

WORLD TRADE ORGANIZATION

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

ESTONIA

By means of communications from its Permanent Mission dated 3, 6, 7, 8 and 9 March 2000 and 14 August 2000, the following notification has been received from Estonia under Article 63.2 of the Agreement.

Pursuant to Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the procedures set forth by the TRIPS Council, the Republic of Estonia is pleased to notify the Council for Trade-Related Aspects of Intellectual Property Rights on laws and regulations related to the activities covered by the Agreement, as follows:

- The "main laws and regulations" are submitted in the original language and in an unofficial English translation and are listed in Annex I.
- "Other laws and regulations" are submitted in the original language and are listed in Annex II.
- Answers to the Checklist of Issues on Enforcement.¹

¹ See document IP/N/6/EST/1.

ANNEX I

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

- Copyright Act²
(Adopted on 11 November 1992; last amendment 22 February 1999.)
- Trademark Act³
(Adopted on 27 August 1992; last amendment 17 December 1997.)
- Industrial Design Protection Act⁴
(Adopted on 18 November 1997; last amendment 25 November 1998.)
- Patent Act⁵
(Adopted on 16 March 1994; last amendment 25 November 1998.)
- Utility Model Act⁶
(Adopted on 16 March 1994; last amendment 9 February 2000.)
- Layout-Design of Integrated Circuits Protection Act⁷
(Adopted on 25 November 1998 and in force since 16 March 1999.)
- Competition Act⁸
(Adopted on 11 March 1998 and in force since 1 October 1998.)
- Customs Act⁹
(Adopted on 17 December 1997 and in force since 19 January 1998. Last amendment 13 October 1999, in force since 31 October 1999.)
- Plant Variety Rights Act¹⁰
(Adopted on 25 March 1998; last amendment 19 January 2000.)

² See document IP/N/1/EST/C/1.

³ See document IP/N/1/EST/T/1.

⁴ See document IP/N/1/EST/D/1.

⁵ See document IP/N/1/EST/P/1.

⁶ See document IP/N/1/EST/I/1.

⁷ See document IP/N/1/EST/L/1.

⁸ See document IP/N/1/EST/O/1.

⁹ See document IP/N/1/EST/E/1.

¹⁰ See document IP/N/1/EST/P/2.

ANNEX II

OTHER LAWS AND REGULATIONS

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Copyright</p> <p><u>Accession to the Berne Convention Act</u> of 18 May 1994.</p> <p><u>Accession to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations Act</u> of 9 December 1999.</p> <p><u>Accession to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms</u> of 9 December 1999.</p> <p><u>Government Regulation on Approving the Procedure for Collection and Payment of Levies to Compensate for the Use of Audiovisual Works and Sound Recordings of Works</u> of 26 January 1995.</p> <p><u>Minister of Culture's Regulation on Approving the Procedure for Payment of Levies for Authors, Performers and Producers of Phonograms to Compensate for the Use of Work or Sound Recording of a Work by Producers and Importers of Recording Devices and Devices for Sound and Video Recordings (Without Recordings)</u> of 4 September 1996.</p> <p><u>Minister of Culture's Regulation on Enforcing the Minimal Rates of Author's Remuneration for Reproduction of Artistic Works in the Press</u> of 16 April 1998.</p>	<p>Regulation on blank tape levies and levies on recording equipment for the implementation of Sections 26 and 27 of the Copyright Act.</p> <p>Introduces the form of certificate to be submitted to the customs authorities declaring recording devices and devices for sound and video recordings (without recordings) to be imported for free circulation in Estonia.</p> <p>Introduces minimal rates of author's remuneration for reproduction of artistic works in newspapers and journals to be paid by the publisher.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Trademarks</p> <p><u>Regulations under the Trademark Act:</u></p> <ul style="list-style-type: none"> - <u>Government Regulation on Establishing the Trademark Register</u> of 26 August 1992. - <u>Government Regulation on Confirming the Statutes of the Trademark Register</u> of 10 June 1998. - <u>The Regulation of the Minister of Economic Affairs on Confirming the Requirements of Trademark Application</u> of 7 April 1998. - <u>The Regulation of the Minister of Economic Affairs on Confirming the Form of Trademark Certificate</u> of 7 April 1998. - <u>The Regulation of the Minister of Economic Affairs on Confirming the Statutes of the Trademark Gazette</u> of 15 May 1998. - <u>The Regulation of the Minister of Economic Affairs on Establishing the Files of Trademark Examination</u> of 15 May 1998. <p><u>Criminal Code</u> of 7 May 1992, last amendment 16 June 1999.</p>	<p>The regulations under the Trademark Act contain procedural and implementation prescriptions specifying the prescriptions of the Act.</p> <p>According to paragraph 33 of the Criminal Code the means and instruments of crime, included those of illegal trade (contraband) may be confiscated. Subject to confiscation are also products infringing exclusive rights for a trademark and products marked illegally with a mark identical or similar to a protected mark. According to paragraph 283 of the Code, the infringement of exclusive rights for a trademark is punishable with a fine or an imprisonment of two years.</p>

<p>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p>BRIEF DESCRIPTION</p>
<p><u>Alcohol Act</u> of 10 February 1999, last amendment 16 June 1999.</p> <p>Geographical indications</p> <p><u>Consumer Protection Act</u> of 15 December 1993, last amendment 25 February 1999.</p> <p><u>Alcohol Act</u> of 10 February 1999, last amendment 16 June 1999.</p> <p>Industrial designs</p> <p><u>Regulations under the Industrial Design Protection Act:</u></p> <ul style="list-style-type: none"> - <u>Government Regulation on Establishing the Industrial Design Register</u> of 10 June 1998. - <u>Regulation of the Minister of Economic Affairs on Confirming the Requirements of Industrial Design Registration Application</u> of 15 May 1998. - <u>Regulation of the Minister of Economic Affairs on Confirming the Form of Industrial Design Certificate</u> of 7 April 1998. - <u>Regulation of the Minister of Economic Affairs on Confirming the Statutes of the Industrial Design Gazette</u> of 15 May 1998. - <u>Regulation of the Minister of Economic Affairs on Establishing the Files of Industrial Design Examination</u> of 15 May 1998. 	<p>Prohibition of counterfeitedly marked beverages. Prohibited beverages and the means of production thereof may be confiscated.</p> <p>Contains prescriptions relating to misleading information on goods. Administrative, criminal or civil liability is available for a deed violating the prescriptions.</p> <p>Prohibition of counterfeitedly marked beverages. Prohibited beverages and the means of production thereof may be confiscated.</p> <p>The regulations under the Industrial Design Protection Act contain procedural and implementation prescriptions specifying the prescriptions of the Act.</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p><u>Criminal Code</u> of 7 May 1992, last amendment 16 June 1999.</p> <p>Patents</p> <p><u>Regulations under the Patent Act:</u></p> <ul style="list-style-type: none"> - <u>Government Regulation on Establishing the Patent Register</u> of 15 February 1994. - <u>Government Regulation on Confirming the Statutes of the Patent Register</u> of 29 December 1998. - <u>Regulation of the Minister of Economic Affairs on Confirming the Requirements of Patent Application</u> of 25 November 1998. - <u>Regulation of the Minister of Economic Affairs on Confirming the Form of Patent Certificate</u> of 25 November 1998. - <u>Regulation of the Minister of Economic Affairs on Confirming the Disclosing of Patent Application</u> of 25 November 1998. - <u>Regulation of the Minister of Economic Affairs on Confirming the Form of Patent Specification</u> of 25 November 1998. - <u>Regulation of the Minister of Economic Affairs on Confirming the Statutes of the Patent Gazette</u> of 29 December 1998. 	<p>According to paragraph 33 of the Code the means and instruments of crime, included those of illegal trade (contraband) may be confiscated. Subject to confiscation are also products infringing exclusive rights for an industrial design. According to paragraph 283 of the Code the infringement of exclusive rights for an industrial design is punishable with a fine or an imprisonment of two years.</p> <p>The regulations contain procedural and implementation prescriptions specifying the prescriptions of relevant Acts.</p>

<p>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p>BRIEF DESCRIPTION</p>
<p>- <u>Regulation of the Minister of Economic Affairs on Establishing the Files of Patent Examination</u> of 9 November 1998.</p> <p><u>Regulations under the Utility Model Act</u></p> <p>- <u>Government Regulation on Establishing the Utility Model Register</u> of 15 February 1994.</p> <p>- <u>Regulation of the Minister of Economic Affairs on Confirming the Requirements of Utility Model Registration Application</u> of 31 December 1996.</p> <p><u>Criminal Code</u> of 7 May 1992, last amendment 16 June 1999.</p> <p>Plant variety rights</p> <p><u>Seed and Plant Propagating Material Act</u> of 13 May 1998.</p> <p><u>Regulation of the Minister of Agriculture on the Species Eligible for the Listing and Certification and Registration of Varieties</u> of 12 March 1999.</p> <p><u>Regulation of the Minister of Agriculture on the Categories of Cereal Seed, Packaging, Marketing and Import of Cereal Seed</u> of 20 April 1999.</p>	<p>According to paragraph 33 of the Criminal Code the means and instruments of crime, included those of illegal trade (contraband) may be confiscated. Subject to confiscation are also products infringing exclusive rights for an invention. According to paragraph 283 of the Code the infringement of exclusive rights for an industrial design is punishable with a fine or an imprisonment of two years.</p> <p>Main act for seed and propagating material.</p> <p>Implementing act of the Seed and Plant Propagating Material Act; describes the procedure of the official listing of the varieties according species required to.</p> <p>Implementing act of the Seed and Plant Propagating Material Act; describes the procedure of packaging, marketing and import of cereal seed, seed categories.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Regulation of the Minister of Agriculture on the Categories of Fodder Plant Seed, Packaging, Marketing and Import of Fodder Plant Seed</u> of 20 April 1999.</p> <p><u>Regulation of the Minister of Agriculture on the Categories of Seed Potato, Packaging, Marketing and Import of Seed Potato</u> of 20 April 1999.</p> <p><u>Regulation of the Minister of Agriculture on the Categories of Propagative Material of Ornamental Plants</u> of 20 April 1999.</p> <p><u>State Fees Act</u> of 22 October 1997, last amendment 28 September 1999.</p> <p><u>Union for the Protection of New Plant Varieties (UPOV) Convention Ratification Act</u> of 15 March 2000 (Entry into force: 15 April 2000.)</p> <p>Layout-designs of integrated circuits</p> <p><u>Regulation under the Layout-Design of Integrated Circuit Protection Act:</u></p> <p>- <u>Regulation of the Minister of Economic Affairs on Confirming Implementing Regulations Derived from the Layout-Design of Integrated Circuit Protection Act</u> of 4 March 1999.</p>	<p>Implementing act of the Seed and Plant Propagating Material Act; describes the procedure of packaging, marketing and import of fodder seed, seed categories.</p> <p>Implementing act of the Seed and Plant Propagating Material Act; describes the procedure of the packaging, marketing and import of seed potato, seed categories.</p> <p>Implementing act of the Seed and Plant Propagating Material Act; describes the procedure of the packaging, marketing and import of propagative material of ornamental plants.</p> <p>Main act on State fees established in the Republic of Estonia.</p> <p>Estonia acceded to the UPOV and ratified the 1991 UPOV Convention.</p> <p>The regulation contains procedural and implementation prescriptions specifying the prescriptions concerning the requirements of application and the form of certificate of the Act.</p>

<p>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p>BRIEF DESCRIPTION</p>
<p><u>Criminal Code</u> of 7 May 1992, last amendment 16 June 1999.</p> <p>Protection of undisclosed information</p> <p><u>Databases Act</u> of 12 March 1997, last amendment 20 January 1999.</p> <p><u>State Secrets Act</u> of 26 January 1999.</p> <p><u>Industrial Design Protection Act</u> of 18 November 1997, last amendment 25 November 1998.</p> <p><u>Trademark Act</u> of 27 August 1992, last amendment 17 December 1997.</p>	<p>According to paragraph 33 of the Criminal Code the means and instruments of crime, included those of illegal trade (contraband) may be confiscated. Subject to confiscation are also products infringing exclusive rights for a layout-design. According to paragraph 283 of the Code the infringement of exclusive rights for an industrial design is punishable with a fine or an imprisonment of two years.</p> <p>The Act provides for the procedure for possession, use and disposal of State and local government databases, for the general principles of maintenance of databases belonging to the State, local governments and persons in private law, and for release and use of their data.</p> <p>The Act provides for the basis and procedure for classification of information as a State secret and the basis of the procedures for access to and protection of State secrets in order to guarantee the security of the Republic of Estonia (national security).</p> <p>The Act regulates the legal protection in the Republic of Estonia of industrial designs created in the field of industrial design. The Act prescribes that upon refusal to register an industrial design, the registration application processing file is closed after expiry of the term for filing an appeal or, in the case of appeal, after the end of the appeal proceedings, and is permanently stored as classified.</p> <p>The Act prohibits generally access to the database of registration applications and the information on the processing of registration applications, and release of information from the database, but also gives exemptions for this rule.</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<u>Medicinal Products Act</u> of 19 December 1995, last amendment 16 June 1999.	<p>The Act makes provisions with respect to medicinal products, and includes a provision restricting the disclosure of information.</p>
<u>Layout-Design of Integrated Circuits Protection Act</u> of 25 November 1998.	<p>The Act prohibits disclosure of information without the consent of the applicant for microcircuits topography in certain circumstances.</p>
<u>Government Regulation on Establishment of the State Register of Plant Protection Products</u> of 12 March 1999.	<p>The Act includes provisions about restricted access to the register of plant protection products.</p>
<u>Copyright Act</u> of 11 November 1992, last amendment 22 February 1999.	<p>The Act is valid to disclosed and undisclosed information.</p>
<u>Patent Act</u> of 16 March 1994, last amendment 25 November 1998.	<p>The Act prohibits disclosure of information without the consent of the applicant for the patent in certain circumstances.</p>
<u>Criminal Code</u> of 7 May 1992, last amendment came into force on 16 June 1999.	<p>According to paragraph 282 of the Code the illegal disclosure of information concerning an invention or industrial design is punishable with a fine or imprisonment of a year.</p>
Civil judicial procedures and remedies	
<u>Code of Civil Procedure</u> of 22 April 1998, last amendment 25 February 1999.	<p>The Code, together with the subsequent amendments, establishes the basic procedures for civil judicial proceedings.</p>
<u>Civil Code</u> of 12 June 1964, last amendment 11 June 1997.	<p>The Civil Code, together with the subsequent amendments, sets forth the regulations applicable to disputes relating to compensation of damages.</p>

<p>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p>BRIEF DESCRIPTION</p>
<p><u>General Principles of the Civil Code Act</u> of 28 June 1994, last amendment 20 January 1999.</p> <p><u>Copyright Act</u> of 11 November 1992, last amendment 22 February 1999.</p> <p><u>Trademark Act</u> of 27 August 1992, last amendment 17 December 1997.</p> <p><u>Patent Act</u> of 16 March 1994, last amendment 25 November 1998.</p> <p><u>Utility Models Act</u> of 16 March 1994, last amendment 26 June 1996.</p> <p><u>Industrial Design Protection Act</u> of 18 November 1997, last amendment 25 November 1998.</p> <p><u>Layout-Design of Integrated Circuits Protection Act</u> of 25 November 1998.</p> <p>Provisional judicial measures</p> <p><u>Code of Civil Procedure</u> of 22 April 1998, last amendment 25 February 1999.</p>	<p>The Act, together with the subsequent amendments, contains general rules governing the acquisition and protection of rights under civil law.</p> <p>The Act, together with the subsequent amendments, contains provisions on the protection and enforcement of copyright and related rights. The Act sets forth certain additional remedies applicable in the case of disputes involving intellectual property right infringements. The Act also contains specific rules on representation of the right holders where a performing rights society exists.</p> <p>The laws on industrial property (the Trademarks Act, the Patents Act, the Utility Models Act and the Industrial Designs Act, all with the subsequent amendments, and the Layout-Design of Integrated Circuits Protection Act) contain provisions on the protection and enforcement of industrial property rights. The above laws set forth pre-court dispute resolution procedures by the Industrial Property Board of Appeal in specified cases. Further, the laws on industrial property contain provisions on certain additional remedies (injunctions) applicable in cases of infringements of industrial property rights.</p> <p>The Code of Civil Procedure, together with the subsequent amendments, contains provisions on the main types of judicial measures available under Estonian law, including any existing provisional judicial measures.</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p>Special requirements related to border measures</p> <p><u>Code of Administrative Offences</u> of 8 July 1992, last amendment 16 June 1999.</p> <p><u>Criminal Code</u> of 7 May 1992, last amendment 16 June 1999.</p> <p><u>Code of Criminal Procedure</u> of 6 January 1961, last amendment 16 June 1999.</p> <p><u>Copyright Act</u> of 11 November 1992, last amendment 22 February 1999.</p> <p><u>Industrial Design Protection Act</u> of 18 November 1997, last amendment 25 November 1998.</p> <p><u>Trademark Act</u> of 27 August 1992, last amendment 17 December 1997.</p> <p><u>Taxation Act</u> of 16 December 1993, last amendment 15 September 1999.</p> <p>Criminal procedures</p> <p><u>Criminal Code</u> of 7 May 1992, last amendment 16 June 1999.</p>	<p>The Code establishes a procedure of customs regulation violations, rules of extra confiscation and destruction.</p> <p>The Code establishes procedures of criminal proceedings.</p> <p>The Code establishes procedures for criminal proceedings.</p> <p>The Act defines the concept of copyright and pirated copy.</p> <p>The Act defines the concept of industrial design and design holders rights.</p> <p>The Act defines the concept of trademark and trademark holders rights.</p> <p>The Act stipulates the rules for sharing taxation information to relevant agencies.</p> <p>The Code contains offences and provides punishments and other means of influence which shall apply to persons who commit these offences.</p>

<p>TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p>BRIEF DESCRIPTION</p>
<p><u>Code of Criminal Procedure</u> of 6 January 1961, last amendment 16 June 1999.</p> <p><u>Code of Criminal Proceedings of Appeal and Cassation</u> of 21 June 1993, last amendment 26 January 1999.</p> <p>Other administrative procedures and remedies</p> <p><u>Act of Administrative Procedure</u> of 21 June 1993, last amendment 26 January 1999.</p> <p><u>Code of Administrative Offences</u> of 8 July 1992, last amendment 16 June 1999.</p> <p><u>Code of Enforcement Procedure</u> of 21 June 1993, last amendment 17 February 1999.</p> <p>Control of anti-competitive practices in contractual licenses</p> <p><u>Government Regulation on Granting Block Exemptions on Certain Categories of Restrictive Agreements</u> of 23 March 1999.</p> <p><u>Government Regulation on Granting Block Exemptions on Technology Transfer Agreements</u> of 23 November 1999.</p>	<p>The Code with subsequent amendments prescribes criminal proceedings in preliminary investigations and in court of first instance.</p> <p>The Code regulates criminal proceedings in court of appeal and in court of cassation.</p> <p>The Act prescribes the competence of administrative court and proceedings in court.</p> <p>The Code determines administrative offences and punishment, officials who fix penalties, also proceedings in administrative cases.</p> <p>The Code determines decisions and their enforcement.</p> <p>The Regulation provides block exemptions for certain categories of restrictive agreements:</p> <ol style="list-style-type: none"> 1. franchise agreements; 2. exclusive distribution agreements; 3. exclusive purchasing agreements; and 4. motor vehicle distribution and servicing agreements. <p>The Regulation provides block exemptions for certain categories of technology transfer agreements.</p>