where necessary, together with an additional page) is placed between the folded cover of the certificate and tied together with a decorative ribbon running through two eyelets.
- (3) The eyelets are made of metal and their diameter is 4 mm. The eyelets are placed at a distance of 8 mm from the left edge of the front page of the cover of the certificate and at the distance of 69, 5 mm and 149, 5 mm correspondingly from the upper edge of the cover.
- (4) The decorative ribbon running through the eyelets is tied above the lower eyelet and its ends are fastened by a sticker at the lower left side of the front side of the cover of the certificate.
- (5) The decorative ribbon is made of textile, has the colours of the national flag of the Republic of Estonia and has the width of 6 mm.
- (6) The sticker is made of metallised paper, and it is circular and of a silver-grey colour. The diameter of the circle is 42 mm.
- (7) The embossing seal impression of the Patent Office is embossed on the sticker.

§ 79. Issue of certificate

- (1) A certificate is signed by the head of the Patent Office. The signature is confirmed by the seal of the Patent Office.
- (2) The certificate is handed over to the proprietor of the trade mark or representative thereof at the Patent Office or delivered by post.

§ 80. Formalisation and issue of duplicate certificates

- (1) The Patent Office shall check the validity of registration and in the case of a coloured representation, verify the authenticity of the representation.
- (2) The Patent Office shall formalise the certificate in conformity with the provisions concerning certificates and enter, by a seal, the word "DUPLIKAAT" [duplicate] together with the date of issue of the duplicate in the right upper corner of the certificate.

Chapter 4

Procedure for Consultation of Register and Release of Data from Register

§ 81. Publication of data on website of Patent Office

- (1) Prior to the publication of a notice concerning a decision to register a trade mark, the Patent Office shall publish the following data concerning the submitted application on its website:
 - 1) a representation of the trade mark;
 - 2) application number;
 - 3) the filing date of the application;
 - 4) priority data;
 - 5) the name of the applicant;
 - 6) the name of the applicant's representative;
 - 7) the list of goods and services and class numbers according to the Nice Classification.
- (2) The data specified in subsection (1) shall be published in the form submitted by the applicant.
- (3) After publication of the notice concerning a decision to register a trade mark, the Patent Office shall publish the data specified in subsection 50 (3) on its website.
- (4) After making the registration in the register, the Patent Office shall publish the data specified in subsection 52 (3) on its website.
- (5) The provisions of subsections (1)-(4) apply to international registration of trade marks taking account of the specifications arising from the Madrid Protocol, its Common Regulations and the Trade Marks Act, and pursuant to the list of data set forth in subsection 51 (3).
- (6) The Patent Office shall renew the data on its website on a regular basis.
- (7) The information contained in the website of the Patent Office is informative and has no legal effect.

§ 82. Release of written information from register

- (1) Written information is released from the register in the form of confirmed information on paper.
- (2) Written information is issued as a list of application or registration numbers or as a notice that the entry corresponding to the object of inquiry does not exist in the register.
- (3) If the person desiring the information has not expressly requested otherwise then, in addition to the information contained in the register, data concerning the relevant international registrations of the trade mark shall be released upon application for written information.
- (4) The reception department of the Patent Office shall issue the information on site or by post according to the wish of the person requesting information not later than on the fifth working day as of the day following the date of submission of the application.
- (5) Record shall be kept of released written information.
- (6) The information released from the register is informative and has no legal effect.

§ 83. Application for release of written information from register

- (1) Written information is released based on an application which may be filed with the reception department of the Patent Office in person, by post, fax or e-mail.
- (2) The application shall contain the name and contact details of the person requesting information, the object of the inquiry and data concerning payment of the state fee pursuant to subsection 51¹ (4) of the Trade Marks Act and subsection 154 (1) of the State Fees Act.

(05.07.2007 entered into force 16.07.2007 - RTL 2007, 58, 1045)

- (3) The object of the inquiry may be a representation of a trade mark, date of submission of an application, priority data, name of an applicant, class number according to the Nice Classification or a combination of such data.
- (4) If a list of information corresponding to the object of inquiry contains more than 100 application or registration numbers, the Patent Office has the right to refuse to issue written information and to demand clarification of the object of inquiry.

§ 84. Examination of registry file or entry data

- (1) Registry files can be examined at the reception department of the Patent Office.
- (2) A competent official of the Patent Office permits such examination after checking the identity document of the person requesting access and where necessary, also verifying his or her right to examine the registry file.
- (3) Only one registry file may be issued for examination to a person at a time.
- (4) A competent official of the Patent Office who must ensure and be responsible that the person examining the file does not damage the file shall be present at the examination at all times.
- (5) A registry file or entry data shall be examined at the time agreed upon by the person to examine the information and the competent official of the Patent Office not later than on the fifth working day after the day following the date of submission of the application.
- (6) Record shall be kept concerning examination of registry files. An application for examination of a registry file shall be added to the registry file and a notation concerning the date of examination shall be made on it.
- (7) Entry data can be examined after publication of the notice concerning the decision to register the corresponding trade mark.
- (8) A competent official of the register shall show the entry data to the person requesting the information on a computer monitor.

§ 85. Application for examination of registry file or entry data

- (1) A registry file can be examined based on an application which may be filed with the reception department of the Patent Office in person, by post, fax or e-mail.
- (2) The application shall contain the name and contact details of the person wishing to examine the information, application or registration number and the data concerning payment of the state fee pursuant to subsection 51¹ (4) of the Trade Marks Act and § 152 of the State Fees Act.

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- (3) A person who wishes to examine a registry file before publication of the notice concerning the decision to register the trade mark shall annex a written permission of the applicant to the request or add a document which confirms that the applicant has promised to accuse the person of a violation of exclusive right of the proprietor of the trade mark after the registration of the trade mark.
- (4) Entry data can be examined based on an application which may be filed with the reception department of the Patent Office in person, by post, fax or e-mail. The application may also be submitted orally on site.
- (5) The application shall include the number of the application or registration whose entry data the person wishes to examine and, if the application is submitted in writing, also the name and contact details of the person wishing to examine the information.

§ 86. Issue of copies of registry file documents and transcripts of entries

- (1) Copies of documents in registry files and transcripts of entries are released from the register in the form of confirmed documents on paper.
- (2) A transcript of an entry released before the publication of a notice concerning the decision to register a trade mark shall contain only the representation of the trade mark, application number, date of submission of application, priority data, name of applicant, name of applicant's representative, and the list of goods and services and their class numbers according to the Nice Classification.
- (3) At the request of a person, the Patent Office shall issue a document that an entry has not been amended or that a particular entry is not in the register.
- (4) The reception department of the Patent Office shall issue a copy of a document of the registry file of an excerpt of an entry on site or by post according to the wish of the person requesting information not later than on the fifth working day as of the day following the date of submission of the application.
- (5) Record shall be kept of released copies of documents and excerpts of register entries. A notation shall be made in a registry file concerning release of copies.

§ 87. Application for release of copies of registry file documents and transcripts of entries

- (1) Copies of registry file documents or transcripts of entries are released based on an application which may be filed with the reception department of the Patent Office in person, by post, fax or e-mail.

(2) The application shall contain the name and contact details of the person requesting information, application or registration number and the data concerning payment of the state fee pursuant to subsection 51¹ (4) of the Trade Marks Act and subsection 153 (3) of the State Fees Act.

(05.07.2007 entered into force 16.07.2007 - RTL 2007, 58, 1045)

(3) A person who wishes to receive a copy of a document in the registry file before publication of the notice concerning the decision to register the trade mark shall annex a written permission of the applicant to the request or add a document which confirms that the applicant has promised to accuse the person of a violation of exclusive right of the proprietor of the trade mark after the registration of the trade mark.

Chapter 5

Procedure for Submission of Application for International Registration of Trade Mark to Patent Office

§ 88. Submission of applications for international registration of trade marks

- (1) International registration applications may be filed with the Patent Office in person or by post.
- (2) The date of receipt by the Patent Office of an international application is deemed to be the date of filing of an international application submitted by post.
- (3) An application for international registration of a trade mark (hereinafter international application) shall be submitted to the Patent Office for forwarding to the International Bureau of the World Intellectual Property Organization (hereinafter International Bureau).
- (4) An international application is submitted for acquiring legal protection for a trade mark in one or several countries party to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter the Madrid protocol).
- (5) A state fee shall be paid for the filing of an international application. An international application shall not be forwarded to the International Bureau until the person filing the international application has submitted the Patent Office data concerning payment of the state fee in the requisite amount.
- (6) The basic fee, supplementary fee, complementary fee and the international individual fees required by the designated contracting parties in compliance with Article 8 of the Madrid protocol shall be paid and data to such effect shall be submitted directly to the International Bureau.

§ 89. Restrictions to submission of applications for international registration of trade marks

- (1) A person submitting an international application must be the same person who is the proprietor of the basic registration, or an applicant specified in the basic application.
- (2) The representation of the trade mark provided in the international application must be identical to the representation of the trade mark contained in the basic registration or basic application.

- (3) If an international application contains a notation that the mark is a three dimensional mark or a collective mark, or a verbal description of the mark, or a claim for colour as a distinctive feature of the mark, then they must be identical to those contained in the basic registration or basic application.
- (4) The goods and services listed in an international application must also be included in the basic registration or the list of goods and services contained in the basic application.

§ 90. Number of copies of documents included in international application

- (1) An application for international registration and an application for intended use of a trade or service mark shall be submitted in two copies.
- (2) The rest of the documents included in an international application are submitted in a single copy.

§ 91. Language and translation requirements for documents included in international application

- (1) An application for international registration of a trade mark shall be submitted in English, to which a translation of the list of goods and services and the colour claim into French may be appended.
- (2) An application for the intended use of a trade or service mark shall be submitted in the language required by the contracting party.
- (3) Other documents contained in an international application shall be filed in Estonian.

§ 92. Format of application for international registration

- (1) An application for international registration shall be submitted in the official format MM2 established by the International Bureau.
- (2) Instead of the official format established by the International Bureau, a person submitting an international application may use a form of application prepared by the person himself if the format and contents thereof are identical to the official format.

§ 93. Documents included in international application

- (1) An international application submitted to the Patent Office shall contain the following:
 - 1) an application for international registration of the trade mark;
 - 2) an application for intended use of the trade mark submitted separately in the official format if a designated contracting party so requires;
 - 3) data concerning the payment of the state fee for submission of the application for international registration of the trade mark to the Patent Office;
 - 4) an authorisation document or reference to an authorisation document submitted earlier if, in communication with the Patent Office, the person submitting the international application is represented by a representative.
- (2) An authorisation document need not be submitted if the representative has been appointed only for communication with the International Bureau.

(3) The Patent Office may demand proof that the person submitting an international application is a citizen of the Republic of Estonia or that he or she has permanent residence or owns an operating industrial or commercial enterprise in the Republic of Estonia. An enterprise is deemed to be operating if actual production or commercial activity is carried out there.

§ 94. Data to be submitted in application for international registration of trade mark

An application for international registration of a trade mark shall contain:

- 1) data concerning the contracting party whose office is the office of origin;
- 2) data of the person submitting the international application;
- 3) data concerning the right to submit the international application;
- 4) data of the representative;
- 5) data on the basic registration or basic application;
- 6) a declaration of priority if priority is claimed;
- 7) a representation of the trade mark;
- 8) a list of colours, if the representation of the trade mark is in colour;
- 9) other data describing the trade mark;
- 10) a list of goods and services classified according to the Nice Classification together with class numbers;
- 11) a list of designated contracting parties;
- 12) the signature of the person filing the international application or the person's representative.

§ 95. Data field 1. Contracting party whose office is the office of origin.

"Estonia" shall be entered in the data field.

§ 96. Data field 2. Person filing international application

- (1) If the International Bureau has already provided the person submitting the international application with an identification code then such code shall be entered on the corresponding data field; in other cases, the data field shall be left empty.
- (2) If the person submitting an international application is a natural person then data field 2(a) shall set out the person's family name (principal name) and given name (given names) or other name (other names) in the form and order in which the person usually uses them. If the person submitting an international application is a legal person, its full official name shall be specified.
- (3) If the name of the person submitting an international application is not written in Latin alphabet then the name shall be followed by a phonetic transcription thereof in the language of the international application followed by the transliteration thereof in the Latin alphabet. If the person submitting an international application is a legal person, the transliteration may be substituted by the translation of the name into the language of the international application.
- (4) Data field 2(b) shall set out the address of the person submitting the international application.

- (5) If the person submitting an international application wishes to receive correspondence at an address different from the address specified in data field 2(b) then the mailing address shall be entered in data field 2(c). The address of the representative specified in data field 4 shall not be repeated in data field 2(b).
- (6) Data field 2(d) shall set out the telephone and fax numbers of the person via whom the International Bureau can contact the person submitting the international application.
- (7) If more than one persons are submitting an international application and they do not use a self-made format, the name and address of one of the persons submitting the international applications shall be entered in data field 2 and the name(s) and address(es) of the other person(s) submitting the international applications shall be set forth on the additional page.
- (8) If two or more applicants with different addresses are jointly submitting an international application and the mailing address has not been specified in the appropriate space then the address of the person submitting the international address who is specified first in the international application is deemed to be the mailing address.
- (9) The person submitting an international application may specify in data field 2(e) whether the person wishes to receive notices from the International Bureau in English, French or Spanish. If no such notation is made, the notices shall be sent in the language in which the application was filed.
- (10) A natural person submitting an international application may specify the country of his or her nationality in data field 2(f). A legal person submitting an international application may set forth the form of the legal person together with the country (and if necessary, territorial unit of such country) where the legal person is registered.

§ 97. Data field 3. Right to file application

- (1) In data field 3, one or several boxes demonstrating a connection with the office of origin through citizenship, permanent residence or enterprise shall be marked.
- (2) If, by marking a corresponding box or boxes, the person submitting an international application indicates that the person owns an enterprise or has permanent residence in the Republic of Estonia but the address specified in data field 2 is not located within Estonian territory, then the person submitting the international application shall set out the address of the enterprise or permanent residence thereof located within the territory of Estonia in data field 3(b).
- (3) If an international application is filed jointly by two or more applicants then the requirements related to the right to submit an international application must be filled with respect to each person submitting the international application.

§ 98. Data field 4. Representative

- (1) If the person submitting an international application wishes to have a representative for communicating with the International Bureau, the applicant shall set forth the name and address of such representative in data field 4. The information provided must be sufficient to allow notices to be sent by

post to the representative and shall include the telephone and fax numbers and e-mail address of the representative. If the International Bureau has already provided the representative with an identification code then such code shall be entered in the data field prescribed for such purposes; in other cases, the data field shall be left empty.

(2) If the name of the representative is not written in Latin alphabet, the name shall be followed by a phonetic transcription thereof in the language of the international application followed by the transliteration thereof in the Latin alphabet. If the representative is a legal person, the transliteration may be substituted by the translation of the name into the language of the international application.

§ 99. Data field 5. Basic registration or basic application

(1) If a basic registration exists in the register of trade marks and service marks, the number of such registration and the date of registration shall be specified. If a registration exists, the number and date of submission of the basic application shall not be specified.

(2) If a basic application has been filed with the office of origin, the number and date of submission of such application shall be specified.

§ 100. Data field 6. Priority claim

(1) In the case of a priority claim, the name of the national or regional office with whom the application was filed as well as the date of submission and number of the application shall be specified.

(2) If the priority claim does not include all the goods and services listed in data field 10 of the international application, the goods and services for which priority is claimed shall be set forth in data field 6.

(3) In a priority claim (in compliance with Article 4 of the Paris convention) priority may be claimed for the basic application as well as for the application which is the basis of the basic registration, provided that the international application is filed not later than within six months after the date of submission of the application which is the basis of the priority claim.

(4) Also, priority may be applied for an application which has been filed with an office other than the office of origin (e.g. priority of an earlier application whose priority is applied for by the basic application) provided that the international application is filed not later than within six months after the date of submission of the application which is the basis of the priority claim.

(5) If, taking account of the provisions of Article 4C(3) of the Paris convention, a date earlier than six months from the date of submission of the application which is the basis of the priority claim is claimed for the date of priority, then the Patent Office shall delete the priority claim and inform the person submitting the international application thereof.

§ 101. Data field 7. Representation of trade mark

(1) The representation of a trade mark shall be presented in box a within data field 7.

(2) Box b within data field 7 shall be left empty.

- (3) If the trade mark presented in the basic registration or basic application is in black and white, then the representation of the trade mark in box a shall also be in black and white; if the basic mark is coloured, then the mark in box b shall also be represented in colour.
- (4) The box located in data field 7(c) shall be marked if the person submitting the international application wishes to register the trade mark in the form of a mark represented by standard letters used by the office of a designated contracting party (that is, a word mark).
- (5) If the trade mark is only a combination of colours, the box in data field 7(d) shall be marked.
- (6) The representation of a trade mark may be prepared using a printing press, computer or other means.
- (7) The representation of a trade mark shall be sufficiently clear in order to enable entry in the register, publication and sending of communications.

§ 102. Data field 8. List of colours

If a claim for colour is filed, this shall be indicated by marking the corresponding box whereas the colour or combination of colours shall be set out in words. In addition to the above, the main parts of the mark may be indicated where such colours are used.

§ 103. Data field 9. Various data

- (1) If a mark consists, in part or in whole, of elements which are not letters of the Latin alphabet or Arabic or Roman numbers, a transliteration in Latin letters or Arabic numbers shall be added. Transliteration in Latin letters shall follow the phonetic transcription in the language of the international application.
- (2) If a mark consists, in part or in whole, of words that can be translated, a translation into English or French or Spanish, or all of those languages may be added, regardless of the language of the international application.
- (3) If, in addition to the representation of the mark, the basic application or basic registration contains a description of the mark, the same description may be presented in the international application.
- (4) If the person submitting an international application does not wish the registration of the trade mark in standard letters, the person may list the essential verbal parts of the trade mark which the International Bureau shall enter in the ROMARIN database and use in communications for identification of the mark. Recording of the verbal part of a mark has no legal effect.
- (5) In an international application, the person submitting the international application may set out the elements of the trade mark which are not subject to protection and to which the applicant does not apply for legal protection. An element not subject to protection may be indicated regardless of whether or not it is contained in the basic registration or basic application.

§ 104. Data field 10. List of goods and services classified according to Nice Classification together with class numbers

- (1) Goods and services shall be grouped in classes corresponding to the Nice Classification, the class number shall be indicated before each group and the groups shall be set out in the order of classes prescribed by such classification.
- (2) The goods and services listed in data field 10 shall be contained in the list of goods and services of the basic registration or basic application, or must be covered by a wider definition contained in such list. The list of goods and services contained in an international registration may be narrower in scope than the list set forth in the basic application or basic registration.
- (3) The list of goods and services of an international application may contain restrictions concerning one or several designated contracting parties. Different restrictions may be set for different contracting parties.

§ 105. Data field 11. Designated contracting parties

- (1) Countries or organisations where the person submitting the international application wishes to protect the trade mark shall be marked in the boxes within data field 11. An additional notation may be made of the contracting parties for which there is no corresponding box due to the fact that they have ratified or acceded to the protocol after the printing of the form.
- (2) Only contracting parties who have ratified or acceded to the protocol and whose ratification or accession has entered into force may be designated.

§ 106. Data field 12. Signature of person submitting international application or representative of person

- (1) In data field 12, the person submitting the international application or the representative of the person shall write his or her signature and the date of signing.
- (2) If several persons are submitting an international application, all the persons submitting the international application or the representative of such persons shall sign.

§ 107. Data field 13. Certification and signing by office of origin

Data field 13 is filled by the Patent Office.

§ 108. Page for calculation of fees

- (1) The page for calculation of fees shall contain the permission to transfer the necessary amount from the current account opened for the International Bureau and the party who gave the corresponding order, or the sum total of the payable fees, manner of payment and the party to pay the fees.
- (2) The page for calculating fees shall set out the calculation of the following international fees:
 - 1) basic fee;

- 2) individual fee if the contracting party specified in the international application is among the parties in the case of whom an individual fee must be paid;
 - 3) a complementary fee for each designated contracting party in the case of whom no individual fee has to be paid;
 - 4) beginning from class four, a supplementary fee for each class of goods and services; no supplementary fee has to be paid if an individual fee must be paid in the case of all the designated contracting parties.
- (3) The party to pay the fees must be indicated if the payment is not made by transfer from the current account opened for the International Bureau. If the fees are paid personally by the person submitting the international application or by the applicant's representative, the name of the person who paid the fees shall be indicated and such name must correspond to the name specified in data field 2 or 4.

§ 109. Application for intended use of trade or service mark

- (1) If, in conformity to the Madrid Agreement Concerning the International Registration of Marks and Rule 7 of the common guidelines of the protocol of that Agreement, a contracting party designated pursuant to the protocol has declared that it requires, with regard to the intended use of the mark, the submission of an application prepared on a separate form and signed by the person submitting the international application, then such application shall be appended to the international application.
- (2) A separate document need not be submitted in the case of a contracting party who requires the filing of an application for intended use but does not demand the submission thereof on a separate form and bearing a signature.

§ 110. Specifications for appointment of representative

- (1) If the name and address of the patent agent has been specified in data field 4 of the international application but the person submitting the international application has not signed the international application and no authorisation document in proof of authority has been submitted to the Patent Office, the Patent Office deems the patent agent to be appointed only for communication with the International Bureau and shall forward its notices to the person submitting the international application at the address located in Estonia indicated in the application for international registration.
- (2) If a person who is not a patent agent has been specified as a representative in data field 4 of the international application, the Patent Office deems the representative to be appointed only for communication with the International Bureau and shall forward its notices to the person submitting the international application at the address located in Estonia indicated in the application for international registration.

§ 111. Specifications for completion of text documents of international registration application

- (1) A date indicated in a document of an international application shall consist of a two-digit symbol of the day followed by a two-digit symbol of the month and a four-digit symbol of the year. All symbols shall be written in Arabic numbers and the day, month and year shall be divided by slashes (/).
- (2) If the person submitting an international application uses a self-made form of the international application, the following requirements shall be met:
- 1) the form shall be in A4 format and only one side of it may be used for writing;
 - 2) the text part of the form shall be identical to that of the form established by the International Bureau, including in the part of numbering and headings;
 - 3) if the official form has a data field which must be filled, the self-made form shall repeat the text belonging to the data field;
 - 4) if some of the clauses of the form are not used or are not applicable, those shall not be omitted from the self-made form but shall be marked with an appropriate notation, such as "not applied for" or "not to be filled";
 - 5) in the case of an international application, the representation of the mark must fit in a box with the same measurements as prescribed for the official form.

§ 112. Errors in international application and correction thereof

- (1) The Patent Office shall not accept an international application if the Republic of Estonia is not the country of origin with respect to the person submitting the international application or if the person submitting the international application has no trade mark registered or no application for registration of the trade mark submitted in the Republic of Estonia.
- (2) The Patent Office shall not forward an international application to the International Bureau if the data submitted in the international application do not enable the Patent Office to certify that:
- 1) the person submitting the international application is the same person who is the proprietor of the basic registration or an applicant specified in the basic application;
 - 2) the representation of the trade mark set forth in data field 7 of the international application is identical to the representation of the trade mark contained in the basic registration or basic application;
 - 3) if an international application contains a notation that the mark is a three dimensional mark or a collective mark, or a textual description of the mark, or a claim for colour as a distinctive feature of the mark, then they must be identical to those contained in the main registration or basic application;
 - 4) the goods and services listed in the international application are contained in the list of goods and services which, at the time of certification of the international application by the Office were also listed in the basic registration or basic application.
- (3) In the case specified in subsection (2), the Patent Office shall forward the international application to the International Bureau after the person submitting the international application has submitted the corrected data which enable the Patent Office to sign the international application.

- (4) If the person submitting the international application has designated a country or organisation who has ratified or acceded to the protocol but the ratification or accession has not yet entered into force, then the Patent Office shall inform the person submitting the international application thereof. The person submitting an international application may delete such designation or temporarily suspend the application in which case the application is deemed to be submitted on the date of entry into force of the corresponding ratification or accession.
- (5) If the person submitting an international application has not paid the state fee for the submission of the international application to the Patent Office, the Patent Office shall submit the international application to the International Bureau after the person submitting the international application has submitted data concerning payment of the state fee.
- (6) If an international application contains errors not specified in subsections (1), (2), (4) or (5), the Patent Office shall forward the international application to the International Bureau and correction of mistakes shall take place at the request of the International Office.

§ 113. Application for designation subsequent to international registration

- (1) After international registration, an application may be filed with the Patent Office for designation of a contracting party subsequent to international registration.
- (2) An application for designation subsequent to international registration may be filed with the International Bureau directly or through a duly appointed authority of another country if the proprietor so desires and the relevant authority agrees to it.
- (3) An application for designation subsequent to international registration shall be submitted in the official format MM4 established by the International Bureau.
- (4) Instead of the official format established by the International Bureau, a person submitting an international application may use a form of application prepared by the person himself if the format and contents thereof are identical to the official format.

Chapter 6

Procedure for Submission of Application for European Community Trade Mark to Patent Office

§ 114. Submission of application for registration of European Community trade marks through Patent Office

- (1) An application for an European Community trade mark (hereinafter Community trade mark) shall be filed in person or by post with the reception department of the Patent Office. An application may also be posted in the post box for applications for the registration of legal protection of objects of industrial property open at the Patent Office for twenty-four hours every day of the year.
- (2) Data concerning payment of the state fee for forwarding the application for Community trade mark shall be annexed to the application.

(3) The actual date of receipt of an application by the Patent Office is deemed to be the filing date of the application. This applies also if an application is delivered using a postal or delivery service.

§ 115. Acts of Patent Office upon forwarding of applications for Community trade mark to Office for Harmonisation in Internal Market

(1) The Patent Office shall enter the date of receipt and number of pages on the documents of an application for Community trade mark.

(2) The Patent Office shall forward an application for Community trade mark to the Office for Harmonisation in the Internal Market by registered mail and shall inform the applicant of the date of receipt of the application for Community trade mark by the Patent Office, the date of forwarding the application to the Office for Harmonisation in the Internal Market and the number of pages.

(3) The Patent Office does not verify the conformity of an application for Community trade mark to the formal and substantive requirements provided by Council Regulation (EC) No 40/94 on the Community trade mark (OJ L 011, 14.01.1994, pp. 1–36) (hereinafter the Community trade mark regulation) and Commission Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark (OJ L 303, 15.12.1995, pp. 1–32).

(4) The Patent Office does not check or intermediate the payment of the fee specified in Article 26.2 of the Community trade mark regulation to the Office for Harmonisation in the Internal Market.

Chapter 7

Acts of Patent Office in Processing Applications for Alteration of Application for Community Trade Mark or Community Trade Mark into National Application

§ 116. Opening of record and entry of data in register

(1) An entry is opened after receipt by the Patent Office of an application for alteration of an application for Community trade mark or of a Community trade mark into a national application (hereinafter alteration application).

(2) Upon the opening of a record, the following entries shall be made in the database:

- 1) entry of the application number;
- 2) entry of the filing date of the application;
- 3) entry of data contained in the alteration application;
- 4) entry concerning documents submitted.

(3) A registry file shall be opened upon the opening of a record.

§ 117. Notification of person submitting alteration application

(1) Immediately after receipt of an alteration application, the Patent Office shall notify the applicant of the date of receipt of the alteration application and of the due date for submission of the data and documents specified in subsection 71³ (3) of the Trade Marks Act to the Patent Office.

- (2) The notice specified in subsection (1) shall be forwarded to the patent agent specified in the alteration application or, if a patent agent has not been specified, shall be sent by registered mail to the address specified in the alteration application.
- (3) Non-receipt of the notice specified in subsection (2) does not release the applicant of the obligation to adhere to the due date for submission of the data and documents specified in subsection 71³ (3) of the Trade Marks Act to the Patent Office.

§ 118. Alteration applications deemed to be withdrawn

- (1) The Patent Office shall deem an alteration application to be withdrawn if the applicant has not submitted the data and documents specified in subsection 71³ (3) of the Trade Marks Act to the Patent Office by the due date.
- (2) Processing of an application which is deemed to be withdrawn is terminated.

§ 119. Exceptions

Upon alteration into a national application of an application for a Community trade mark or of a Community trade mark whose date of submission or date of priority is earlier than 1 May 2004, the date of submission of the national application or date of priority is deemed to be 1 May 2004.

Chapter 8

Implementing Provisions

§ 120. Repeal of legislation

The following legislation established on the basis of the Trade Marks Act is repealed:

- 1) Regulation No 15 of the Minister of Economic Affairs of 7 April 1998 "Establishment of Formal Requirements for Application Documents for Registration of Trade and Service Marks and Procedure for Filing of such Documents" (RTL 1998, 143/144, 545);
- 2) Regulation No 21 of the Minister of Economic Affairs of 15 May 1998 "Establishment of Database of Applications for Registration of Trade and Service Marks and Processing of Such Applications" (RTL 1998, 181/182, 705);
- 3) Regulation No 14 of the Minister of Economic Affairs of 7 April 1998 "Formal Requirements for and Procedure for Completion of Form of Certificate of Registration" (RTL 1998, 143/144, 544; 2004, 45, 766);
- 4) Regulation No 19 of the Minister of Economic Affairs of 15 May 1998 "Statutes of Estonian Trade Mark Gazette" (RTL 1998, 181/182, 703; 2001, 71, 974; 2002, 46, 640);
- 5) Regulation No. 44 of the Minister of Economic Affairs of 25 November 1998 "Establishment of Procedure for Submission of Applications for International Registration of Trade and Service Marks to Patent Office" (RTL 1998, 360/361, 1531);

- 6) Regulation No 40 of the Minister of Economic Affairs of 25 November 1998 “Establishment of Database of Applications for International Registration of Trade and Service Marks and National Processing of Such Applications” (RTL 1998, 360/361, 1527);
- 7) Regulation No 39 of the Minister of Economic Affairs of 25 November 1998 “Establishment of Database of International Registrations of Trade and Service Marks and National Processing thereof” (RTL 1998, 360/361, 1526).

§ 121. Implementing provision

The Patent Office shall bring the data published on its website into accordance with the provisions on subsections 81 (3)-(5) not later than by 1 March 2005.

RTL¹ = Riigi Teataja Lisa = Appendix to State Gazette

Trade Marks Department

Toompuiestee 7

15041 Tallinn

Tel.

627 7911

627 7926

Fax 627 7912

To be completed by the Patent Office

(210) Application number:

(220) Date of submission:

(210)

To be completed by applicant

Estonian applicant

natural person

collective mark

foreign applicant

legal person

guarantee mark

1. Applicant (given name and surname, or name and registry code):

(731)

2. Applicant's address, country code:

(731)

3. Applicant's other contact details (mailing address, telephone number, fax number and e-mail address);

(750)

4. Patent agent or, in the case of several applicants, joint representative (one of the applicants)

(740) patent agent (given name and surname)

joint representative (given name

and surname

registration number)

or name):

5. Representation of trade mark:

(540)

con

6. Description of trade mark:

(541) word mark (font *Univers Bold*, size 24)

(546) mark represented by a design or

(547) three-dimensional mark

(591) list of colours:

(571) characteristics of the trade mark:

(566) translation of elements in foreign

languages:

(526) element(s) not subject to protection

7. List of goods or services, classified in accordance with the Nice international classification of goods and services, in respect of which registration of trade mark is applied for:

(511)

class no.	list of goods and services
-----------	----------------------------

8. Priority claim:

(if applied for)

Convention priority

(230) exhibition priority

(310) application number:

name of exhibition:

(320) date:

date:

(330) country:

country:

9. Other data (including a reference to authorisation documents submitted earlier, the address of a commercial or industrial enterprise operating in Estonia and belonging to a foreign person, if such person is not represented by a patent agent):

10. Information regarding payment of the state fee:

name of payer:

application fee: _____ kr

payment document no.:

fee for additional class(es): _____ kr

date of payment:

11. List of application documents for registration of trade marks

application

data on payment of state fee (if submitted as a separate document)

representations _____ no of copies (in the case of a coloured trade mark at least 5 copies with the measurements of 80x80 mm)

authorisation document

documents certifying priority claim

regulations of collective mark

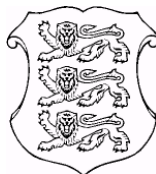
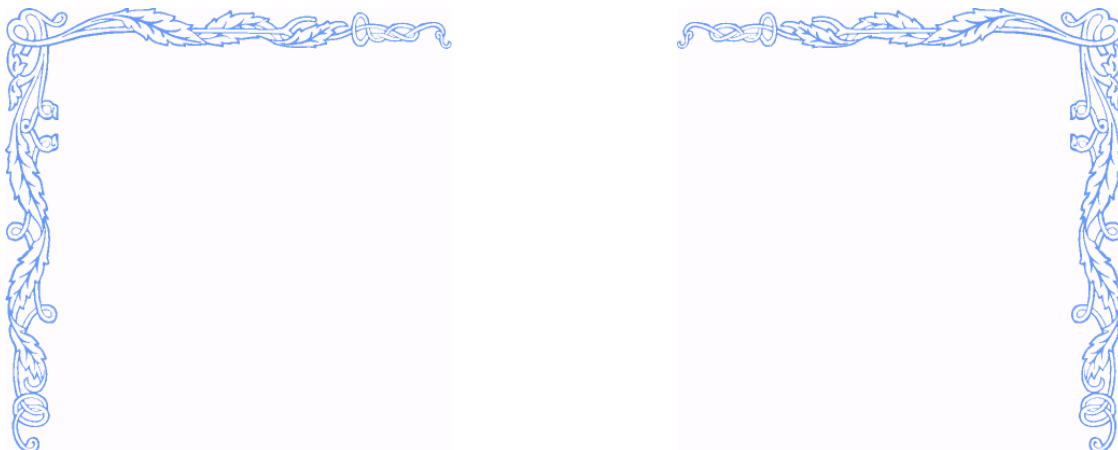
regulations of guarantee mark

Signature:

Date:

Name and title of signatory:

An application for registration of a trade mark which conforms to the requirements of § 35 of the Trade Marks Act shall be accepted for processing and the Patent Office shall inform the applicant of the date of submission of the application and the application number.



Republic of Estonia

Certificate of registration

No

This certificate is issued pursuant to § 49¹ of the Trade Marks Act.

The certificate certifies the making of a registration of a trade mark in the register of trade and service marks.

The legal protection of the trade mark is valid for ten years as of the date of making the registration in the register of trade and service marks.

The term of legal protection of a trade mark may be extended at the request of the proprietor of the trade mark for ten years at a time.

For extension of such term, the proprietor of the trade mark shall submit an application to such effect and pay the state fee.

Patent Office

Director General:



Tallinn

