Intellectual Property Protection in Poland

The General Overview by Salans IP Lawyers

October 2011
Contents

- Contents .......................................................................................................................... 1
- Introduction ..................................................................................................................... 2
- Protection of Copyrights ................................................................................................. 3
- Protection of Industrial Property Rights ....................................................................... 6
- Patents ............................................................................................................................... 7
- Trademarks ....................................................................................................................... 7
- Industrial Designs ........................................................................................................... 8
- Utility Designs ................................................................................................................. 10
- Geographical Indications ............................................................................................... 10
- Integrated Circuits Topographies ................................................................................. 11
- General Rules of Protection of IP Rights under IPL .................................................... 11
- Protection of Databases ................................................................................................ 15
- Internet Domains ......................................................................................................... 16
- List of Normative Acts Governing Protection of IP in Poland ...................................... 18
- Key Contacts .................................................................................................................. 21
Introduction

Poland has a long-standing tradition of protecting intellectual property rights, including copyrights and industrial property rights. The first normative acts regarding protection of copyrights and industrial property rights date back to the 1920s. The currently effective Act on Copyrights and Related Rights of 1994 (hereinafter “ACRR”) and Industrial Property Law of 2000 (hereinafter “IPL”) are consistent with the international standards of protection of intellectual property arising from international treaties to which Poland is a signatory, in particular TRIPS.

EU accession in 2004 was of key significance in terms of the form the regulations took. In acceding to the Union Poland adopted the *acquis communautaire* including all treaties of foundation and accession as well as corresponding international agreements on amendment of the treaties (so-called primary law), provisions issued on the basis of the above by Community bodies (secondary law), international agreements concluded by the Communities and European Union, judicature of ECJ and Court of First Instance, as well as declarations, resolutions and general principles of Community law. By adopting international standards Poland strives to ensure robust protection of intellectual property rights.
Protection of Copyrights

Protection of foreign works

Poland provides protection for works produced by Polish citizens and foreigners. Pursuant to ACRR, works of citizens of Poland, other EU member states and of countries in the European Economic Area are subject to protection.

A work is also subject to protection in Poland in accordance with ACRR if it was first published in Poland or simultaneously in Poland and abroad, or in Polish if the author comes from outside of the EU and EEA.

Poland, as a party to all important international treaties and agreements, also ensures protection of works protected under the terms and conditions of international agreements.

Protection on the condition of establishment of a work

Pursuant to ACRR protection is enjoyed by works. A work is defined as a result of creative activity of an individual character. The condition of protection is that a work is established in any form. Ideas are not subject to protection.

Also computer programs and works derived from another author's works, collections, anthologies, selections, databases are subject to protection provided they have features of creativity.

Particular protection is enjoyed by related rights, i.e. rights to artistic performances, phonograms, videograms, broadcasts of programs as well as first editions and scientific and critical publications.

Protection without the need to mark and register

Works and objects of copyrights are protected without need of registration (there is no special register in Poland) or marking a work with a special reservation or designation indicating copyrights (e.g. ©, all rights reserved).

Types of copyrights, eligible entities

Copyrights are either moral or economic.

Moral copyrights protect a tie between an author and a work. They are strictly related to the author and may not be disposed of, hence only an author (co-author) is eligible for moral copyrights. Moreover, only a
physical person can be an author. An acquirer of rights to a work must respect moral copyrights of the author and make it possible for the author to, for example, mark the work with his/her name, decide about the first dissemination of the work, supervise the way the work is used. An acquirer may not, without the author’s consent, interfere in the form or content of the work. Moral copyrights of an author of a computer program are limited.

However, an author may undertake in a contract with an acquirer not to exercise his / her moral copyrights.

Economic copyrights may be traded; the owner of such rights may also grant a license to use a work (see below). Therefore, economic copyrights may be held either by the author himself/herself or another originally eligible entity (producer or publisher of a collective work, employer) or their acquirer.

Duration of economic copyrights

The duration of economic copyrights is limited. After expiry of the protection period a work enters the public domain.

The period of protection of economic copyrights is 70 years and starts running as of: (i) as a rule, the date of the author’s death, and in case of collective works – 70 years from the date of death of the last surviving author, (ii) with respect to works whose author is unknown – from the date of first dissemination, (iii) with respect to works where economic copyrights are held by a person other than the author – from the date of dissemination of the work, or if the work has not been disseminated – from the date of its establishment, (iv) with respect to an audiovisual work – from the date of death of the last of the following persons: main director, screenwriter, scriptwriter, composer of the soundtrack.

Duration of moral copyrights

The duration of moral copyrights is unlimited in time.

What does it mean “to have economic copyrights”?

An entity eligible to the entirety of the economic copyrights to a work is exclusively entitled to use and dispose of the work in all fields of exploitation, including making it available for consideration.

Fields of exploitation of a work mean the ways the work may be used, with separate economic roles. ACRR lists the following, exemplary fields of exploitation of works: (i) production of copies of a work with the use of a specific technology (e.g. recording on a DVD and recording on a VHS tape are separate fields of exploitation of a movie); (ii) introduction to trade, letting for use or rental of the original or copies; (iii) public performance, exhibition, screening, broadcasting and retransmission; (iv) making the work available on the Internet.
The fields of exploitation listed in ACRR are only examples and other fields of exploitation are also possible (the situation is different in case of rights to computer programs which generally include only such fields of exploitation as specified in ACRR). New fields of exploitation will emerge as a result of technological progress.

Trade in economic copyrights

An owner of economic copyrights may transfer them (e.g. sell them) or authorize a different entity to use the work (a license).

Transfer of copyrights and grant of a license are effective with respect to the fields of exploitation specified in the agreement. If copyrights are transferred only with respect to certain fields of exploitation, the author retains the rights to the work and may still dispose of it on the fields of exploitation not affected by the transfer.

By disposing of economic copyrights the seller loses the right to use the work in the scope of the transfer. However, by granting an exclusive license the licensor may still use the work in a way specified in the license, unless the license agreement provides otherwise.

The agreement for the transfer of copyrights and an exclusive license must be in writing. A non-exclusive license agreement may also be concluded in a different form.

Foreign entities may wish or be obliged by their internal corporate rules to subject agreements concerning copyrights, e.g. user license agreements, to the laws of their own countries. Some degree of freedom is permitted for selection of governing law for agreements concerning copyrights, though it should be remembered that a choice of foreign law to govern agreements with consumers may in some cases be considered an unlawful clause.

Permitted use

An owner of economic copyrights may not prohibit use of the work within the so-called permitted use. The permitted use regards only works that were previously distributed by the eligible entity or with its consent. In particular, it is allowed to use a copy of a work for the personal use of related individuals. Permitted use does not apply to computer programs.

Digital Rights Management (DRM)

ACRR ensures protection of technical security measures for works (DRM). Violation of DRM may lead to compensatory liability (as for a breach of economic copyrights). Production and storage of devices for unlawful circumvention of DRM is subject to criminal liability.
Collective management organisations

Some of the rights of copyrights owners specified in ACRR and related to the use of works, in particular connected with collection of fees for using the works, are exercised by collective management organizations. They represent copyrights owners under agreements concluded with the owners. Collective management organizations are legal persons acting under a permit issued by the minister for culture and national heritage issues, for example ZAiKS, ZAPA, STOART, SARP.

Claims under a breach of economic copyrights

If an owner of economic copyrights discovers that a different entity uses the work without his/her permission, he/she may request for example compensation of damages, release of benefits, abandonment of the breach and remedy of its effects. If a party in breach does not voluntarily comply with the entitled person’s claims, the copyright owner may request that they be adjudicated by court. However, in such case the entitled entity must prove that he/she really holds the said copyrights, the circumstances proving the breach and – if it seeks damages or release of benefits – the amount of the damage or amount of the benefits obtained.

The law provides the copyrights holder with measures that may be of help in gathering sufficient evidence and securing the claims.

Protection of Industrial Property Rights

The following categories of industrial property rights are subject to protection in Poland:
- inventions,
- utility designs,
- industrial designs,
- trademarks and service marks,
- geographical indications and
- integrated circuits topographies.
Patents

A patent may be granted to new solutions involving an inventive step and eligible for industrial application. A patent may be granted to a product that is an object of an invention or the manner of production of an invention.

Patents – domestic registration

Patents are granted by the Patent Office of the Republic of Poland.

European patents


Duration of patent

The term of a patent shall be 20 years counted from the date of filing the patent application with the Patent Office.

Trademarks

Trademarks (and service marks) are signs capable of being represented graphically capable of distinguishing products of one business from those of another business.

Trademarks – domestic registration

Trademarks are registered by the Patent Office of the Republic of Poland

Community Trade Marks (CTM)

Community Trademarks are registered by the Office for Harmonization in the Internal Market (OHIM). The fundamental regulation concerning CTM is Council Regulation (EC) no. 207/2009 of February 26, 2009 on
the Community trademark. Applications regarding CTM may be filed directly in the OHIM or through intermediary of patent offices in member states e.g. Patent Office of the Republic of Poland.

International trademarks

International trademarks are registered in accordance with the Madrid Agreement Concerning the International Registration of Marks (1991) and Madrid Protocol (1989). The Madrid System allows for extension of protection of trademarks registered in national patent offices with the signatory countries of the above agreements and specified in the application for international registration. The Madrid system is administered by the Office of the World Intellectual Property Organization (WIPO) based in Geneva.

The term of the right of protection

The term of the right of protection for a Polish and Community trademark shall be 10 years counted from the date of filing the trademark application with the Patent Office or OHIM.

The term of the right of protection for an international trademark registration shall be 20 years counted from the date of filing the trademark application.

The term of protection may, at the request of the right holder, be extended for subsequent ten-year / twenty-year periods in respect of all or a part of the goods.

Industrial Designs

Protected industrial designs are new and forms of works or parts thereof, which are having individual character resulting from the features of lines, contours, shapes, colours, structure or material of the works and ornamentation, e.g. other than typical font.

Industrial designs – domestic registration

Industrial designs are registered in the Patent Office of the Republic of Poland.
Community designs

Protection of Community Designs is governed by Council Regulation (EC) No. 6/2002 on Community Designs. The Regulation provides for two types of Community Designs:

- registered by OHIM and
- non-registered.

Types of designs above enjoy various scopes of protection.

International registration of industrial designs

Industrial designs (likewise trademarks) are as a rule protected (except for Community Designs) in the country of registration. However, in this case too it is possible to extend protection to a larger number of countries by indicating them in the application for international registration. Registration may be effected under provisions of the Hague Agreement Concerning the International Registration of Industrial Designs (1999). The system is administered by the Office of the World Intellectual Property Organization (WIPO) in Geneva.

Term of protection of industrial designs

A Polish industrial design and a registered Community design shall be protected for a period of five years from the date of filing the application. The right holder may have the term of protection renewed for one or more five-year periods, up to a total of 25 years from the filing date. An unregistered Community design shall be protected for a period of three years from the date the design was first made available to the public within the Community. An international industrial design shall be protected for a period of five years from the date of filing the application. The right holder may have the term of protection renewed for one or more five-year periods, up to a total of 15 years from the filing date. If the member state provides for a protection period of more than 15 years, the international design shall enjoy the protection period under the law of the member state.
Utility Designs

Utility designs are defined as new and useful technical solutions, other than inventions, regarding shape, construction or combination of objects in a fixed form, e.g. tools with a more ergonomic shape allowing better grip.

Utility designs – domestic registration

Protection rights on utility designs are granted by the Patent Office of the Republic of Poland.

Term of protection

The term of protection shall be 10 years counted from the date of filing the utility model application with the Patent Office.

Geographical Indications

Geographical indications are word designations relating directly or indirectly to the name of a place, city, region or country, which identify a product as coming from that locality if a given quality, reputation or other features of a product are attributed mainly to its geographical origin.

Geographical indications – domestic registration

Geographical indications are registered in the Patent Office of the Republic of Poland.

Community geographical indications

At the Community level geographical indications are governed by Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. The following may be subject to protection:
- Protected Designation of Origin (PDO),
- Protected Geographical Indication (PGI),
- Traditional Speciality Guaranteed (TSG).
International registration of geographical indications

In this case too it is possible to extend protection to a larger number of countries by indicating them in the application for international registration. Registration may be effected under provisions of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (of 1958 as revised in 1967 and 1979). The system is administered by the Office of the World Intellectual Property Organization (WIPO) in Geneva.

Term of protection

Term of protection for a geographical indication is unlimited and starts from the date of entry in the Register of Geographical Indications kept by the relevant office.

Integrated Circuits Topographies

Integrated circuits topographies are defined as solutions consisting in a spatial layout, presented in any form of elements, where at least one of the elements is an active element and of all or some of the interconnections of the integrated circuit.

General Rules of Protection of IP Rights under IPL

Bearing in mind the diversity of the existing protection systems and the concise character of this study we are going to discuss below only general aspects of protection of intellectual property rights under the intellectual property law on the examples of trademarks and patents. Needless to say, each of the protection systems mentioned in the previous chapter comes equipped with its own solutions, different to the ones described below.
Representatives

In principle, only a patent / trademark attorney may act as a representative of a party to a proceeding before the Patent Office in matters relating to the filing and processing of applications and maintenance of the protection of inventions, utility models, industrial designs, trademarks, geographical indications and topographies of integrated circuits.

Nevertheless, an individual domiciled in Poland may also be represented by a joint right holder or parents, brothers, sisters, descendants of the party or persons related by adoption with the party.

Any persons or entities not domiciled or with a registered office in Poland may only act when represented by a patent / trademark attorney.

Priority right to obtain protection

IPL gives the priority right to protection arising from registration to the first entity to file a notification with the Patent Office. The notification may also be made in electronic form.

Additionally, the priority right may also be exercised by an entity who previously made the first notification in other country (on the rules specified in international agreements), if the period between the first notification and the notification to the Patent Office specified by the IPL has not lapsed. The said period is:

- for inventions and utility designs – 12 months,
- for industrial designs, trademarks – 6 months.

The priority right to obtain a patent, protective right or a right under registration is also determined, on the rules specified in international agreements, in accordance with the date of presenting an invention, utility design, industrial design or a product marked with a trademark in Poland or abroad, on an official or officially recognized international exhibition, if the notification of the invention, utility design, industrial design or trademark is submitted to the Patent Office within 6 months of the date of presentation.

The right to obtain a patent, protective right, right under registration

The author (co-author) is the entity eligible to obtain a patent for an invention, a protective right to a utility design or a right under registration of an industrial design.

If an invention, utility design or industrial design was created during performance by the author of his/her duties under an employment contract or a different type of contract, the right to obtain the said right may be exercised by the employer or principal, unless the parties had determined otherwise.
The right to obtain a patent for an invention, a protective right to a utility design or a right under registration of an industrial design may be disposed of and inherited; transfer of the right must be effected in writing on pain of nullity.

IPL does not specify who enjoys the right to obtain the right under registration of a trademark. However, registration of a trademark may not violate the interests of the author of the trademark, if it is also a work in the meaning of ACRR.

Rights under the IPL

Pursuant to the IPL the eligible entity has the right to exclusive use for professional or earning purposes of the object of protection, e.g. invention or trademark, as specified by the statutory law.

Territorial range of protection

The rights arising from protection under the IPL are effective in Poland.

Assignment of rights

An agreement of the assignment of rights to obtain a patent for an invention, a patent itself, a protective right to a utility design, trademark or a right under registration of an industrial design must be made in writing on pain of nullity. Assignment of a patent or trademark is effective for third parties upon being entered in the register.

License

The eligible entity may authorize another person to use the object of the intellectual property right under a license agreement. A license agreement must be made in writing on pain of nullity.

Types of license:

- limited license, authorizing a licensee to use an intellectual property right in a strictly defined, limited scope;
- full license, authorizing a licensee to use a trademark in the same scope as the entity holding the right to the patent or protective right;
- exclusive license, granted to one entity excludes the possibility of granting further licenses authorizing licensees to act in the same scope;
- non-exclusive license, granting a license to one entity does not exclude the possibility to grant it to other entities as well, or to use the invention/trademark by the eligible entity too.
As regards inventions, the IPL envisages special types of license:

- open license, granted when an eligible entity filed with the Patent Office a statement on the willingness to grant a license to use his/her invention. A license fee for using an invention under an open license may not exceed 10% of the profit made by the licensee in each year of using the invention, after deduction of outlays;

- compulsory license, ordered by the Patent Office (without the eligible entity’s consent) in instances specified by the IPL when an eligible entity abuses his/her rights and when it is necessary in light of public welfare and safety.

The license shall, at the request of the interested party, be entered in the patent / trademark / design register. The holder of an exclusive license entered in the register may, to the same extent as the right holder, enforce his/her claims in the event of infringement, unless the license contract stipulates otherwise.

**Claims under a breach of intellectual property rights**

In case of a breach of rights arising from intellectual property rights an eligible entity may, among others, request that the breach be abandoned, the unlawfully gained profits released and, in case of a culpable breach, the inflicted damage be redressed:

- on general rules or

- by payment of an amount corresponding to a license fee or other suitable remuneration which at the time of claim would be due to the eligible entity for granting consent to use to object of protection.

Generally, claims under breach of a right may be lodged after that right is granted.

The IPL envisages some procedural facilities for the eligible entity aimed at facilitating the assertion of one’s rights within the scope of securing claims, securing evidence and disclosing information required to estimate the amount of financial claims.
Protection of Databases

Databases are subject to protection under the Act of July 27, 2001 on protection of databases ("APD") and, in case of databases that are works, under ACRR.

What is a database?

Pursuant to APD, a database is a set of data or any other materials and elements gathered in accordance with a specified system or method, individually available in any way, including by electronic means, requiring significant investment outlays, whether in terms of quality or quantity, in order to compile, verify or present its contents.

Databases subject to protection under APD

A key element taken into consideration when assessing if a database is subject to protection under APD, is the criterion of origin of the producer. Subject to protection are databases produced by a citizen or legal person from Poland, EU and EFTA member states. A database may also be protected under international agreements, on the rules and within the scope specified therein.

Who is eligible to hold rights to a database?

A producer, i.e. a natural or legal person or an organized entity without legal personality, that incurred the risk of investment outlays to compile the database.

Duration of protection

A database enjoys protection for 15 years following the year of compilation. However, if a database was made available to the public the said period shall be 15 years following the year of first publication of the database. In case of changes to the database, the period of protection is calculated separately for each change.

Rights

A database producer has an exclusive and disposable right to use of the data, to secondary use of the data in its entirety or in major part (whether in terms of quality or quantity).
Permitted use

Within permitted use, a database may be used within the scope of:

- personal use of the content of a non-electronic database;
- as an illustration, for didactic or research purposes, with the source of data indicated, if such use is justified by a non-commercial purpose for which the database was used;
- for internal security purposes, in court or administrative proceedings.

Protection of rights

A producer has the right to take a range of actions to protect his rights to a given database. A producer’s right include the right to request that:

- a breach be abandoned;
- the effects of the breach be eliminated;
- the obtained profits be released;
- the inflicted damage be redressed on general rules or by payment of an amount corresponding to twice or three times (in case of a culpable breach) the remuneration due at the time of the claim.

Copyright protection of databases

Databases that fulfil the requirements of a work of authorship are subject to protection of ACRR (even if they contain unprotected materials), provided the applied selection, layout or composition are of a creative character.

Internet Domains

Protection of Internet domains is not governed by a separate legal document.

What is a domain?

An Internet domain, also called an Internet address, serves the purpose of identification of particular computers in the network. A domain consists of at least two parts separated by a dot:

- first degree domain (e.g. national domain .pl or .com for entrepreneurs) and
- second degree domain, which as a rule may be freely selected.
Possible violations

Registration and use of domains may violate in particular:

- protective rights on trademarks;
- rules of fair competition.

It is quite a common practice to register a domain with the only purpose being to either sell it on or to attract prospective clients by creating a misbelieve as to the origin or relation of the eligible entity to another reputable business.

Protection of rights

In Poland claims may be lodged before common courts or arbitral courts. The following courts handle disputes related to Internet domains:

- Arbitration Court at the Polish Chamber of Commerce, and
- Court of Conciliation for Internet Domains at the Polish Chamber of Information Technology and Telecommunications.

Court of Conciliation for Internet Domains at the Polish Chamber of Information Technology and Telecommunications (CCID)

It deals only with the settlement of disputes arising from registration of Internet domains in the “.pl” domain. The main advantage of recourse to CCID is that they are relatively informal, smooth and cheap. CCID may only declare violation of a third party’s rights as a result of registration of a domain, but it is not empowered to transfer the rights to a domain or determine other claims. As regards other claims, common court are competent to settle them.

Importance of a judgment / award

A final and non-appealable judgment of a common court or an award of an arbitral court declaring a violation, serve as a basis for:

- termination by NASK (entity managing the register of domains in the domain “.pl” in Poland) of an agreement for registration of a domain with the present subscriber/ respondent;
- registration of a domain in favour of the claimant.
List of Normative Acts Governing Protection of IP in Poland

Copyrights and related rights

Fundamental legal document

Other Polish regulations

International and Community regulations
- Paris Act to Bern Convention for the Protection of Literary and Artistic Works, signed in Paris on July 24, 1971 (app. to Journal of Laws 1990, No. 82, item 474);
- the Universal Copyright Convention revised in Paris on July 24, 1971 r. (app. to Journal of Laws 1978, No. 8, item 28);
- Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations signed in Rome on October 26, 1961 (Journal of Laws 1997, No. 125, item 800);
- Annex 1C – Trade Related Aspects of Intellectual Property Rights (TRIPS) (app. to Journal of Laws 1996, No. 32, item 143) to Agreement establishing the World Trade Organization (WTO) signed in Marrakesh on April 15, 1994 (app. to Journal of Laws 1995, No. 98, item 483);
- WIPO Copyright Treaty, adopted in Geneva on December 20, 1996. (Journal of Laws 2005, No. 3, item 12);

Industrial property law

Fundamental legal document

Other regulations
- Inventions and patents:
  - Act of March 14, 2003 on European patent notifications and effects of the European patent in the Republic of Poland (Journal of Laws 2003, No. 65, item 598)

International and Community regulations
- Stockholm Act amending the Paris Convention for the Protection of Industrial Property of March 20, 1883, amended in Brussels on December 14, 1900, in Washington on June 2, 1911, in the Hague on November 6, 1925, in London on June 2, 1934, in Lisbon on October 31, 1958, adopted in Stockholm on July 14, 1967 (app. to Journal of Laws 1975, No. 9, item 51);
Annex 1C – Trade Related Aspects of Intellectual Property Rights (TRIPS) (app. to Journal of Laws 1996, No. 32, item 143) to Agreement establishing the World Trade Organization (WTO) signed in Marrakesh on April 15, 1994 (app. to Journal of Laws 1995, No. 98, item 483);

Inventions and patents:
- Strasbourg Agreement Concerning the International Patent Classification, adopted in Strasbourg on March 24, 1971 and amended on September 28, 1979 (Journal of Laws 2003, No. 63, item 579);
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and Regulations under the Budapest Treaty, done in Budapest on April 28, 1977 (app. to Journal of Laws 1994, No. 110, item 528);

Industrial designs:
- Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, adopted in Geneva on July 2, 1999 (Official Journal EU. L. 2006, No. 386, item 30);

Trademarks:
- Madrid Agreement Concerning the International Registration of Marks of April 14, 1891 revised in Brussels on December 14, 1900, in Washington on June 2, 1911, in the Hague on November 6, 1925, in London on June 2, 1934, in Nice on June 15, 1957 and in Stockholm on July 14, 1967 and amended on October 2, 1979 (Journal of Laws 1993, No. 116, item 514);
- Protocol to Madrid Agreement Concerning the International Registration of Marks,
- adopted in Madrid on June 27, 1989 (Journal of Laws 2003, No. 13, item 129);
- Regulation (EC)No 40/94 of December 20, 1993 on the Community trade mark (Official Journal EU. L. 1994, No. 11, item 1)
- Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks signed on June 12, 1973 and amended on October 1, 1985 (Journal of Laws 2003, No. 172, item 1669);

Geographical indications:
Other rights to intangible assets

Know-how

Business secrets

Special status of a business name

Internet domains
- Art. 120 - 173 of the Industrial Property Law Act of June 30, 2000 (Journal of Laws 2003, No. 119, item 1117 - consolidated text);
- Art. 3 and Art. 5 of the Act of April 16, 1993 on combating unfair competition (Journal of Laws 2003, No. 153, item 1503 - consolidated text);
- Art. 23 and Art. 24 of the Civil Code Act of April 23, 1964 (Journal of Laws 1964, No. 16, item 93)

Varieties of plants
- Act of June 26, 2003 on legal protection of varieties of plants (Journal of Laws 2003, No. 137, item 1300);
Key Contacts

Małgorzata Darowska

**Attorney-at-law, Counsel**

Heads the Intellectual Property, Technology and Communications Practice. Specialises in intellectual property, telecommunication, IT. She provides legal services in the domain of civil and commercial law.

**T:** +48 22 2425 690  
**E:** mdarowska@salans.com

Klaudia Błach-Morysińska

**Advocate, Patent and Trademark Attorney**

Specialises in intellectual and industrial property law, copyrights, advertisement law and unfair competition law. She advises on both civil and administrative litigation regarding IP matters.

**T:** +48 22 2425 656  
**E:** kblach-moryinska@salans.com

---

The publication reflects the legal situation as in October 2011 and is intended for information purposes only. The content thereof must not be construed as legal advice or a source of law. Please contact our law firm if you require more detailed information or legal advice. The attached materials may not be copied, whether in part or in whole, reproduced or distributed in any other manner without the prior consent of Salans D. Oleszczuk Kancelaria Prawnicza Sp. k. with its registered office in Warsaw.

Salans LLP has offices, or is associated with Salans offices in: ALMATY, BAKU, BARCELONA, BEIJING, BERLIN, BRATISLAVA, BRUSSELS, BUCHAREST, BUDAPEST, FRANKFURT, HONG KONG, ISTANBUL, KYIV, LONDON, MADRID, MOSCOW, NEW YORK, PARIS, PRAGUE, SHANGHAI, ST. PETERSBURG, WARSAW.

Salans LLP is a Limited Liability Partnership registered in England and Wales with Registration Number OC 316822. Regulated by the Solicitors’ Regulation Authority of England and Wales. A list of the members of Salans LLP and of the non-members who are designated as partners of Salans LLP and/or its affiliated entities is available at its Registered Office: Millennium Bridge House, 2 Lambeth Hill, London EC4V 4AJ, United Kingdom. See www.salans.com for further information.

© 2011. All rights reserved.  
In certain jurisdictions this brochure may constitute attorney advertising.