

POLAND

Mon 9/28/2015

Re: Request for Comments: Revised Draft Reference Document on the Protection of Country Names

Dear Sir or Madam,

With reference to your letter dated August 14th, please find below some remarks of the Patent Office of the Republic of Poland in relation to the Revised Draft Reference Document on the Protection of Country Names (SCT/34/2 Prov.)

Under point 13 of the document we may find the following statement:

13. The Delegations of Antigua and Barbuda, Argentina, Belarus, Chile, China, Costa Rica, Ecuador, Georgia, Poland and Ukraine, quoted in their submissions the legal text containing a ground for refusal which extends the notion of State emblem to country names, and in some cases, short names or abbreviations of those names.

The statement refers to the previous legal provision under the Polish industrial property law that prevents registration of trade marks that contain the word Poland or its abbreviations, since there is no competent authority that would allow for the use of the country name i.e. Poland or the Republic of Poland.

Currently, we need to however underline that there has recently been adopted a new act that amends the Polish Industrial Property Act in terms of the registration of the name of a country. According to the new changes in the Polish industrial property law, the abovementioned provision has been removed. The new act **shall enter into force on 1st December 2015**. Consequently, from the moment of the entry into force, trade marks that include or consist of the name Poland may be granted protection on the territory of Poland.

We would therefore appreciate if the current situation i.e.

“the Polish law does not contain specific provisions that prohibit registration of trademarks that contain or consist of country names and therefore, a country name does not constitute a ground for refusal”

was reflected in the document.

Kind regards,
Anna Dachowska

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