



**Invention is a technical solution, created to solve a technical problem.**

**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.

## PATENT – ASSESS YOUR INVENTION

In case of patent protection **the subject of an invention** may be a **device, process, material or a combination thereof** or also use of the known device, process or material **for a new purpose**.

Algorithms for computers and computer programs, scientific theories, schemes, rules and methods for performing mental acts or doing business, design documentation for and plans of constructions, buildings or areas, etc. **shall not be regarded as the subject of inventions**.

Inventions are protected by patents, providing the proprietor of a patent a right to prohibit other people from manufacturing, selling or use the invention.

The exclusive right of the proprietor is **territorial** and **limited in time**. A patent shall be valid for maximum twenty years as of the filing date of the patent application only **in the country** where protection has been applied for and granted. To maintain a patent application and patent, **a state fee** shall be paid for each year of validity\*.

### PROTECTION OF AN INVENTION BY PATENT IN ESTONIA

**A patent application** has to be filed with the Estonian Patent Office for grant of protection.

**A patent application shall include the following documents:** a request for the grant of a patent, a description of the invention, patent claims, an abstract of the subject matter of

the invention both in Estonian and English and if required also drawings. **Requirements for the documents contained in the patent application and the procedure for filing patent applications** are established by the legal acts found on the website of the Estonian Patent Office at [www.epa.ee](http://www.epa.ee).

The required documents shall be filed with the Receiving Department of the Estonian Patent Office directly, by post or online (<https://online.epa.ee/>). Legal protection can be filed by legal or natural person and **a state fee for filing a patent application\*** should be paid accordingly.

### EXAMINATION

In the course of **preliminary examination** payment of the state fees, existence of the required documents and the compliance of the application documents with the substantive and formal requirements are checked. Later during the **substantive examination** of the application novelty, inventive step and industrial applicability, i.e. the compliance of an invention with the criteria of patentability shall be assessed.

A patent application **shall be published** not earlier than 18 months after the filing date.

Substantive examination shall be concluded by the issue of the patent or rejection of the patent application. After payment of the state fee the invention shall be entered in the register\* and **the letters patent** shall be issued.

The average duration of the examination is 3.5 years.

### \*Some examples of state fees valid in 2014:

State fee for filing of a patent application	
-where the applicant is a legal person	223.69 Euros
-where the applicant is a natural person	55.92 Euros

State fees for the continued validity of a patent application and a patent vary between	25.56 –626.33 Euros
State fee for entry of an invention in the register of patents	255.64 Euros

### PROTECTION OF AN INVENTION BY PATENT IN FOREIGN COUNTRIES

There are 3 main possibilities to protect an invention abroad:

- a patent application compiled in accordance with the law of the relevant country is filed with the **selected country**;
- an international patent application (**PCT-application**) is compiled and filed direct or alternatively via the Estonian Patent Office to the International Bureau of WIPO located in Geneva ([www.wipo.org](http://www.wipo.org));
- a European patent application is compiled and filed with the **European Patent Organisation (EPO)** in Munich ([www.epo.org](http://www.epo.org)) or alternatively it may be filed with a national office of any member state (e.g. the Estonian Patent Office) for forwarding to the EPO, if you apply for protection in the member states.

### SEARCH FOR PRIMARY STATE OF ART OF YOUR INVENTION

Before filing an application it is necessary to find out whether the solution is new.

- Make a search in free of charge worldwide patent database **Espacenet**: <http://worldwide.espacenet.com>.
- Make a search in free of charge **databases of inventions published in Estonia** at [www.epa.ee](http://www.epa.ee).
- Take a chance to **order a search from the Estonian Patent Office**.



## RECOMMENDATIONS

Check whether the technical solution has been made public by someone already – **make a primary state of art search.**

**Do not make** your **invention public** before **filing a patent application** (in a newspaper, on TV, over the radio, in Facebook, at the exhibition etc.).

Sign a confidentiality agreement with the other parties.

**NOTICE.** When the application has been filed, **new characteristic features cannot be added later.** Therefore make sure that the nature of the invention has been **disclosed expressly** before filing your application.

Make sure whether you need the patent attorney's assistance.

Do not hesitate to contact the Estonian Patent Office for getting assistance.

Take advantage of attending free of charge seminars in the Estonian Patent Office.  
[www.epa.ee](http://www.epa.ee)

### Help

Patents Act

The Formal and Substantive Requirements for the Documents Contained in the Patent Application and the Procedure for Filing Patent Applications with the Patent Office.

[www.epa.ee](http://www.epa.ee)

### Receiving Department

Phone +372 627 7911

Fax +372 627 7912

### Portal of online filing of applications

<https://online.epa.ee>

### Free of charge consultations

Tuesday 15.00 –17.00

Phone +372 627 7910

+372 627 7944

E-mail [leiutis@epa.ee](mailto:leiutis@epa.ee)

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### Payable searches

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# PATENT

