



Patent for an invention, a right of protection for a utility model, a right of registration for an industrial design, a protection right for a trademark, a right of registration for an geographical indication and a right of registration for topographies of integrated circuits are valuable assets used by enterprises in their business activities.

Possession of **industrial property rights**:

- gives the right to **exclusive use** of products and services covered by legal protection in the territory of Poland, thus excluding the possibility of their free use by competitors (gives the right to prohibit other entities from using, selling, offering on the market products and services that are the same or similar to those legally protected),
- increases the value of the enterprise, as these rights are the property of the enterprise and may be the subject of license agreements, allowing them to be sold, pledged, or inherited,
- gives an advantage over the competition, as the entrepreneur can be the only one on the market to offer an innovative product or service,
- innovations are a solid basis for building recognition and reputation of the company and its brand,
- a certificate confirming legal protection issued by the Patent Office of the Republic of Poland is proof that a given exclusive right is vested in a specific person or entrepreneur.

Inventions

A **patent** is granted – regardless of the field of technology - for **an invention** that is **new** (on a global scale), involves **an inventive step** (does not result obviously from the state of the art for an expert) and is **suitable for industrial use** (if, according to the invention, it can be a made-product or a method used, in the technical sense, in any industrial activity, including agriculture).

There are four categories of **inventions**:

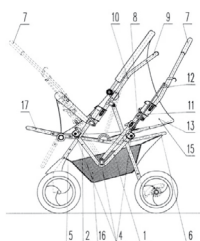
- ◆ products (e.g. medicine, ointment),
- ◆ devices (e.g. pen, bicycle),
- ◆ methods (e.g. method of making steel),
- ◆ uses (e.g. use of substance X to treat disease Y).



Utility models

A **utility model** is a **new** (on a global scale) and **suitable technical solution used for industrial application** (if a product in the technical sense can be obtained according to a utility model in any industrial activity, including agriculture), in regards to the shape or construction of an object with a permanent form or an object consisting of functionally related parts with a permanent form.

The **utility model** relates to tangible objects of a durable form, so it is not possible to apply for protection for solutions relating to, for example, procedures or uses of substances.



Industrial designs

An **industrial design** is a new and individual form of a product or its part, given to it in particular by the features of lines, contours, shapes, colors, texture or material of the product and by its ornamentation.

Industrial designs are used in a wide range of products, from luxury products to everyday objects, from toys, jewelry, furniture, cars or their parts, to technical devices and instruments or architectural structures.

New products or their packaging may also be protected as **industrial designs**.



Trademarks

A trademark may be any sign that makes it possible to distinguish the goods of one enterprise from the goods of another enterprise and that can be presented in the register of trademarks in a way that allows to determine the unambiguous and precise subject of the protection granted.

The catalog of forms of representation of **signs** have several variations, including:

- ◆ verbal,
- ◆ verbal and graphic,
- ◆ graphic,
- ◆ spatial,
- ◆ sound.



The most frequently used forms of representation are:

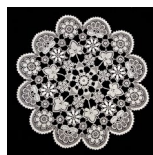
- ◆ verbal (words, slogans) and
- ◆ verbal-graphic (e.g. words with graphic elements).

Geographical indications

Geographical indication is a word mark referring directly or indirectly to the name of a place, town, region or country (area) which identifies the goods as originating in that area.

The condition for granting the right of registration for a **geographical indication** is the identification of the product with a given area, if the quality, reputation or other characteristics of the product are attributed primarily to its geographical origin.

In accordance with EU regulations in this respect, the Patent Office of the Republic of Poland grants registration rights for **geographical indications** relating only to industrial products, while separate regulations apply to agricultural products and foodstuffs.

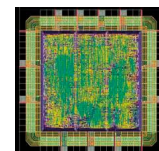


Topographies of integrated circuits

Topography of integrated circuits is a solution based on a spatial, free form arrangement of elements, of which at least one is an active element, and all or part of the connections of an integrated circuit.

The premise of a **topography's** registration is its originality.

Protection can only be granted to **topographies** that are the result of the intellectual work of the creator and were not widely known at the time of creation. Both conditions must be met simultaneously.



By obtaining industrial property rights, you acquire the right to exclusive use of the subject of industrial property in a commercial or professional manner throughout the territory of the Republic of Poland.

Invention

A **patent for an invention** is granted for a period of **20 years**, starting from the date of filing the application with the Patent Office of the Republic of Poland (PPO).

The supplementary protection certificate (**SPC**) for medicinal products and plant protection products provides additional protection for products manufactured according to a patented invention after the patent protection expires. The SPC can last up to 5 years (5,5 years for pediatric medicinal products)

Trademark

The **right of protection** for a **trademark** is granted for a period of **10 years**, counting from the date of filing the application with the Patent Office of the Republic of Poland. Protection may be extended for subsequent 10-year periods upon payment of a fee.

Utility model

The **protection right for a utility model** is granted for a period of **10 years**, counting from the date of filing the application with the Patent Office of the Republic of Poland.

Geographical indication

The **registration of a geographical indication** is granted for an indefinite period.

Designations should be reported to:

- ◆ Patent Office of the Republic of Poland – for industrial goods,
- ◆ European Commission through the Ministry of Agriculture and Rural Development – for agricultural products and foodstuffs.

Industrial design

The right of registration of an industrial design is granted for a maximum period of **25 years** (divided into 5-year periods), starting from the date of filing the application with the Patent Office of the Republic of Poland.

Integrated circuit topography

The registration of **circuit topography** is granted for a period of **10 years** from the end of the year in which it was introduced to the market or submitted to the Patent Office of the Republic of Poland (depending on which of these dates expires earlier).

In order to obtain protection at the Patent Office of the Republic of Poland, it is necessary to submit an application for an invention, utility model, industrial design, trademark, geographical indication or topography of integrated circuits. Application forms are available on the website of the Patent Office of the Republic of Poland.

Examination

Databases of applied and protected industrial property items that are worth getting acquainted with

Patent Office of the Republic of Poland

<https://ewyszukiwarka.pue.uprp.gov.pl>

World Intellectual Property Office – WIPO

<https://patentscope.wipo.int/>

European Patent Office – EPO

<https://worldwide.espacenet.com/>

European Union Intellectual Property Office – EUIPO

<http://www.euipo.europa.eu>

TM view Search Tool

<https://www.tmdn.org/tmview/#/tmview>

DESIGN view Search Tool

<https://www.tmdn.org/tmdsview-web/#/dsview>



Before submitting an application for an invention, it is worth examining whether the proposed solution does not already exist in the state of the art (i.e. whether it has not already been made available to the public in writing, orally, by issuing or in any other way before the date of application). As for submitting an application for a trademark, it is worth conducting a search in the trademark registers, including market research of unregistered but used trademarks, in terms of the presence of the same or similar signs. Conducting appropriate searches and research allows you to avoid conflicts with previously reported inventions or trademarks.

In order to obtain protection for an invention, industrial design, trademark or other object of industrial property in the territory of a given country, an application should be made to the office competent for industrial property of that country, independently or with the help of a representative - patent attorney, legal adviser or attorney. A patent or protection right granted by such an office is effective only in the territory of a given country.

If you want to obtain protection in many countries, you can apply directly to the competent offices of these countries or use international or regional procedures.

In order for the entrepreneur to be able to legally protect his solutions or indications within the territory of other countries and to prohibit other entities from taking advantage of and using the same or similar solution, he should decide to extend the protection of his solution beyond the borders of the Republic of Poland to the given territory of the country.

The applicant may, within 12 months from filing the first approved application for an invention and utility model or 6 months from the first correct application for a trademark and industrial design, file further applications for the same object of industrial property also in other countries. The use of such a facility, called the convention privilege, is made possible by the general clause established in the Paris Convention for the Protection of Industrial Property in 1883 and in the provisions of national law adopted on its basis.

Protection of inventions

Within Europe, inventions can also be protected using the regional procedure by filing an application with the European Patent Office (EPO). A European patent granted by the EPO is called **“a bundle of independent national patents”** which, in the Member States of the European Patent Organization designated by the applicant, have the same effect and are subject to the same provisions as national patents granted in these countries (as of August 1, 2018 – 38 countries).

Protection of an invention abroad can also be obtained in the international procedure under the PCT (Patent Cooperation Treaty), administered by the World Intellectual Property Organization (WIPO). By submitting one international application, you can obtain protection in the countries of the world selected by the applicant. 152 countries are signatories to the PCT (as of November 1, 2019).

For Poland, the International Search Authority and the International Preliminary Examination Authority are the European Patent Office and, from **July 1, 2016**, the Visegrad Patent Institute.

A European application at the EPO and an international application at WIPO should be filed by the applicant from Poland through the Patent Office of the Republic of Poland.

Protection of industrial designs

Industrial designs may be protected by a single EU exclusive right, effective in all EU Member States, granted by the European Union Intellectual Property Office (EUIPO).

In addition, **industrial designs** may be granted international protection under the Hague Agreement administered by the World Intellectual Property Organization (WIPO). Currently, 74 countries and organizations, including the European Union, belong to the Hague system.

An international **industrial design** application should be filed directly with WIPO, while an EU design application should be filed directly with EUIPO.

Protection of trademarks

As in the case of industrial designs, using the regional procedure, you can obtain a uniform EU protection right effective in all Member States of the European Union, granted by the European Union Intellectual Property Office (EUIPO).

In addition, **trademarks** may be submitted for international protection under the Madrid Agreement and the Protocol to this Agreement at the World Intellectual Property Organization (WIPO). Currently, 108 countries and organizations, including the European Union, belong to the Madrid system.

An **international trademark** application should be filed with WIPO through the Patent Office of the Republic of Poland, while an EU trademark application should be filed directly with EUIPO.

Examples of one-time fees and periodic fees* and selected protection procedures

Invention

National protection in Poland – PPO

- application of an invention – PLN 550 (on-line – PLN 500)
- first protection period (1–3 years) – PLN 480

Regional protection – EPO

- invention application – EUR 260 (on-line – EUR 125)
- Member States designation fee – EUR 610
- search fee – EUR 1,350
- patent grant fee – EUR 960
- first protection period (1–3 years) – 490 EUR

International protection – WIPO (PCT)

- application of an invention – 1330 CHF
- transfer to WIPO – PLN 300
- search fee
 - EUR 1,775 if EPO is selected
 - EUR 1,065 if the Visegrad Patent Institute is selected, provided that the first national application is submitted to the PPO
- fees related to the national stage – in accordance with the tariff applicable in individual countries

* As of December 1, 2022.

Industrial design

National protection in Poland – PPO

- industrial design application – PLN 300
- the first protection period (1–5 years) – PLN 150

Regional protection – EUIPO

- application and the first period of protection (1–5 years) – 350 EUR

International protection – WIPO

- Basic fee for one design application – CHF 397
- Fee for each additional design attached to the same application – CHF 19
- Normal fee for designation of one design – 42 CHF

Trademark

National protection in Poland – PPO

- for a trademark application with one class of goods – PLN 450 (on-line – PLN 400)
- for each subsequent class – PLN 120
- each 10-year period of protection – PLN 400 (for each class of goods),

International protection – WIPO

- trademark application in three classes (trade or service) word mark or black and white mark 653 CHF (colour – 903 CHF)
- for each class over three – CHF 100
- designation of a state for protection – 100 CHF
- each 10-year protection period – CHF 653

Regional Protection – EUIPO

- for a trademark application with one class of goods – EUR 1000 (on-line – EUR 850)
 - for second class application – 50 EUR (on-line – 50 EUR)
 - for entering each class above two – EUR 150 (on-line – EUR 150)
- protection extension – EUR 1000 (on-line – EUR 850)
 - for the extension of protection in the second class EUR 50 (on-line – EUR 50)
 - for extending protection beyond two classes EUR 150 (on-line – EUR 150)

Utility model

National protection in Poland – PPO

- utility model application – PLN 550 (on-line – PLN 500)
- for each additional page over 20 – PLN 25
- the first protection period (1–3 years) – PLN 250

Geographical indication

National protection in Poland marking of industrial products – PPO

- application of a geographical indication – PLN 300
- protection of a geographical indication – PLN 1,000

Regional protection of agricultural and food product designations – European Commission through the Ministry of Agriculture and Rural Development

- evaluation of the application – PLN 300
- assessment of objections to the application for registration – PLN 300

Integrated circuit topography

National protection in Poland – PPO

- application of an integrated circuit topography – PLN 250
- statement on placing the topography on the market before the notification – PLN 60
- first protection period (5 years) – PLN 550

Detailed and up-to-date information on applicable fees can be found on the following websites:

Patent Office of the Republic of Poland

www.uprp.gov.pl

European Union Intellectual Property Office – EUIPO

www.euipo.europa.eu

World Intellectual Property Organisation – WIPO

www.wipo.int

European Commission

ec.europa.eu

European Patent Office – EPO

www.epo.org

The Ministry of Agriculture and Rural Development

www.gov.pl/rolnictwo