

There are three options.

1. For legal protection in the European Union, an application for a **registered Community design** must be filed with the European Union Intellectual Property Office (EUIPO). The application may be filed either electronically through the website of OHIM (<https://euipo.europa.eu>) or on paper. Community designs are registered by formal registration system similar to the one used in Estonia. The registration is valid in all the member states of the European Union and legal protection will automatically extend to the new member states who will join the European Union in the future. The protection is valid for 5 years from the date of application and it can be renewed for up to 25 years. No application is needed for an **un-registered Community design**, the protection is valid since the date of disclosure of the design on the territory of the European Union. The term of legal protection is three years and it cannot be renewed. Unregistered Community design grants protection only from intentional copying.

2. Applying for an **international registration** according to the Geneva Act of the Hague Agreement via the World Intellectual Property Organisation (WIPO – www.wipo.int). The countries where protection is applied for have to be designated in the application. The application must be submitted either in English, French or Spanish and it can be filed by post or electronically.

3. An application for an industrial design can be filed with **the office of a relevant country**. The industrial design will be protected on the territory of the relevant country or union of countries.



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INDUSTRIAL DESIGN



How to protect
an industrial design

What is an industrial design?

An **industrial design** is the two or three-dimensional appearance of a product which can be formed, either separately or in combination, from the shape, configuration, ornamentation, colours, texture etc. of a product. An outer shape or an appearance of a product can be registered as an industrial design. For example, the shape of a bottle, pattern of a cloth, shape of a hat, ornaments on a vase etc. can all be registered as industrial designs.

Registration of an industrial design **does not provide protection** to the technical solution of the product, the idea behind the product or the way of manufacturing or use of the product.

What are the requirements for an industrial design?

An industrial design **has to be new**, it has to have an individual character and it has to be possible to **manufacture** industrial or handicraft products according to it. Requirements for both novelty and individual character are considered worldwide.

What does not constitute as an industrial design?

The Estonian Patent Office **does not register an industrial design which:**

- derives solely from the technical function of the product;
- is contrary to good practice;
- is unstable;
- is a layout design of integrated circuits;
- is a spare part or component which is not visible upon normal use when assembled in the product.

Is it compulsory to register an industrial design?

Registering an industrial design **is not an obligation**, it is a right. The owner of a registered industrial design has the exclusive right to manufacture, distribute, import or export products made according to an identical or confusingly similar industrial design on the relevant territory.

How much does the registration of an industrial design cost?

When registering an industrial design **in Estonia**, the amount of state fee depends on whether the applicant is a natural person or a legal person and also on the number of variants of the industrial design. When applying for a **registered Community design**, the fee varies according to the number of designs in one application. In case of an **international design**, the fee depends on the member states and their total amount.

In order to register an industrial design **in Estonia**, an applicant has to submit an application and representation(s) of the design with the Estonian Patent Office. The application can be submitted either electronically through the website of the Patent Office www.epa.ee, by post or brought to the Patent Office (the mailbox is open around the clock).

The scope of legal protection of an industrial design is based on the representations of the design presented in the application. The rights of the owner **are valid for five years** from the date of filing an application and can be renewed for up to 25 years.

In Estonia industrial designs are registered **by formal registration system**, which means that the Estonian Patent Office examines only the compliance of formal requirements. The Patent Office does not examine the requirements for industrial designs (novelty, individual character, industrial or handicraft applicability). An applicant is responsible for the compliance of these requirements. Novelty and individual character of an industrial design can be verified by searching public databases on the webpage of the Patent Office (www.epa.ee).

