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Geographical Indication Protection Act

Adopted 15.12.1999
RT I 1999, 102, 907
entry into force 10.01.2000

Chapter 1 general settings

§ 1. Scope of the Act

(1) This Act regulates the legal protection of geographical indications used to denote goods and services of natural, agricultural, artisanal or industrial origin, with the exception of geographical indications and designations of origin of agricultural products, foodstuffs and alcoholic beverages protected at the level of the European Union.

[RT I, 06.01.2023, 2 - enters into force. 16.01.2023]

(2) Domestic actions stipulated in Regulation (EU) No. 1151/2012 of the European Parliament and of the Council on quality plans for agricultural products and food (OJ L 343, 14.12.2012, pp. 1–29) and provisions for geographical indications and designations of origin of alcoholic beverages protected at the European Union level domestic operations are carried out by the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

§ 2. Equality of rights and obligations of persons of the Republic of Estonia and foreign persons

The rights and obligations stipulated in the legal protection of geographical indication legislation apply, taking into account the restrictions set forth in this law, equally to the person of the Republic of Estonia and the person of a foreign country (hereinafter *the person*).

§ 3. Geographical indication and geographical area

(1) A geographical indication is:

- 1) the name of a geographical area or an allusion to that area, which indicates the specific geographical origin of the goods or services, if the specific property, reputation or other characteristics of the goods or services marked in this way can be significantly associated with the geographical area where the goods are produced, processed or prepared for sale or where the service is provided;
- 2) another word, combination of words or symbol which, as a result of long-term and continuous use, has become significantly associated with the geographical area where the goods are produced, processed or prepared for sale or where the service is provided.

(2) Geographical area within the meaning of this Act is the territory of the state, its certain region or place. The geographical area does not have to coincide with the administrative unit or settlement unit of the same name. The name of a geographical area as a geographical indication does not have to correspond to the current official name of that geographical area.

§ 4. Form of geographical indication

(1) A geographical indication can be verbal or design in form.

(2) A geographical indication in verbal form can be a word or word combination that is the name of a geographical area, contains that name or refers to it.

(3) A geographical indication in a figurative form may be a cartographic image of a geographical area or a symbol that refers to a specific geographical area.

Chapter 2 BASIS OF LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS

§ 5. Ensuring the legal protection of a geographical indication

(1) Legal protection of a geographical indication is granted by registration of the geographical indication in the national register of geographical indications (hereinafter *the register*) in accordance with the procedure provided for in this Act.

(2) The legal protection of a geographical indication is ensured by state supervision (hereinafter *supervision*) and the application of state coercion on the basis and procedure prescribed in this Act.

§ 6. Scope of legal protection of geographical indication

The scope of legal protection of a geographical indication is determined by the data of the registration of the geographical indication (hereinafter, *registration*).

§ 7. Duration of legal protection of a geographical indication

The legal protection of a geographical indication is indefinite.

§ 8. Non-protectable sign as a geographical indication

Legal protection is not guaranteed for a sign that:

- 1) misleads the public about the geographical origin of goods or services;
- 2) denotes a good or service whose specific characteristic, reputation or other characteristic feature is not significantly attributable to the geographical origin of the good or service;
- 3) despite the truthful representation of the actual geographical origin of the goods or services, it may create a false impression in the public that the goods or services come from another geographical area;
- 4) is contrary to public order or good practices;
- 5) has lost the meaning of the original geographical origin and has become a generic name of the goods or services and is used to indicate the type, quality, variety or other characteristics or characteristics of the goods or services;
- 6) contains the name of an animal breed or plant variety or is misleadingly similar to it;
- 7) has not received legal protection in its country of origin or the legal protection of which has been terminated there or the use of which has been abandoned there.

§ 9. The right to request registration of a geographical indication

(1) The right to apply for the registration of a geographical indication belongs to:

- 1) a person who operates as a producer, processor or preparer for sale of the goods indicated by the indication or as a service provider in the geographical area indicated in the indication;
- 2) by an association of consumers or persons specified in point 1 of this paragraph, regardless of its location and legal form;
- 3) at the competent authority of the country of origin of the goods or services.

(2) The person specified in subsection 1 of this section may only apply for the registration of such an indication that meets the requirements for a geographical indication and is in accordance with the provisions of § 4 of this Act and is non-defensive according to the provisions of § 8.

(3) The list of Estonian authorities competent to apply for the registration of a geographical indication is approved by the Government of the Republic .

§ 10. User of a geographical indication

A registered geographical indication may be used to designate a good or service by a person who acts as a producer, processor or preparer for sale of the goods indicated in the registration or as a service provider in the geographical area indicated in the registration and whose goods or services have all the characteristics, reputation or other characteristic features indicated in the registration.

§ 11. Unlawful use of a geographical indication

(1) The following are prohibited:

- 1) the use of a geographical indication or a misleadingly similar indication to indicate goods or services by a person who does not operate as a producer, processor or preparer for sale of the goods specified in the registration, or as a service provider in the geographical area specified in the registration;
- 2) the use of a geographical indication or a misleadingly similar indication to denote a good or service, if the good or service lacks one or more of the properties, reputation or other characteristic characteristic stated in the registration;
- 3) the use of a geographical indication or a misleadingly similar indication to designate a good or service that is not covered by the registration, but which is of the same type as the good or service covered by the registration;
- 4) the use of a geographical indication or a misleadingly similar indication to mark another good or service, if this may lead to the bad faith exploitation of the reputation of the protected geographical indication;
- 5) use of misleading information about the origin, nature or main characteristics of the goods or services on the internal or external packaging of the goods or services, advertising material or related documents;
- 6) the use of such a sign, which, despite truthfully reflecting the actual geographical origin of the goods or services, may create a false impression in the public that the goods or services come from another area, even if the actual origin is indicated;
- 7) other actions that may mislead the public about the real origin of goods or services.

(2) The prohibition provided for in subsection 1 of this section does not extend to the use of one's business name in business activities, except in cases where this name is used in a way that misleads the public.

(3) Trading in goods that have been unlawfully marked with a registered geographical indication is prohibited, regardless of whether the intermediary, seller or consumer is informed about the respective characteristics of the goods. This does not affect the validity of the transaction for the transfer of goods.

[RT I 2002, 53, 336 - entry into force. 01.07.2002]

§ 12. Right of prior use of a trademark containing a geographical indication

(1) A trademark submitted for registration in good faith or registered in good faith either before the date of entry into force of this Act or before the geographical indication has received protection in its country of origin cannot be invalidated, its registration cannot be refused or its use prohibited on the grounds that the trademark contains registered geographical indication or is misleadingly similar to it, unless this law provides otherwise.

(2) Submitting or registering a trademark for registration is in good faith, if the person who did it did not know and should not have known that it is a sign indicating that the goods or services originate from a certain geographical area, if a specific property, reputation or other characteristic of the goods or services the feature is significantly related to the geographical origin of the goods or services.

§ 13. Warning sign

The user of a registered geographical indication may add the warning sign «Registered geographical indication» or the abbreviation «G» to it.

DIFFERENCES OF LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS OF ALCOHOLIC BEVERAGES

§ 14. Homonymous geographical indications of wines

(1) Homonymous geographical indications for wines (hereinafter *homonymous indications*) within the meaning of this Act are identical or misleadingly similar verbal or design indications used to denote different wines.

(2) Homonymous signs in verbal form may have:

- 1) the same pronunciation and the same spelling;
- 2) same pronunciation, but different spelling;
- 3) different pronunciation but same spelling.

§ 15. Criteria for distinguishing homonymous signs

When differentiating homonymous signs from each other, the following shall be taken into account in the event of a dispute:

- 1) the presence and sufficiency of distinguishing information on the label of a wine with a homonymous sign;
- 2) official recognition of the homonymous sign in its country of origin;
- 3) duration of use of the homonymous sign;
- 4) bona fide use of the homonymous sign.

§ 16. Ensuring legal protection of homonymous signs

Legal protection is granted to each homonymous sign separately.

§ 17. Special condition for the use of a homonymous sign

The user of a homonymous sign is obliged to include information on the wine label that is sufficient to distinguish one homonymous sign from another with the aim of not misleading the consumer.

§ 18. Unlawful use of a registered geographical indication in the designation of an alcoholic beverage

In addition to the provisions of subsections 1 and 3 of § 11 of this Act, it is prohibited to use a registered geographical indication to designate an alcoholic beverage that does not originate from the geographical area indicated by this geographical indication, including cases where the actual origin of the alcoholic beverage is indicated, when the geographical indication is used in a translated form, or when it is accompanied by the expressions «type», «type», «style», «imitation» or the like.

§ 19. A geographical indication in a registered trademark that is misleading in relation to the geographical origin of an alcoholic beverage

A person interested in the matter may request the invalidation of a trademark registered before the date of entry into force of this Act for the designation of an alcoholic beverage, if the trademark contains a registered geographical indication or is misleadingly similar to it and the alcoholic beverage designated by it does not originate from the geographical area indicated by this geographical indication.

§ 20. Right of prior use of a geographical indication of an alcoholic beverage

An Estonian citizen or a person whose permanent residence or place of residence is in Estonia and who has used a registered geographical indication to denote an alcoholic beverage either continuously and in good faith before April 15, 1994 or continuously for at least 10 years before that date, may continue to use the indication after the registration of the indication use to denote identical or similar goods or services in the former capacity.

Chapter 4 REGISTRATION OF A GEOGRAPHICAL INDICATION

§ 21. Register

(1) The register is established and the statutes for keeping the register are approved by the Government of the Republic .

(2) The controller in charge of the register is the Patent Office.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

(3) The application for registration of a geographical indication (hereinafter *the application for registration*) is processed and decisions and registry entries are made by the Patent Office.

(4) The register is kept in Estonian. Documents in foreign languages are submitted to the register with an Estonian translation.

[RT I 2003, 88, 594 - entry into force. 08.01.2004]

§ 22. Register entry

(1) Register entries are registration application procedure entries, registration data entries, registration data change entries and registration deletion entries.

(2) The register entry takes effect on the day it is made.

(3) An announcement about registration data entry, registration data change entry and registration deletion entry is published in the official publication of the Patent Office.

(4) A state fee shall be paid for the entry of changes to the registration data.

§ 23. Registration

(1) Registration is made on the basis of a decision on the registration of a geographical indication.

(2) Registrations are numbered in the order of registration of geographical indications.

(3) The registration becomes valid retroactively from the date of submission of the registration application.

(4) Registration data are:

- 1) registration number;
- 2) date of entry of registration data;
- 3) reproduction of the geographical indication;
- 4) a list of goods and services for which the geographical indication is used;
- 5) definition of the geographical area;
- 6) a description that shows the connection of a specific feature, reputation or other characteristic feature of the good or service with the geographical origin of the good or service and defines the geographical area (hereinafter *description*);
- 7) brief summary of the description;
- 8) data on the protection of the geographical indication in its country of origin, or data on the competent authority of the country of origin, which has certified the connection of a specific property, reputation or other characteristic of the good or service with the geographical origin of the good or service, and data on the competent authority of the country of origin, which has certified the registration of the geographical indication the right of the applicant (hereinafter *the applicant*) to apply for the registration of a geographical indication in accordance with the provisions of subsection 1 of § 9 of this Act;
- 9) applicant's name, address of residence or location;
- 10) the name of the applicant's representative, if the applicant has a representative;
- 11) application registration number;
- 12) the date of submission of the application for registration.

§ 24. Application for registration

(1) The applicant may apply for the registration of only one geographical indication in one registration application.

(2) The registration application must consist of the following documents:

- 1) application for registration of the geographical indication;
- 2) description;
- 3) a certificate of the protection of a geographical indication in its country of origin or a certificate of the competent authority of the country of origin, which confirms the connection of a specific feature, reputation or other characteristic feature of the goods or services with the geographical origin of the goods or services, and a certificate of the competent authorities of the country of origin regarding the right of the applicant to apply for the registration of a geographical indication § of this Act according to the provisions of paragraph 1 of 9;
- 4) [invalidated - RT I, 06.01.2023, 2 - entered into force. 31.08.2023] 5) power of attorney, if the applicants have a common representative and the application for registration of the geographical indication has not been signed by all the applicants. [RT I, 06.01.2023, 2 - enters into force. 16.01.2023]

(3) The list of Estonian authorities competent to issue the certificate specified in clause 2, point 3 of this section and the procedure for issuing the certificate shall be approved by the Government of the Republic .

(4) The formal requirements and submission procedure for registration application documents shall be established by the minister responsible for the field .

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

§ 25. Application for registration of geographical indication

The application for registration of a geographical indication must include:

- 1) a request for registration of a geographical indication;
- 2) reproduction of the geographical indication;
- 3) applicant's name, residential or location address and other contact details;
- 4) information on the right to apply for the registration of a geographical indication in accordance with the provisions of subsection 1 of § 9 of this Act;
- 5) a brief summary of the description, which must correspond to the content of the description;
- 6) the name of the applicant's representative, if the applicant has a representative;
- 7) signature of the applicant or his representative.

§ 26. Description

(1) The description must include:

- 1) the name of the product or service;
- 2) characteristics characterizing the goods (list of physical, chemical, microbiological, organoleptic or other properties according to the goods);
- 3) features characterizing the method of manufacturing the goods or the service;
- 4) definition of the geographical area;
- 5) data showing the connection of a specific feature, reputation or other characteristic feature of goods or services with geographical origin.

(2) The description may include characteristics characterizing the raw material, data on the use of the warning sign and other data that the applicant considers necessary.

(3) The description must give a complete and accurate idea of the connection of a specific property, reputation or other characteristic feature of the goods or services with the geographical origin of the goods or services.

(4) If goods or services with different characteristics are denoted by the same geographical indication, a description for each good or service shall be provided separately.

§ 27. Submitting a registration application

(1) The registration application is submitted to the Patent Office.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

(2) [Repealed - RT I, 06.01.2023, 2 - entry into force. 31.08.2023]

(3) The state fee shall be paid within one month from the date of receipt of the registration application.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

(4) The power of attorney granted to the joint representative of the applicants shall be submitted within two months from the date of receipt of the registration application.

[RT I, 06.01.2023, 2 - enters into force. 16.01.2023]

§ 28. Representation of the applicant

(1) Actions related to the registration of a geographical indication and the maintenance of the registration are performed by the applicant or his authorized patent attorney.

(2) If the applicant's place of residence or place of residence is outside the Republic of Estonia, the applicant or the patent commissioner submits the application for registration. Following the submission of the registration application, only the patent attorney authorized by the applicant performs the operations related to the registration of the geographical indication and the maintenance of the registration.

(3) If several applicants submit a registration application jointly, they must authorize a patent attorney to carry out the following actions related to the registration of the geographical indication and maintaining the registration in force, or choose a representative from among themselves (hereinafter *joint representative*), whose residence or seat is in the Republic of Estonia.

(4) The power of attorney must contain:

1) the name and address of the applicant;

2) in the case of a patent attorney, his first and last name;

3) in the case of a joint representative, his name and address of residence or location;

4) scope of authorization;

5) the right of delegation, if the represented gives this right to the representative;

6) validity period of the authorization;

7) signature of the person being represented;

8) place and date of issuing the power of attorney.

(5) In the case of a patent attorney who, as a representative, performs actions related to the registration of a geographical indication and maintaining the registration in force, the existence of the right of representation is assumed. In case of doubt about the existence of the right of representation, the Patent Office or the Industrial Property Appeals Committee has the right to require the patent attorney to submit a power of attorney. The power of attorney must be submitted within two months of submitting the claim. On the basis of a reasoned request, the Patent Office may extend the deadline for submission of the power of attorney once by one month.

[RT I, 06.01.2023, 2 - enters into force. 16.01.2023]

(6) The applicant's personal participation in the proceedings related to the registration of the geographical indication and the maintenance of the registration shall not be considered a waiver of the representative, unless the representative has informed the Patent Office otherwise in writing.

[RT I, 06.01.2023, 2 - enters into force. 16.01.2023]

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§ 28 . Transmission of notices from the Patent Office

(1) The Patent Office shall forward notifications related to operations related to the registration of a geographical indication and the maintenance of the registration to the representative of the applicant or the person requesting the performance of another operation, unless the represented person has notified the Patent Office otherwise in writing, and in the absence of a representative to the person himself.

(2) For the purposes of subsection 1 of this section, a person who has submitted an application or application as a representative of the applicant or a person requesting another action, or performed another action in the proceedings of the Patent Office, or who has been entered in the register as a representative of the applicant, is considered a representative, unless the person being represented has informed the Patent Office otherwise in writing.

(3) If a person has several representatives within the meaning of paragraph 2 of this section, the notices shall be forwarded to the last notified representative, in the case of representatives notified on the same date, preference shall be given to the patent attorney representative. If persons performing actions jointly have different representatives, notices are sent to all representatives.

(4) In the case of the applicant or other person who has indicated an e-mail address in the application or application, and in the case of the patent commissioner, consent is assumed by the fact that notifications related to the operation related to the registration of the geographical indication and the maintenance of the registration are transmitted to him electronically, if the person has not notified the Patent Office otherwise in writing .

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

§ 29. Arrival note

(1) Each document of the registration application shall be marked with an arrival note, which includes the date of arrival of the registration application and the order number of the registration application (hereinafter *the registration application number*).

(2) [Repealed - RT I, 06.01.2023, 2 - entry into force. 31.08.2023]

§ 30. Processing of the registration application

(1) The date of submission of the registration application shall be deemed to be the date of its arrival if: 1) a request for registration of a geographical indication has been submitted ;
2) reproduction of the geographical indication;
3) a list of goods and services for which the geographical indication is used;
4) definition of the geographical area;
5) applicant's name, residential or location address and other contact information.

(2) The submitted registration application will be processed if the state fee has been paid and a power of attorney has been submitted, if required.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

§ 31. Refusal to process a registration application

The decision to refuse to process the registration application is made and the registration application and the state fee are returned if:

1) the state fee has not been paid within one month from the date of receipt of the registration application;

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

2) a power of attorney is required and it has not been submitted within two months from the date of receipt of the registration application or from the filing of the corresponding claim by the Patent Office.

[RT I, 06.01.2023, 2 - enters into force. 16.01.2023]

3) [invalid - RT I, 06.01.2023, 2 - entry into force. 31.08.2023]

§ 32. Verification of registration application

(1) In the course of the procedure, the conformity of the geographical indication with the provisions of § 8 points 1–3 and 5–7 of this Act is not checked, nor is the correctness of the facts presented in the registration application.

(2) In the event of defects in the form and content of the registration application documents or other circumstances hindering the procedure, the applicant shall be notified of them in writing and a two-month deadline shall be set to eliminate the defects or provide relevant explanations.

(3) On the basis of the applicant's application, the deadline for eliminating defects in the registration application or providing explanations is extended to six months from the beginning of the deadline specified in subsection 2 of this section. The application must be submitted and the state fee paid before the end of the term specified in subsection 2 of this section.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

§ 33. Correcting and supplementing the registration application

During the procedure, the applicant may make corrections and additions to the registration application, which do not change the reproduction of the geographical indication presented in it on the date of submission of the registration application, nor expand the definition of the geographical area, the list of goods or services given in it.

§ 34. Withdrawal of registration application

(1) The applicant may withdraw the registration application during the procedure by submitting a written statement to that effect. The application for registration is considered withdrawn upon receipt of the application at the Patent Office.

(2) The registration application is considered withdrawn if the applicant has not eliminated the defects of the registration application or provided relevant explanations by the end of the term set in accordance with subsections 2 and 3 of § 32 of this Act.

§ 35. Termination of proceedings

If the registration application is withdrawn or considered withdrawn, a decision to end the procedure is made.

§ 36. Restoration of proceedings

The terminated procedure is restored on the basis of the decision or judgment of the industrial property appeals committee (hereinafter *the appeals committee*).

§ 37. Decision on registration of geographical indication

If the registration application meets the requirements set forth in §§ 4, 24 and 25 and § 26 subsections 1 and 4 of this Act and does not conflict with public order or good practices, a decision to register a geographical indication is made without delay.

§ 38. Decision to refuse registration of a geographical indication

If the registration application does not meet either one of the requirements set forth in §§ 4, 24 and 25 and § 26 subsections 1 and 4 of this Act or is contrary to public order or good practices, a decision to refuse registration of the geographical indication shall be made without delay.

§ 39. Decision and its challenge

(1) The decisions specified in §§ 31, 35, 37 and 38 of this Act must include:

- 1) the date of the decision;
- 2) justification of the decision;
- 3) resolution;
- 4) explanation of the procedure and deadline for contesting the decision;
- 5) name and signature of the official who made the decision.

(2) The decisions specified in §§ 31, 35, 37 and 38 of this Act shall enter into force on the day they are made.

(3) Decisions specified in §§ 31, 35, 37 and 38 of this Act shall be notified to the applicant in writing.

(4) Decisions specified in §§ 31, 35, 37 and 38 of this Act may be contested by the applicant in the appeal committee within two months from the day of the decision.
[RT I 2004, 20, 141 - entry into force. 01.05.2004]

§ 40. Publicity of the register and release of information

(1) During the procedure, it is allowed to issue information only about the registration application number, date of submission, reproduction of the geographical indication, definition of the geographical area, list of goods or services, name of the applicant and name of the applicant's representative.

(2) After the decision to register a geographical indication has been made, the data and documents in the register about the geographical indication are public.

(3) A state fee shall be paid for issuing information from the register, with the exception of issuing information to a supervisory authority, an appeals committee or a court.

§ 41. Certificate of registration of geographical indication

(1) The certificate of registration of a geographical indication (hereinafter *the certificate*) is a document that proves the registration.

(2) The certificate is issued on behalf of the Republic of Estonia.

(3) The certificate number is the registration number.

(4) The formal requirements of the certificate and the formalization procedure shall be established by the minister responsible for the field .

[RT I, 28.12.2011, 1 - enters into force. 01.01.2012]

§ 42. Issuance of a certificate

(1) After registration, the Patent Office issues a certificate to the applicant within 10 working days.

(2) [Repealed - RT I 2004, 20, 141 - entry into force. 01.05.2004]

(3) On the basis of the applicant's application, a paper copy of the electronic certificate will be issued to him. A state fee is paid for issuing a transcript. The transcript is issued within one month from the submission of the application, but not before the payment of the required state fee.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

(4) Based on the applicant's application, a duplicate certificate may be issued to him. A state fee is paid for issuing a duplicate. The duplicate will be issued within one month from the submission of the application, but not before the payment of the required state fee.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

Chapter 5 DISPUTES AND DEFENSE OF RIGHTS

§ 43. Challenging registration

(1) A person interested in the matter or a supervisory authority who considers that the applicant did not have the right to submit a registration application according to the provisions of § 9 subsection 1 of this Act, may submit an application to the appeals committee to declare the registration unlawful against the applicant, his heir or legal successor.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

(2) The application specified in subsection 1 of this section can be submitted within one year from the date of publication of the notice of entry of registration data.

(3) A person interested in the matter or a supervisory authority who finds that the applicant did not have the right to submit a registration application according to the provisions of § 9 subsection 2 of this Act, may submit an application to the Appeals Committee to declare the registration illegal against the applicant, his heir or legal successor.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

(4) The application specified in subsection 3 of this section can be submitted during the validity period of the registration.

(5) A person interested in the matter who considers that the registration is contrary to the requirements set out in § 4, 24 or 25 or subsection 1 or 4 of § 26 of this Act, public order or good practices, may submit an application to the appeal committee with a request to declare the registration illegal and oblige The Patent Office to restore the procedure and make a new decision.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

(6) The application specified in subsection 5 of this section can be submitted within three months from the date of publication of the notice of entry of registration data.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

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(6) A party to the proceedings of the application specified in subsections 1, 3 or 5 of this section, who is not satisfied with the decision of the appeal committee, may file a lawsuit against another party to the proceedings to declare the registration illegal or to establish the absence of the underlying circumstance within the time limit provided for in § 64 subsection 1 of the Law on the Basics of Industrial Property Legal Organization.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

(7) The Patent Office shall make an entry in the register based on the decision of the appeal committee or the court that has entered into force, if the person specified in subsections 1, 3 or 5 of this section submits an application to the Patent Office with information about the decision that has entered into force.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

§ 44. Challenging registration to change registration data

(1) A person interested in the matter or a supervisory authority who finds that the list of goods or services, the definition or description of the geographical area in the registration is inaccurate or insufficient, may submit an application to the appeal committee to change the registration data against the applicant, his heir or legal successor.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

(2) The application specified in subsection 1 of this section can be submitted during the validity period of the registration.

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(2) A party to the proceedings of the application specified in subsection 1 of this section, who is not satisfied with the decision of the appeal committee, may file a lawsuit against another party to the proceedings to change the registration data or to establish the absence of the underlying circumstance within the time limit provided for in § 64 subsection 1 of the Law on the Basics of Industrial Property Law.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

(3) The Patent Office makes an entry in the register based on the decision of the appeal committee or the court that has entered into force, if the person specified in subsection 1 of this section submits an application to the Patent Office to which information about the decision that has entered into force is attached.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

§ 45. Legal remedies in case of illegal use of a registered geographical indication

In the case of illegal use of a registered geographical indication, an interested person may demand:

1) compensation for damage caused by the illegal use of a registered geographical indication in accordance with § 1043 of the Law of Obligations Act;

2) termination of the unlawful use of the registered geographical indication and refraining from further infringement in accordance with § 1055 of the Law of Obligations Act;

3) issuance of a registered geographical indication obtained through illegal use in accordance with §§ 1037 and 1039 of the Law of Obligations Act.

[RT I 2002, 53, 336 - entered into force. 01.07.2002]

§ 46. Peculiarities of dispute resolution regarding geographical indication

(1) Complaints and lawsuits related to the registration of a geographical indication, the validity of the registration and the illegal use of a registered geographical indication, applications for guaranteeing a claim and preliminary legal protection, and other complaints and lawsuits specified in this Act shall be reviewed by the Harju County Court.

[RT I, 19.03.2019, 4 - enters into force. 01.04.2019]

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(1) [Repealed - RT I, 19.03.2019, 4 - entered into force. 01.04.2019]

(2) The court shall announce the submission of the application specified in subsections 1 and 3 of § 43 and subsection 1 of § 44 of this Act in the official publication *Ametlikud Teadaanded* and set a time limit within which the users of the geographical indication may submit an application to the court to enter the process on the side of the plaintiff or the defendant, while the time limit may not be less than two months from the date of publication of the notice.

(3) The court sends the Patent Office a copy of the decision made in a dispute regarding the protection of a geographical indication, even if the Patent Office has not participated in the process.

(4) A person against whom a lawsuit has been filed on the basis of § 45 of this Act has the right to file a counterclaim in the claim specified in subsection 1, 3 or 5 of § 43 or subsection 1 of § 44.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

§ 47. Representative in a geographical indication dispute

(1) The patent commissioner may act as a representative in the county court and the district court in a dispute regarding a geographical indication. In the Supreme Court, the patent commissioner can be a representative together with a sworn attorney.

(2) [Repealed - RT I 2004, 20, 141 - entry into force. 01.05.2004]

(3) The legal user of a geographical indication may be represented in the protection of rights by a legally competent representative organization of which he is a member.

[RT I 2005, 39, 308 - entry into force. 01.01.2006]

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5 . chapter THE STATE BOAT

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

1

§ 47 . State levy

In the cases provided for in this Act, a state fee shall be paid for reviewing the registration application, issuing information and performing other actions at the rate specified in the State Fee Act.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

2

§ 47 . Reporting a unique reference number

After processing the registration application or submitting the application, the Patent Office will notify the applicant or applicant of a unique reference number for paying the state fee. The unique reference number is not reported if the person has already paid the state fee.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

3

§ 47 . Payment of state fee

(1) The state levy is paid to the account of the Ministry of Finance.

(2) If the state fee is paid with a unique reference number, a unique reference number related to the operation for which the state fee is paid is indicated on the payment document.

(3) The state fee is deemed to have been paid if it has been received on the basis of a unique reference number to the prescribed

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account or if the information specified in § 47 subsection 1 of this Act on the payment of the state fee has been submitted to the Patent Office.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

4

§ 47 . Submission of data on the payment of the state fee

(1) If the state fee is paid without a unique reference number, the applicant or the person applying for another operation related to the geographical indication shall submit the following information about the payment of the state fee to the Patent Office by the due date for the payment of the state fee:

1) number of the payment document;

2) date of payment;

3) name of the payer;

4) amount of the paid amount;

5) the name of the operation for which the state fee is paid, or the number of the relevant section of the State Fee Act;

6) registration application number, geographical indication registration number or, if they are not available, other data that enable identification of the geographical indication.

(2) Data on the payment of the state fee shall be submitted separately for each registration application or registration and each action or activity. If the state fee is paid for the performance of several actions at the same time, a list of the distribution of the paid amount between registration applications or registrations and actions is provided.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

5

§ 47 . The procedure for checking the payment of the state fee

(1) If the information on the payment of the state fee has been submitted by the due date, but the required amount of the state fee has not been received in the account of the Ministry of Finance, the Patent Office may, in order to verify the payment, require the person who submitted the information to submit a document certifying the payment of the state fee approved by a banking institution.

(2) If the state fee must be paid by a certain due date, it is also considered paid on time if the state fee in the prescribed amount has been received on the basis of a unique reference number in the prescribed account within three banking days from the issuance of the unique reference number by the Patent Office.

[RT I, 06.01.2023, 2 - enters into force. 31.08.2023]

Chapter 6 STATE SUPERVISION

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

§ 48. Grounds for supervision

[Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

§ 49. State supervision

[RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

The state supervision over the fulfillment of the requirements set forth in this law is carried out by:

1) The Agency for Consumer Protection and Technical Supervision;

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

2) The Agriculture and Food Board on the proper use of the name of the registered geographical indication and compliance with the requirements stipulated in the description of the registered geographical indication.

[RT I, 01.07.2020, 1 - enters into force. 01.01.2021]

§ 50. Special measures of state supervision

[RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

The law enforcement body may apply the special measures of state supervision provided for in §§ 30, 49, 50 and 52 of the Law Enforcement Act on the basis and in the procedure provided for in the Law Enforcement Act to carry out the state supervision provided for in this Act.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

§ 51. Keeping trade secrets

[Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

Chapter 7
LIABILITY FOR UNLAWFUL USE OF A GEOGRAPHICAL INDICATION

[Repealed - RT I 2002, 63, 387 - entry into force. 01.09.2002]

§ 52. – § 55. [Repealed - RT I 2002, 63, 387 - entered into force. 01.09.2002]

Chapter 8
FINAL PROVISIONS

§ 56. State fee

[Repealed - RT I, 06.01.2023, 2 - entry into force. 31.08.2023]

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§ 56 . Processing of complaints, petitions and lawsuits submitted to the court before April 1, 2019

(1) An application submitted to the court on the basis of this Act before April 1, 2019 shall also be processed in the court if, from the said date, a mandatory pre-trial procedure in the appeal committee is prescribed for the resolution of the relevant dispute.

(2) A complaint, application or suit submitted to the court on the basis of this Act before April 1, 2019 shall be processed in a county court other than the Harju County Court even if, from the said date, the Harju County Court has exclusive jurisdiction to resolve the relevant complaint, application or lawsuit.

[RT I, 19.03.2019, 5 - enters into force. 01.04.2019]

§ 57. – § 63. [Omitted from this text.]