

Overview of the services of the Patent Office of the Republic of Poland

By Karolina Marciniszyn, Kochanski Zieba Rapala & Partners, Poland

The Patent Office of the Republic of Poland is the central body of government administration in matters of industrial property and in accordance with regulations in force in Poland is subject to supervision by the Council of Ministers, and in particular supervision by the Minister of Economy. It is worth noting that the Polish Patent Office has a long established tradition within the Polish system, and three years ago it celebrated its ninetieth anniversary.

Furthermore, it is worth noting that as of July 1, 2011 Poland will assume the Presidency of the Council of the European Union and will navigate the difficult and important negotiations regarding the introduction of a single European patent during its Presidency. During this period the role of the central government authority in matters of industrial property is likely to be of key importance.

It is therefore important to introduce the competencies of the Patent Office as well as the scope of its available services.

I. Tasks and responsibilities of the Patent Office of the Republic of Poland

The main task of the Patent Office is to grant rights of protection for industrial property subjects. In addition, the PPO collects and shares documentation and patent literature and co-produces and popularizes the principles of protection of industrial property.

The responsibilities of the Patent Office include in particular:

- receiving and examination of applications of industrial property: inventions, utility models, industrial designs, trademarks and geographical indications, topographies of integrated circuits made for seeking protection including applications filed under specific procedures governed by international agreements which Poland is a party to,
- deciding in matters related to granting domestic and foreign entities with patents, protection rights and rights in registration as well as issuing of evidence in confirmation of the filing of the patent and documents in confirmation of granting these rights;
- adjudicating cases in litigation proceedings to the extent as specified by provisions of the Law – Industrial Property Law,
- keeping the registers on patents, protection rights and rights in registration as well as providing excerpts therefrom.

Moreover, current legislation imposes obligations on the Patent Office of: publishing relevant official journals (“Wiadomości Urzędu Patentowego” and “Biuletyn Urzędu Patentowego”), cooperation with competent government authorities, drafting laws and other normative acts within the protection of industrial property, participating in activities of international bodies, developing cooperation with patent offices of other countries conducting multiple informative and popularizing activities on the industrial property protection issues, initiating studies and research work in this field.

II. The services provided by the Patent Office of the Republic of Poland

One of the priorities of the Patent Office of the Republic of Poland is implementation of on-line services that allow for electronic filing, and also direct contact between the Office and the customer via the Internet.

Positive examples of the progressive computerization can be demonstrated in certain categories of cases, and direct contact via e-mail is possible during an exchange of correspondence between the PPO expert in charge for a given case and the applicant or his attorney.

In addition, one of the services available on the websites of PPO is the Internet Service Portal of the Patent Office of the Republic of Poland, <http://ipu.uprp.pl/portal/web/guest/main>. Currently the portal offers the following services:

1. PPO's databases

The PPO website offers the following databases: a database of inventions, utility models, trademarks (national), trademarks (Madrid System), industrial designs, geographical indications, topographies of integrated circuits. Searches in these databases can be carried out by a simple or an advanced search or according to certain criteria. The PPO website also provides a link to the Espacenet database (both in Polish and English).

Experience shows that sometimes carrying out certain categories of research based solely on the PPO's databases is difficult. For example the study of graphic trademarks is difficult to conduct given the large number of results i.e. trademarks containing a popular graphic element, based solely on the basis of the PPO's database.

While using the above mentioned databases, it is also worth mentioning the PPO disclaimer, according to which online databases can not be used as a tool to carry out an exhaustive and complete search for subjects of industrial property under protection. In addition, the PPO informs that it shall bear no liability for any consequences resulting from inaccuracies that may appear on the PPO website. At the same time it reserves the right, that there may be interruptions in access to services.

Notwithstanding the foregoing, it is worth mentioning that the Patent Office entered into the CETMOS project - an initiative of nine patent offices across Central Europe. Within this project, any entity interested in investing or developing its business in this part of Europe, may make an order to seek a trademark taking into account the identity or similarity to a previously registered or applied for trademark to be carried out by the patent offices, participating in the project.

2. Electronic office

The electronic office is divided into three modules, allowing free use, namely:

- a.** Electronic filing of trademarks, industrial designs, inventions and utility models
- b.** Electronic application of inventions and utility models using the eOLF app.
- c.** Printable application forms - for trademarks, industrial designs, inventions, utility models, geographical indications and SPC.

The Patent Office accepts applications for inventions and utility models in electronic form, made under the national mode, PCT international applications entering the national phase and conversions of EP applications, using EPOLINE® Online Filing (eOLF) software. Electronic applications shall bear an electronic signature created by means of a special card equipped with a PIN, delivered to users by the European Patent Office. An electronic invention application entitles the applicant to use lower rates of certain fees, particularly fees for application.

An electronic application enables an applicant to file applications within the proceedings with the PPO, the EPO and the International Bureau of WIPO without having to go to the post office or to the headquarters of the PPO. Moreover, it is important in reducing costs in relation to stationary applications and increases the level of data security, as well as offering immediate electronic confirmation noting both the application number and the date of receipt of the application.

3. Register of Polish Patent Attorneys

The register contains first names and surnames of patent and trademark attorneys as well the locality of their business activity.

It is worth mentioning that any person not having their domicile or seat in Poland, in proceedings before the Patent Office of the Republic of Poland acting in matters relating to the filing and processing of applications and maintenance of the protection (including fee payments) of inventions, utility models, industrial designs, trademarks, geographical indications and topographies of integrated circuits, may only act when represented by a patent /trademark attorney who has his seat in Poland.

4. Publications

The publications server provides access to the official journals of the PPO i.e. the official bulletin (BUP) published each year since 1973 and the official magazine (WUP) published since 1960. The above journals are in PDF format to allow browsing.

The server, on a monthly basis, within 7 days from the date of announcement in the official magazine (WUP), provides the full texts of: Polish patent specifications (pursuant to announcements of granted patents published in WUP), Polish descriptions of utility models (according to announcements of the granted rights of protection published in WUP), and Polish translations of European patents in force on the territory of the Republic of Poland (according to announcements of the translations published in WUP), issued by the Polish Patent Office. These documents are available in PDF format, to enable content search in full text mode. However, the PPO reserves the right that the Polish patent specifications numbered from 153901 to 190736 are temporarily deprived of the full-text search possibilities.

Publication tabs also include the International Patent Classification, the International Classification of Goods and Services (Nice Classification) and the International Classification of the Figurative Elements of Marks (Vienna Classification) and the International Classification for Industrial Designs (the Locarno Classification), in a format that allows free use.

5. E-shop

The E-shop allows users to purchase journals of the PPO, for example, WUP, patent classifications and books published by PPO.

To sum up, the progress in computerization of the services offered by the PPO made in recent years should be assessed positively. However, part of the services offered via the PPO websites are not available in English. We can only hope that this inconvenience will be gradually removed as we approach the date of the Polish Presidency of the EU.

For more information please contact:

Karolina Marcinişzyn
Trademark and Patent Attorney
Kochanski Zieba Rapala & Partners
k.marciniszyn@kochanski.pl