In Estonia, the aspects of intellectual property are regulated mostly by the Copyright Act (referred above). Civil Procedure is regulated by the Civil Procedure Act (not referred above). In order to be precise and for possible professional interest we will provide relevant copyright regulation which will answer the questions. The act itself is available at: http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X40022K7&keel=en&pg=1&ptyyp=RT&tyyp=X&query=autori).

A
1. § 3. Validity of Copyright Act
   (1) The Copyright Act applies to works:
      1) the author of which is a citizen or a permanent resident of the Republic of Estonia;
      2) first published in the territory of the Republic of Estonia or not published but located in the territory of the Republic of Estonia, regardless of the citizenship or the permanent residence of the creator of the works;
      3) which must be protected in accordance with an international agreement of the Republic of Estonia.
   (2) This Act applies to works first made available to the public in a foreign state or not made available to the public but located in the territory of a foreign state, the author of which is a person whose permanent residence or registered office is in the foreign state and to which clause (1) 3) of this section does not apply, only if this state guarantees similar protection for works of the authors of the Republic of Estonia and for works first published in the Republic of Estonia.

2. Works Protected by Copyright
   § 4. Works in which copyright subsists
   (1) Copyright subsists in literary, artistic and scientific works.
   (2) For the purposes of this Act, “works” means any original results in the literary, artistic or scientific domain which are expressed in an objective form and can be perceived and reproduced in this form either directly or by means of technical devices. A work is original if it is the author’s own intellectual creation.
   (3) Works in which copyright subsists are:
      1) written works in the fields of fiction, non-fiction, politics, education, etc.;
      2) scientific works or works of popular science, either written or three-dimensional (monographs, articles, reports on scientific research, plans, schemes, models, tests, etc.);
      3) computer programs that shall be protected as literary works. Protection applies to the expression in any form of a computer program;
      4) speeches, lectures, addresses, sermons and other works which consist of words and which are expressed orally (oral works);
      5) scripts and script outlines, librettos;
      6) dramatic and dramatico-musical works;
      7) musical compositions with or without words;
      8) choreographic works and entertainments in dumb show;
      9) audiovisual works (§ 33);
10) (Repealed - 09.12.1999 entered into force 06.01.2000)
11) works of painting, graphic arts, typography, drawings, illustrations;
12) productions and works of set design;
13) works of sculpture;
14) architectural graphics (drawings, drafts, schemes, figures, plans, projects, etc.), letters of explanation explaining the contents of a project, additional texts and programs, architectural works of plastic art (models, etc.), works of architecture and landscape architecture (buildings, constructions, parks, green areas, etc.), urban development ensembles and complexes;
15) works of applied art;
16) works of design and fashion design;
17) photographic works and works expressed by a process analogous to photography, slides and slide films;
18) cartographic works (topographic, geographic, geological, etc. maps, atlases, models);
19) draft legislation;
19') standards and draft standards;
20) opinions, reviews, expert opinions, etc.;
21) derivative works, i.e. translations, adaptations of original works, modifications (arrangements) and other alterations of works;
22) collections of works and information (including databases). For the purposes of this Act, "database" means a collection of independent works, data or other economics arranged in a systematic or methodical way and individually accessible by electronic or other means. The definition of database does not cover computer programs used in the making or operation thereof. In accordance with this Act, databases which, by reason of the selection or arrangement of their contents, constitute the author's own intellectual creation shall be protected as such by copyright and no other criteria is applied.
23) other works.
(4) An author shall also enjoy copyright in the results of the intermediate stages of creating a work (drafts, sketches, plans, figures, chapters, preparatory design economic, etc.) if these are in compliance with the provisions of subsection (2) of this section.
(5) The original title (name) of a work is subject to protection on an equal basis with the work.
(6) The protection of a work by copyright is presumed except if, based on this Act or other copyright legislation, there are apparent circumstances which preclude this. The burden of proof lies on the person who contests the protection of a work by copyright.

§ 5. Results of intellectual activities to which this Act does not apply
(1) This Act does not apply to:
1) ideas, images, notions, theories, processes, systems, methods, concepts, principles, discoveries, inventions, and other results of intellectual activities which are described, explained or expressed in any other manner in a work;
2) works of folklore;
3) legislation and administrative documents (acts, decrees, regulations, statutes, instructions, directives) and official translations thereof;
4) court decisions and official translations thereof;
5) official symbols of the state and insignia of organisations (flags, coats of arms, orders, medals, badges, etc.);
6) news of the day;
7) facts and data;
8) ideas and principles which underlie any element of a computer program, including those which underlie its user interfaces.
§ 6. Creation of copyright regardless of purpose, value, form of expression or manner of fixation of work
The purpose, value, specific form of expression or manner of fixation of a work shall not be the grounds for the non-recognition of copyright.

§ 20'. Free use of reproductions of works located in places open to public
It is permitted to reproduce works of architecture, works of visual art, works of applied art or photographic works which are permanently located in places open to the public, without the authorisation of the author and without payment of remuneration, by any means except for mechanical contact copying, and to communicate such reproductions of works to the public except if the work is the main subject of the reproduction and it is intended to be used for direct commercial purposes. If the work specified in this section carries the name of its author, it shall be indicated in communicating the reproduction to the public.

3. The claims as such are not limited. So, there could be more actionable claims according to Estonian law. It is possible to obtain compensation by virtue of the unlawful enrichment laws.

4. Only compensatory damages can be awarded. Standard rules applies for proving and measuring the damages.

5. § 17. Limitation to economic rights of authors
Notwithstanding §§ 13 – 15 of this Act, but provided that this does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, it is permitted to use a work without the authorisation of its author and without payment of remuneration only in the cases directly prescribed in §§ 18 – 25 of this Act.

§ 18. Free reproduction and translation of works for purposes of personal use
(1) A lawfully published work may be reproduced and translated by a natural person for the purposes of personal use without the authorisation of its author and without payment of remuneration on the condition that such activities are not carried out for commercial purposes.
(2) The following shall not be reproduced for the purposes of personal use without the authorisation of the author and without payment of remuneration:
1) works of architecture and landscape architecture;
2) works of visual art of limited edition;
3) electronic databases;
4) computer programs, except the cases prescribed in §§ 24 and 25 of this Act;
5) notes in reprographic form.

§ 18'. Restriction of author’s right to reproduce
(1) Without the authorisation of the author and without payment of the remuneration, a temporary or casual reproduction of the work which occurs as an integral and essential part of a technical process and the purpose of which is to mediate the communication of the work in the network between third parties or to make possible the lawful use of the work or an object of related rights and which has no independent commercial purpose is permitted.
(2) Subsection (1) of this section does not extend to computer programs.

2. Use of Works without Authorisation of Author and without Payment of Remuneration
§ 19. Free use of works for scientific, educational, informational and judicial purposes
The following is permitted without the authorisation of the author and without payment of remuneration if mention is made of the name of the author of the work, if it appears thereon, the
name of the work and the source publication:
1) making summaries of and quotations from a work which has already been lawfully made available to the public, provided that its extent does not exceed that justified by the purpose and the idea of the work as a whole which is being summarised or quoted is conveyed correctly;
2) the use of a lawfully published work for the purpose of illustration for teaching and scientific research to the extent justified by the purpose and on the condition that such use is not carried out for commercial purposes;
3) the reproduction of a lawfully published work for the purpose of teaching or scientific research to the extent justified by the purpose in educational and research institutions whose activities are not carried out for commercial purposes;
4) for the purpose of reporting current events, the reproduction in the press and communicating to the public of works seen or heard in the course of an event, to the extent justified by the purpose, in the form and to the extent required by the purpose of reporting current events;
5) the reproduction of a work for the purposes of a judicial procedure or insurance of public security and to the extent justified by the purposes of a judicial procedure or insurance of public security;
6) the reproduction, distribution and communication to the public of a lawfully published work in the interests of disabled persons in a manner which is directly related to their disability on the condition that such use is not carried out for commercial purposes. Works created especially for disabled persons may not be reproduced, distributed and made available without the authorisation of the author;
7) the use of a lawfully published work in a caricature, parody or pastiche to the extent justified by such purpose.

§ 20. Free use of works by public archives, museums or libraries
(1) A public archive, museum or library has the right to reproduce a work included in the collection thereof without the authorisation of its author and without payment of remuneration, in order to:
1) replace a work which has been lost, destroyed or rendered unusable;
2) make a copy to ensure the preservation of the work;
3) replace a work which belonged to the permanent collection of another library, archives or museum if the work is lost, destroyed or rendered unusable;
4) digitise a collection for the purposes of preservation;
5) make a copy for a natural person for the purposes specified in § 18 of this Act;
6) make a copy on the order of a court or a state agency for the purposes prescribed in clause 19 6) of this Act.
(2) The provisions of clauses (1) 1)-3) of this section apply in the case when acquisition of another copy of the work is impossible.
(3) A public archive, museum or library has the right to use a work included in the collection thereof without the authorisation of its author and without payment of remuneration for the purposes of an exhibition or the promotion of the collection to the extent justified by the purpose.
(4) Public archives, museums and libraries have the right to make available works in their collections through special equipment located in their territory on orders from natural persons for study or scientific purposes.
(5) The activities specified in this section shall not be carried out for commercial purposes.

§ 20'. Free use of reproductions of works located in places open to public
It is permitted to reproduce works of architecture, works of visual art, works of applied art or photographic works which are permanently located in places open to the public, without the authorisation of the author and without payment of remuneration, by any means except for mechanical contact copying, and to communicate such reproductions of works to the public except if
the work is the main subject of the reproduction and it is intended to be used for direct commercial purposes. If the work specified in this section carries the name of its author, it shall be indicated in communicating the reproduction to the public.

§ 20-2. Free use of reproductions of works of architecture located in places open to public in real estate advertisements
The reproduction and communication to the public of reproductions of works of architecture in real estate advertisements to the extent justified by the purpose without the authorisation of the author and without payment of remuneration is permitted if mention is made of the name of the author of the work.

§ 21. (Repealed - 21.01.99 entered into force 15.02.99)

§ 22. Free public performance of works
The public performance of works in the direct teaching process in educational institutions by the teaching staff and students without the authorisation of the author and without payment of remuneration is permitted if mention is made of the name of the author or the title of the work used, if it appears thereon, on the condition that the audience consists of the teaching staff and students or other persons (parents, guardians, caregivers, etc.) who are directly connected with the educational institution where the work is performed in public.

§ 23. Use of ephemeral recordings of works by broadcasting organisations
(1) A broadcasting organisation may make, without the authorisation of the author and without payment of remuneration, ephemeral recordings of works which it has the right to broadcast on the condition that such recordings are made by means of its own facilities and used for its own broadcasts.
(2) The broadcasting organisation is required to destroy recordings prescribed in subsection (1) of this section within thirty days as of the making thereof unless otherwise agreed with the author of the work thus recorded.
(3) Ephemeral recordings prescribed in this section shall not be destroyed if they have considerable value in terms of cultural history. In such case, the recordings shall be preserved, without the authorisation of the author, in the archives of the broadcasting organisation as works of solely documentary character. Works to be preserved in the archives shall be decided on by the broadcasting organisation or, in the case of a dispute, by the State Archivist.

§ 24. Free use of computer programs
(1) Unless otherwise prescribed by contract, the lawful user of a computer program may, without the authorisation of the author of the program and without payment of additional remuneration, reproduce, translate, adapt and transform the computer program in any other manner and reproduce the results obtained if this is necessary for:
1) the use of the program on the device or devices, to the extent and for the purposes for which the program was obtained;
2) the correction of errors present in the program.
(2) The lawful user of a computer program is entitled, without the authorisation of the author of the program or the legal successor of the author and without payment of additional remuneration, to make a back-up copy of the program provided that it is necessary for the use of the computer program, or to replace a lost or destroyed program or a program rendered unusable.
(3) The lawful user of a computer program is entitled, without the authorisation of the author of the program and without payment of additional remuneration, to observe, study or test the functioning of the program in order to determine the ideas and principles which underlie any element of the
program if he or she does so while performing any act of loading, displaying, running, transmitting or storing the program which he or she is entitled to do.

(4) (Repealed - 09.12.1999 entered into force 06.01.2000)
(5) Any contractual provisions which prejudice the exercise of the rights specified in subsection (2) or (3) are void.

§ 25. Decompilation of computer programs
(1) The lawful user of a computer program may reproduce and translate a computer program without the authorisation of the author of the program and without payment of additional remuneration if these acts are indispensable to obtain information necessary to achieve the interoperability of a program created independently of the original program with other programs provided that the following conditions are met:
1) these acts are performed by the lawful user of the program or, on the behalf of the lawful user of the program, by a person authorised to do so;
2) the information necessary to achieve the interoperability of programs has not previously been available to the persons specified in clause 1) of this subsection;
3) these acts are confined to the parts of the original program which are necessary to achieve interoperability.

(2) Information obtained as a result of the acts prescribed in subsection (1) of this section shall not be:
1) used for goals other than to achieve the interoperability of the independently created program;
2) disclosed to third persons except when necessary for the interoperability of the independently created program;
3) used for the development, production or marketing of a computer program substantially similar in its expression, or for any other act which infringes the copyright of the author of the original program.

(3) Any contractual provisions which prejudice the exercise of the rights specified in this section are void.

§ 25'. Free use of database
The lawful user of a database or of a copy thereof is entitled, without the authorisation of the author and without payment of additional remuneration, to perform any acts which are necessary for the purposes of access to the contents of the database and normal use of its contents. If the lawful user is authorised to use only part of the database, this provision shall only apply to the corresponding part of the database or of a copy thereof. Any contractual provisions which prejudice the exercise of the right are void.

Use of Works without Authorisation of Author but with Payment of Remuneration
§ 26. Private use of audiovisual works and sound recordings of works
(1) Audiovisual works or sound recordings of such works may be reproduced for the private use (scientific research, studies, etc.) of the user without the authorisation of the author. The author as well as the performer of the work and the producer of phonograms have the right to obtain equitable remuneration for such use of the work or phonogram (§ 27).

(2) Subsection (1) of this section does not apply to legal persons.

§ 27. Remuneration for private use of audiovisual works and sound recordings of works
(1) The manufacturers, importers, sellers of storage media and recording devices, persons who bring storage media and recording devices from the Community customs territory into Estonia within the meaning of the Council Regulation (EEC) No 2913/92 establishing the Community Customs...

(2) The seller shall pay the remuneration in the case when the manufacturer, importer, or the person who brings storage media and recording devices from the Community customs territory into Estonia has not paid the remuneration.

(3) The seller has the right to reclaim the remuneration from the manufacturer, importer and the person who brings storage media and recording devices from the Community customs territory into Estonia.

(4) Natural persons shall pay remuneration in the case when the importing of storage media and recording devices or bringing of the storage media and recording devices from the Community customs territory into Estonia is carried out for commercial purposes.

(5) The remuneration shall be repaid on the storage media and recording devices:
   1) which, due to their technical characteristics, do not enable the reproduction of audiovisual works and sound recordings of works as single copies;
   2) exported or transported from Estonia into the Community customs territory;
   3) which are used in the course of the activities specified in the articles of association of the undertaking;
   4) which are used in an activity in the case of which the result of the main activity of the person who makes the recording requires the manufacture of an audio or video recording as an intermediate stage;
   5) which are intended for recording activities in educational and research institutions for the purpose of teaching or scientific research;
   6) used for making recordings for the benefit of disabled persons.

(6) A collective management organisation shall repay the remuneration to the persons specified in subsection (5) of this section within one month after submission of a corresponding written application.

(7) The amount of the remuneration is:
   1) 3 per cent of the value of the goods in the case of recording devices;
   2) 8 per cent of the value of the goods in the case of storage media.

(8) The remuneration shall be distributed among authors, performers and producers of phonograms according to the use of works and phonograms.

(9) The remuneration shall be distributed on the basis of a distribution plan for the preparation of which the Minister of Culture shall appoint a committee every year, which is proportionally comprised of collective management organisations representing the authors, performers and producers of phonograms and a representative of the Ministry of Culture.

(10) Remuneration may also be paid to organisations for the development of music and film culture and in order to finance educational and research programmes or for use thereof for other similar purposes, but only in an amount not exceeding 10 per cent of the remuneration subject to distribution.

(11) The Minister of Culture shall approve the distribution plan not later than three months after the end of the budgetary year, having previously obtained the approval of the representatives of authors, performers and producers of phonograms.

(12) The Minister of Culture shall appoint a collective management organisation as the collector of remuneration and the organisation has the right to deduct expenses related to the collection and payment of remuneration from the remuneration collected. The collector of remuneration shall submit a written report on the collection and payment of remuneration and the deductions made to the Ministry of Culture each year by 31 January.

(13) The collective management organisation which is appointed as the collector of remuneration has the right to obtain necessary information from customs authorities and statistical organisations and manufacturing and importing organisations and sellers. The information submitted is confidential and the collector of remuneration has the right to use and disclose the information only in connection...
with the collection of remuneration.

(14) The Government of the Republic shall establish by a regulation:
1) the procedure for payment of remuneration to compensate for private use of audio-visual works and sound recordings of works and the list of storage media and recording devices; and
2) the procedure for application for the remuneration specified in subsection (10) of this section.

§ 27. Remuneration for reprographic reproduction works

(1) Authors and publishers are entitled to receive equitable remuneration for the reprographic reproduction of their works in the cases specified in subsection 18 (1) and clause 19 3) of this Act.
(2) The amount of remuneration payable to the author is calculated on the basis of the state budget funds allocated for remunerations in the financial year and the number of the names of works registered in the database of national bibliography.
(3) The amount of remuneration payable to the author is calculated on the basis of the state budget funds allocated for remunerations in the financial year and the number of the names of works with an ISBN and ISSN number published during ten calendar years preceding submission of the application.
(4) The remuneration is paid by a legal person who represents the authors or authors’ organisations and determined by the Minister of Cultural Affairs.
(5) Remuneration shall be paid on the basis of an application in written format or in a format which can be reproduced in writing.
(6) The Government of the Republic shall establish the rates of distribution of the remuneration prescribed in subsection (1) of this section between the authors and publishers of fiction and scientific and educational literature and the procedure for payment of remuneration.

B
1. There is no specialist Court or Tribunal that hears intellectual property disputes. However, there are specialist judges at the first degree courts. In Estonia, all cases start at the first degree courts (county courts) and will be heard by one judge only. At district and Supreme Court a Tribunal will hear the case consisting of 3 judges at least.

2. An expert can assist the court on the non-legal matters – quantifying damages only. Question of liability or form of remedy is considered to be a legal matter.

3. No.

4. No, see answer B1.

5. An expert provides its opinion in written form. It is possible to question the expert. However, evidence itself is the written report.

6. There is no special processes in these kind of cases. Standard procedural rules apply.