



How to protect industrial design in Estonia

In order to register an industrial design in Estonia an applicant has to file **an application for registration** of an industrial design, which includes the reproduction of the design, with the Estonian Patent Office and pay the [state fee](#). The application can be filed either by filling in [an application form](#) or **via the [electronic filing portal](#)**. A registration application may be accompanied by a description disclosing the subject matter of the industrial design.

Documents to be filed in the application for registration of an industrial design:

- a request for the registration of an industrial design;
- the reproduction of the industrial design;
- an authorisation document if the application is filed by multiple applicants who have appointed a joint representative;
- documents certifying the priority claim if priority is claimed.

The legal protection of the industrial design can begin from the **priority date**, i.e. a right to use the date of the earlier application of the same industrial design as a priority date, including the date of filing an application in another country, pursuant to Article 4 of the [Paris Convention](#).

Formal and substantive requirements for application and other documents subject to submission to Patent Office and procedure for filing such documents are provided in [the Industrial Design Regulation](#).

In Estonia industrial designs are registered by **formal registration system**. It means that the Estonian Patent Office examines the compliance of formal requirements, but does not examine the industrial design as to its novelty, individual character, industrial or handicraft applicability, or the right of a person to file the application. An applicant is responsible for the compliance of these requirements.

It is essential to know that registration application may include one industrial design, the variants of an industrial design or a set of industrial designs. The **variants** of an industrial design are such modifications of the industrial design which produce a similar overall impression and the differences may occur only in details, which are irrelevant to the overall impression.

A set of industrial designs is a logical group of designs which pursuant to the [Locarno International Classification for Industrial Designs](#) belong to the same class and are designed in the same manner. The logical group means that the designs belonging to the group have to be related in some way, e.g. according to their purpose of use (a knife and a fork, kitchen furniture, a lunch set etc.).

Procedures relating to the registration of an industrial design can be performed by an applicant or a **patent attorney** authorised by the applicant. A person with no residence, seat or commercial or industrial enterprise operating in Estonia must authorise a patent attorney as a [representative](#), except for filing an application for registration of an industrial design.

It is very important for the applicant to follow the **due dates** for making amendments and corrections to the application as well as for payment of the state fees. If the applicant fails to respond by the due date, the processing of the application will be terminated. Therefore correct contact details should be submitted to the Estonian Patent Office in order to receive the corresponding notices.

However, in case the application is deemed to be withdrawn an applicant has the right to request the **resumption of processing**. It should be borne in mind that a request for the resumption of processing may be filed within six months after the due date for the act which was not performed.



A notice concerning a decision to register a trade mark **is published** in the official gazette of the Patent Office "Eesti Tööstusdisainilahenduse Leht" ([the Estonian Industrial Design Gazette](#)). Disputes concerning the industrial designs entered in the register are resolved in court.

Was this information useful? * Yes

No

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