

TRADEMARKS

THE MOST EFFECTIVE TOOL FOR COMMUNICATION WITH CUSTOMERS

What can be a trademark?

A trademark may be, for example, words, drawings, shape of goods, melodies that distinguish the source of origin of the marked products or services and are not excluded from registration under the law.



REGISTRATION OF THE TRADEMARK - THE FIRST STEP TO BUILDING A BRAND



ASSETS

Registration gives you the exclusive right to use the trademark on the market

This right:

- may be traded, enabling the sale, licensing or pledge of the trademark;
- attracts investors;
- it actually increases the value of the company



PRIMARY EVIDENCE

Having a registration certificate issued by the Polish Patent Office (PPO) is the best proof that you have an exclusive right to a trademark.



BUILDING CREDIBILITY

Registering a trademark gives you the opportunity to use the characteristic ® symbol. Using the trademark in this way increases its prestige and increases your credibility. The ® symbol also warns competitors against unlawful use of your trademarks.



PROMOTIONAL VALUE

Use trademarks to promote your goods and services. This will increase their recognition and have a positive impact on the value of the brand you are building.

WHAT DO YOU LOSE BY NOT REGISTERING YOUR TRADEMARK?

- the trademark cannot be traded (e.g. sold, licensed);
- you risk having your trademark registered by competitors;
- you cannot use the ® symbol;
- it will be more difficult to prove in court the right to use your mark and to prohibit competitors from activities that infringe your trademark;
- local use of the trademark does not protect your interests throughout the country.

TRADEMARK REGISTRATION

1



CHECK TRADEMARK AVAILABILITY

Before you start investing in building a brand based on the selected trademark, check whether the trademark is not already registered by someone else. You will avoid the costs associated with the need to carry out rebranding in the event of violating someone else's rights. Use the online databases provided by the Polish Patent Office (PPO) or commission an examination by a professional representative.

2



SUBMIT YOUR TRADEMARK APPLICATION TO THE POLISH PATENT OFFICE (PPO)

The most important step is to file a trademark application with the PPO. To apply, please complete the application. It must include the details of the applicant, the trademark and the goods or services for which the trademark is to be registered.

3



PRELIMINARY EXAMINATION

Immediately after receiving the application, the PPO will check whether it has been filed correctly in formal and legal terms (including whether the application fee has been received). At the same time, information about the submitted application will be disclosed by the PPO. In this way, other entities will be able to read the application and submit comments, indicating possible reasons why the trademark should not be registered.

4



SUBSTANTIVE EXAMINATION

At a later stage, the PPO will examine whether the trademark applied for can be registered as a trademark. If the PPO finds that the trademark applied for belongs to the category of trademarks excluded from registration, it will issue a decision refusing to grant a right of protection in relation to all or part of the requested scope of protection.

5



NOTICE OF APPLICATION

If the PPO finds no obstacles to registration, the notice of trademark application will be published in the Bulletin of the Patent Office of the Republic of Poland (BUP).

6



OPPOSITION

Within 3 months from the date of publication in the BUP, third parties will be able to file an opposition to the trademark application.

- The opposition must refer to earlier rights that may have been infringed on by the registration of the trademark applied for.
- The opponent must pay the appropriate fee.
- Polish Patent Office will inform the applicant and the opponent that they can settle the case amicably within 2 months from the date of receipt of such information. This deadline may be extended up to 6 months.
- If the parties fail to reach an agreement, the PPO will proceed to resolve the opposition. The PPO is bound by the legal and factual basis indicated by the parties.
- A party to the opposition proceedings who disagrees with the decision may submit a request for reconsideration of the case.

7



REGISTRATION

If the opposition is rejected or no opposition is filed, the trademark applied for will be registered.

REFUSAL

If the opposition is found to be justified, the Office will refuse to grant the right of protection.

MONITOR AND RENEW YOUR RIGHTS

Remember to renew and pay for your rights every 10 years. Monitor new reports or have a professional do it to make sure no one is encroaching on your monopoly. React and file an objection.