Patent or utility model?

In Estonia inventions can be protected either as patents or utility models. An invention has to be new, involve an inventive step and be susceptible to industrial application. Compared to patent requirements utility model requirements for the inventive step are not so strict.

In Estonia registration system at applying for a utility model is applied, i.e. the applicant is responsible for the novelty, the inventive step and susceptibility to industrial application. In case of patent applications the Estonian Patent Office checks the compliance of the invention with the criteria of patentability mentioned earlier during examination.

Patent protection for only one invention or a group of inventions so linked as to form a single general inventive concept can be applied for in a patent application. In case of a utility model only one invention (i.e. a device, process or material) can be applied for in one application. If both a method and a device are applied for protection as a utility model, two separate applications for registration of a utility model should be filed.

The term of validity of patent protection lasts for the maximum term of 20 years; a renewal fee must be paid for each year of validity. But the term of validity of utility model protection lasts for the maximum of 10 years, whereas initial 4 years of validity can be renewed first for 4 years and after that for another two years and in both cases a renewal fee must be paid. Besides that, the fee for filing a utility model registration application is more favourable.

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