

ESTONIAN PATENT OFFICE

(*PATENDIAMET*)
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Estonian Patent Office

EPL: Estonian Patent Law

EUL: Estonian Utility Model Law

PAA: [Patent Attorneys Act](#)

SUMMARY**Designated
(or elected) Office****SUMMARY****EE****ESTONIAN PATENT OFFICE****EE****Summary of requirements for entry into the national phase**

| | |
|--|--|
| Time limits applicable for entry into the national phase: | Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date |
| Translation of international application required into: ¹ | Estonian |
| Required contents of the translation for entry into the national phase: ¹ | Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report) |
| Is a copy of the international application required? | No |
| National fee: | Currency: Euro (EUR) For patent: Basic fee: ² EUR 225 (56) ³ Claim fee for each claim in excess of 10: ⁴ EUR 13 Additional fee for late furnishing of translation or copy: ¹ EUR 32 Annual fees for the first three years: ⁵ EUR 116 For utility model: Filing fee: EUR 105 (26) ³ |
| Exemptions, reductions or refunds of the national fee: | The filing fee is reduced where all applicants are natural persons |

[Continued on next page]

¹ Where the basic fee has been paid within the time limit applicable under PCT Article 22 or 39(1), the translation may be filed within two months from the expiration of that time limit, provided that the additional fee for late furnishing of the translation has been paid within those two months.

² Must be paid within the time limit applicable under PCT Article 22 or 39(1).

³ The amount in parentheses is applicable where all applicants are natural persons.

⁴ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁵ These fees are due on the last day of the month containing the second anniversary (24 months) of the international filing date; where PCT Article 39(1) applies, they are payable within two months after performing the acts for entering the national phase, unless the 24-month time limit has not yet expired.

SUMMARY**Designated
(or elected) Office****SUMMARY****EE****ESTONIAN PATENT OFFICE****EE***[Continued]*

 Special requirements of the Office
(PCT Rule 51*bis*):⁶

 Declaration concerning the right of the applicant to apply for a patent where the applicant is not an inventor or where the applicant is a legal entity⁷

 Appointment of an agent if the applicant is not resident in Estonia

 Who can act as agent?

 Any registered Estonian patent attorney resident in Estonia

 Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

 Yes, the Office applies the “due care” criterion to such requests

⁶ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁷ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

THE PROCEDURE IN THE NATIONAL PHASE

- EPL Sec. 33(3) EE.01 **TRANSLATION (LATE FURNISHING OF).** If the translation of the international application has not been furnished by the applicant within the time limit applicable under PCT Article 22 or 39(1) but the national fee indicated in the Summary has been paid within that time limit, the translation can still be furnished within a further period of two months, provided that the additional fee for late furnishing of the translation, indicated in Annex EE.I, has been paid within those two months.
- EE.02 **TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003). If the translation furnished to the Office contains only the description, the Office will invite the applicant to furnish the missing part and will excuse the late furnishing provided that the scope of the disclosure is not broadened thereby.
- EE.03 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex EE.I.
- EE.04 **EXAMINATION.** The Office examines national patent applications as to substance. No request is necessary and no special fee is required.
- EPL Sec. 12 EE.05 **DECLARATION CONCERNING THE RIGHT OF THE APPLICANT TO APPLY FOR A PATENT.** For details, see the model of such declaration in Annex EE.II. Legalization is not required.
- EPL Sec. 13¹(2)
PAA Sec. 3(1³) EE.06 **REPRESENTATION.** A person whose residence or seat is not located in Estonia shall authorize an Estonian patent attorney to represent the person. It is presumed that the patent attorney has the right of representation. Only in case of doubt about the existence of the right of representation, the Office is entitled to request the patent attorney to submit a power of attorney. A model of a power of attorney is given in Annex EE.III.
- EPL Sec. 35(6) EE.07 **FEE FOR GRANT.** A fee for grant must be paid within three months from the decision to grant the patent. Where the applicant fails to pay within that time limit, the application shall be deemed to be withdrawn.
- EPL Sec. 33(1)
42 EE.08 **ANNUAL FEES.** Annual fees must be paid for each year following the international filing date. For the due date of annual fees for the first three years, see the Summary. Payment of the subsequent annual fees must be made before the expiration of the month containing the anniversary of the international filing date. Payment can still be made, together with a 10% surcharge for late payment, before the expiration of the sixth month after the month containing the anniversary of the international filing date. The amounts of the annual fees are indicated in Annex EE.I. It is to be noted that, where the time limit under PCT Article 22 or 39(1) applies, annual fees can be paid without surcharge within two months after performing the acts for entering the national phase.
- PCT Art. 28
41 EE.09 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may make amendments to the claims, description, drawings, and other illustrative material up to the decision to grant a patent, provided that the scope of the subject matter of the application is not broadened thereby. Amendments may be additionally made after the decision to grant a patent within two months from the date of the decision and subject to the payment of the fee indicated in Annex EE.I.
- EPL Sec. 25
25(5)

PCT Art. 24(2)
48(2)
Rule 82*bis* EE.10 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

EPL Sec. 29(2)
(3)
33(11) EE.11 Reestablishment of rights may be requested where the applicant, in spite of all due care reasonable required, was unable to observe a time limit during the international phase or before the Office, default of which is prejudicial to his rights. A request for reestablishment must be presented in writing within two months after the removal of the cause of the failure to perform the action but not later than one year from the expiration of the time limit which has not been observed. Within the said two months, the omitted action must be completed, the fee for reestablishment of rights (see Annex EE.I) must be paid and the request must state the grounds on which it is based and set out the facts on which it relies.

PCT Art. 25
PCT Rule 51
EPL Sec. 30
52 EE.12 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged within two months from the date of the decision, with the Board of Appeals or in court. Within the same two month time limit, a fee for appeal must be paid, the amount of which is indicated in Annex EE.I.

PCT Art. 4(3)
43
PCT Rule 49*bis*.1
(a), (b)
76.5 EE.13 **UTILITY MODEL.** If the applicant wishes to obtain utility model registration on the basis of an international application

- instead of a patent, or
- in addition to a patent,

for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office. The term of a utility model certificate is generally four years from the date of filing the application, though the term may be extended (upon request and payment of a fee) initially for four years and later for two more years.

EE.14 Whether the international application is for a utility model instead of a patent, or for both a utility model and a patent, the application shall conform to the following requirements, which differ somewhat from those of patents:

EUL Sec. 6(1)
8 (a) the application may not be in respect of more than one invention; utility model protection does not cover biotechnological inventions;

EUL Sec. 9(3) (b) the application may contain only one independent claim and a plurality of dependent claims;

PCT Art. 7(2)(ii)
PCT Rule 7.2 (c) if the application does not contain drawings, the Office will invite the applicant to furnish drawings within a specified period of time;

EUL Sec. 18(2)
34(2) (d) a registration fee must be paid. The application will not be processed until the fee has been paid. A renewal fee is payable for extension of the term of protection from four to eight and from eight to 10 years. The fee for extending the term of the certificate should be paid within six months before the expiration of the previous term, although it may be paid (with a 10% surcharge) up to six months after the expiration of the previous term. The amounts of the registration fee and the renewal fees are indicated in Annex EE.I.

EE.15 If the international application is for both a utility model and a patent, the applicant must pay both the registration fee for the utility model and the national fee for a patent application. The power of attorney and declaration concerning the right to apply for a utility model and patent (if any) should be in duplicate for the utility model and the patent application.

EUL Sec. 19

EE.16 **CONVERSION.** An international application for a patent may be converted into a utility model application after the application complies with the requirements for a patent application for entry into the national phase. The utility model application shall be deemed as having been filed on the date the patent application was filed. After the conversion, the patent application will be deemed to have lapsed. The conversion is subject to payment of the utility model registration fee indicated in Annex EE.I. Conversion cannot be requested:

- after the expiration of 10 years from the international filing date;
- in respect of a refused, abandoned or lapsed patent application.

FEES**(Currency: Euro)****Patents**

| | |
|---|-------------------------------------|
| Basic fee | 225 (56) ¹ |
| Claim fee for each claim in excess of 10 | 13 |
| Additional fee for late furnishing of translation or copy | 32 |
| Fee for grant | 96 |
| Fee for making amendment after the decision to grant | 96 |
| Fee for reestablishment of rights | 32 |
| Appeal fee | 159.77 |
| Annual fees: | |
| — for the 1 st year | 26 |
| — for the 2 nd year | 26 |
| — for the 3 rd year | 64 |
| — for the 4 th year | 77 |
| — for the 5 th year | 96 |
| — for the 6 th year | 120 |
| — for the 7 th year | 135 |
| — for the 8 th year | 155 |
| — for the 9 th year | 180 |
| — for the 10 th year | 205 |
| — for the 11 th year | 245 |
| — for the 12 th year | 285 |
| — for the 13 th year | 320 |
| — for the 14 th year | 360 |
| — for the 15 th year | 405 |
| — for the 16 th year | 450 |
| — for the 17 th year | 495 |
| — for the 18 th year | 540 |
| — for the 19 th year | 585 |
| — for the 20 th year | 630 |
| Surcharge for late payment of annual fees | 10% of the applicable annual fee |
| Fee for restoration of the right of priority | None |

Utility models

| | |
|--|-----------------------|
| Filing fee | 105 (26) ¹ |
| First renewal fee (becomes due on the last day of the month containing the 4 th anniversary of the filing date) | 195 |
| Second renewal fee (becomes due on the last day of the month containing the 8 th anniversary of the filing date) | 260 |

¹ The amount in parentheses is applicable where all applicants are natural persons.

How can payment of fees be effected?

Payment of fees must be effected in euros. All payments must indicate the national application number (however, if that number is not yet known, the international application number may be used), the name of the applicant and the category of the fee being paid, as well as the mandatory Office reference 2900082362.

Payment may be effected into one of the four accounts of the Rahandusministeerium [Ministry of Finance] at:

- SEB Pank, Tornimäe 2, 15010 Tallinn, account No. 10220034796011, IBAN: EE891010220034796011, SWIFT code EEUHEE2X;
- Swedbank, Liivalaia 8, 15040 Tallinn, account No. 221023778606, IBAN: EE932200221023778606, SWIFT code HABAE2X;
- Luminor Bank, Liivalaia 45, 10145 Tallinn, account No.17001577198, IBAN: EE701700017001577198, SWIFT code RIKOEE22;
- LHV Pank, Tartu mnt 2, 10145 Tallinn, account No. 771003813400, IBAN: EE777700771003813400, SWIFT code LHVBE22).

The fees are deemed to be paid upon receipt of a document by the Office certifying payment of the prescribed amount.

DEKLARATSIOON
patendi taotlemise/kasuliku mudeli registreerimise taotlemise õiguse kohta
DECLARATION
concerning the right to apply for a patent/utility model registration

Taotleja, (nimi ja aadress vastavalt patendi saamise/kasuliku mudeli registreerimise avaldusele)
Applicant (name and address as on the request form for grant of a patent/utility model registration)

kes taotleb patendiga/kasuliku mudelina õiguskaitset Eesti Vabariigis leiutisele (leiutise nimetus)
who applies for a patent/utility model registration in the Republic of Estonia for (title of invention)

on saanud autorilt õiguse taotleda patenti/kasuliku mudeli registreerimist ja saada patendi/kasuliku mudeli omanikuks kui:
has got the right from the author to apply for a patent /utility model registration and to become a patentee/proprietor of a utility model as:

- leiutise autori õigusjärglane;
the successor in title of the author of the invention;
- isik vastavalt töölepingule;
person in pursuance with the contract of employment;
- isik vastavalt lepingule, välja arvatud töölepingule.
person in pursuance with the contract, excluding the contract of employment.

Allikiri/*Signature:*

Koht/*Place:*

Kuupäev/*Date:*

Deklaratsioonile kirjutab alla taotleja või patendivolinik.

Allkirja juures peavad olema loetavalt esitatud ees- ja perekonnanimed ning ametinimetus (juriidilise isiku korral). Andmeid ei ole vaja kinnitada
Declaration shall be undersigned by the applicant or patent attorney.

First names and surnames of undersigned persons and their position within the company (in the case of legal person) are to be written in full.
No legalization required.

PATENDIAMET/THE ESTONIAN PATENT OFFICE

Toompuiestee 7
15041 Tallinn Estonia
Tel.: 372 62 77 900
Fax: 372 64 51 342

VOLIKIRI
POWER OF ATTORNEY

Mina, (taotleja nimi ja aadress)

The undersigned (name and address of the applicant)

taotledes patendiga/kasuliku mudelina õiguskaitsset Eesti Vabariigis leiutisele (leiutise nimetus)

who applies for a patent/utility model registration in the Republic of Estonia for (title of invention)

volitan (patendivoliniku nimi)

does hereby authorize (name of the patent attorney)

tegema minu kui taotleja nimel kõiki taotluse ja patendiga/kasuliku mudeli registreeringuga seotud toiminguid, kaasa arvatud taotluse tagasivõtmine.

to act on behalf of the applicant in all matters concerning the application as well as the patent/utility model registration, including withdrawal of the application.

Volikiri on antud edasivolitamise õiguseta.

The power of attorney is issued without the right to issue sub-powers of attorney.

Volikiri on kehtiv selle asendamiseni teise volikirjaga või kirjaliku tühistamiseni, millest on teatatud Patendiametile.

The power of attorney is valid until it is replaced by another power of attorney or is revoked in writing to the Estonian Patent Office.

Allkiri/*Signature:*

Koht/*Place:*

Kuupäev/*Date:*

Allkirja juures peavad olema loetavalt esitatud ees- ja perekonnanimed ning ametinimetus (juriidilise isiku korral). Andmeid ei ole vaja kinnitada.
First names and surnames of undersigned persons and their position within the company (in the case of legal person) are to be written in full. No legalization required.

PATENDIAMET/*THE ESTONIAN PATENT OFFICE*

Toompuiestee 7

15041 Tallinn Estonia

Tel.: 372 62 77 900

Fax: 372 64 51 342