



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.

UTILITY MODEL – SIMPLE, CHEAP AND FAST OPPORTUNITY TO OBTAIN PROTECTION

A device, process or material can be protected as a utility model.

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 as utility models, providing the proprietor of a utility model a right to prohibit other people from manufacturing, selling or use the invention.

The exclusive right of the owner of a utility model is **territorial** and limited in time. A utility model shall be valid only **in the country** where protection has been applied for and granted. Legal protection of the utility model will be valid primarily for four years as of the filing date of the registration application. Legal protection can be extended for four years and thereafter for another two years by paying a fee*.

PROTECTION OF AN INVENTION AS A UTILITY MODEL IN ESTONIA

A registration application of a utility model has to be filed with the Estonian Patent Office for grant of protection.

A utility model application shall include the **following documents**: a request for the registration of a utility model, a description of the invention, the claims of the utility model, 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 utility model application and the procedure for filing utility model applications are established by the legal acts found on the website of the Estonian Patent Office at **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 utility model application*** should be paid accordingly.

EXAMINATION

In Estonia utility models are registered by formal registration system. The applicant himself or herself should ensure the compliance of the invention with the novelty, inventive step and industrial applicability criteria. In the course of 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. However, the Patent Office shall carry out **a state of art search**. The search report shall set out information about technical solutions identical to the invention and technical solutions similar to the invention and the search report is forwarded to the applicant.

Examination of the registration application shall be concluded by enforcement of the utility model registration or rejection of the utility model application. The average duration of the examination is one year.

*Some examples of state fees valid in 2014:

State fee for filing of an application for registration of a utility model	
-where the applicant is a legal person	102.25 Euros
-where the applicant is a natural person	25.56 Euros
State fees for the extension of the validity of a utility model registration	
-for the first extension	191.73 Euros
-for the second extension	255.64 Euros

PROTECTION OF AN INVENTION AS A UTILITY MODEL IN FOREIGN COUNTRIES

There are 2 main possibilities to protect an invention as a utility model abroad:

- a utility model registration application is filed with the selected country in accordance with the law of the relevant country;
- an international 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).

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.
- 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 an 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

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.

Differences between a utility model and a patent

- utility model is cheaper
- formal system is applied
- shorter term of examination
- lower criteria applicable to the state of art
- protection cannot be applied for a combination of inventions, i.e. a method and a device cannot be applied for protection by one and the same application
- maximum term of validity is 10 years.

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 627 7910

627 7944

E-mail leiutis@epa.ee

NB! Registration for consultation in the Office

Phone +372 627 7910

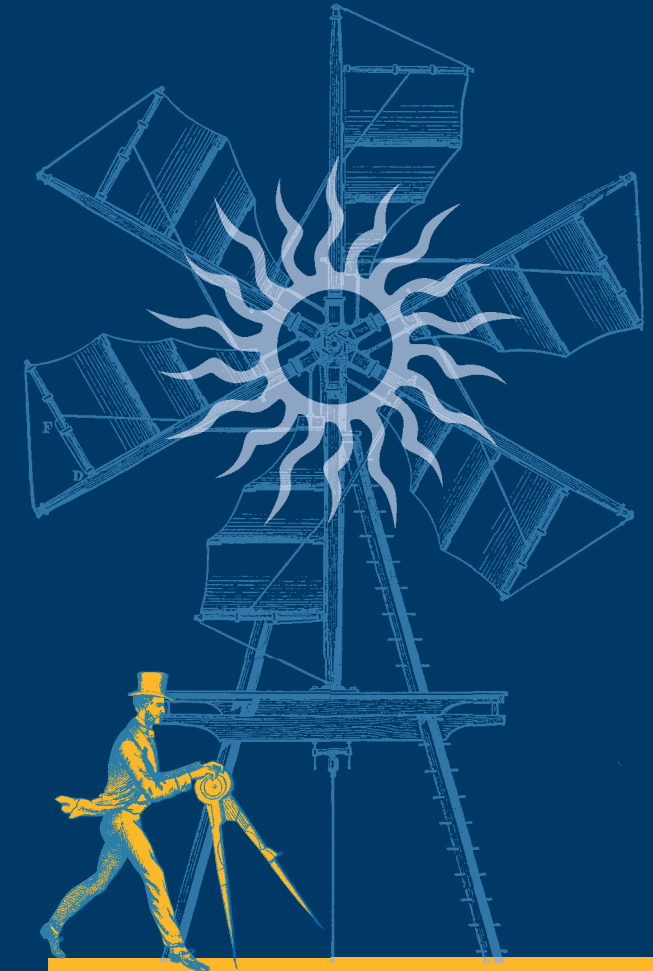
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UTILITY MODEL

