

PATENT OFFICE OF THE REPUBLIC OF POLAND

(URZAD PATENTOWY RZECZYPOSPOLITEJ POLSKIEJ)

AS

DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE – SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees	Annex PL.I
Power of attorney	Annex PL.II

List of abbreviations:

Office: Patent Office of the Republic of Poland

PPL: Polish Law on Inventive Activity

SUMMARY**Designated
(or elected) Office****SUMMARY****PL****PATENT OFFICE OF THE REPUBLIC OF
POLAND****PL****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into:	Polish
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Request, description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Polish zloty (PLN) For patent or utility model: — where an international preliminary examination has been carried out: PLN 350 — where no international preliminary examination has been carried out: PLN 550 — additional fee for each sheet in excess of 20: PLN 25 Fee for priority claims, per priority: PLN 100
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>): ¹	Statement justifying the applicant's right to the patent if he is not the inventor ² Statement justifying the applicant's priority right where the applicants are not identical ² Appointment of an agent if the applicant is not resident in Poland Translation of the priority document into Polish if it is not in English, French, German or Russian ³ Translation of the international application to be furnished in three copies, except that the translation of the request needs to be furnished only in one copy
Who can act as agent?	Any patent attorney registered to practice before the Office ⁴

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¹ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

² This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

³ If the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

⁴ A list is available on the website of the Office at: <http://www2.uprp.pl/listarzecznikow/>

SUMMARY

**Designated
(or elected) Office**

SUMMARY

PL

**PATENT OFFICE OF THE REPUBLIC OF
POLAND**

PL

[Continued]

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49*ter.2*)?

Yes, the Office applies the “due care” criterion to such requests

THE PROCEDURE IN THE NATIONAL PHASE

- PL.01 **TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).
- PL.02 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex PL.I.
- PPL Art. 32 PL.03 **DESIGNATION OF THE INVENTOR.** If the applicant is not the inventor, he must name the inventor and state the basis of his right to a patent.
- PL.04 **POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. A model (not an official form) is given in Annex PL.II.
- PPL Art. 39 PL.05 **LACK OF UNITY OF INVENTION.** In case of lack of unity of invention, the Office will invite the applicant to file divisional applications in respect of the additional inventions claimed in the international application and to pay prescribed filing fees within a time limit fixed in the invitation. In such a case, the decision of the Office may be subject of appeal.
- PPL Art. 52 PL.06 **FEE FOR GRANT.** The first annual fee (for the first three years) is treated as the fee for grant. The amount of the said fee is indicated in Annex PL.I. The first annual fee is due within three months from the date of receipt of the invitation to pay that fee.
- PL.07 **ANNUAL FEES.** Subsequent annual fees should be paid in advance not later than by the date of expiration of the previous protection period. Annual fees can still be paid, together with 30% surcharge for each additional month, within six months from the due date. The amounts of the annual fees are indicated in Annex PL.I.
- PPL Art. 54 PL.08 **FEE FOR PUBLICATION OF THE PATENT SPECIFICATION.** A fee for publication of the patent specification must be paid within three months from the date of receipt of the invitation to pay that fee. The amount of that fee is indicated in Annex PL.I.
- PCT Art. 28
41
PPL Art. 37 PL.09 **AMENDMENT OF THE APPLICATION.** The applicant may make amendments to the description, claims and drawings until the decision to grant a patent has been taken. Where the subject matter of the amended application exceeds the scope of the application as originally filed, the subject matter exceeding that scope will not be subject of any procedure concerning that application, but may be filed by the applicant as a divisional application with a new filing date.
- PCT Art. 25
PCT Rule 51 PL.10 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Office.
- PCT Art. 24(2)
48(2) PL.11 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
- PL.12 Time limits fixed by the Office may be extended upon request of the applicant submitted before the expiration of those time limits.

- PPL Art. 243 PL.13 **Reinstatement** of rights may be requested where the applicant has failed to observe a time limit during the international phase or before the Office. A request for **reinstatement** must be presented within two months after the removal of the cause of the failure to perform the action but not later than **6 months** after the expiration of the time limit which has not been observed. At the same time the omitted act must be completed. The applicant must prove in his request that the delay in complying with the requirement within the time limit was caused by circumstances beyond the applicant's control.
- PPL Art. 243 PL.14 **RESTORATION OF THE RIGHT OF PRIORITY.** A request for the restoration of the right of priority may be filed with the Office where the applicant, in spite of all due care required by the circumstances, failed to timely file the international application within the priority period (see National Phase, paragraphs 6.006 - 6.011).
- PPL Art. 94-100 PL.15 **UTILITY MODEL.** If the applicant, on the basis of an international application, wishes to obtain a utility model instead of a patent in Poland, the applicant must, on entry into the national phase, so indicate to the Office.
- PL.16 The requirements for utility models during the national phase are basically the same as for patents.
- PPL Art. 38 PL.17 **CONVERSION.** The applicant may apply for conversion of the international application for a patent into an application for a utility model in the international application (in the request), during the processing of the patent application in the national phase or within two months from the date when a decision to refuse a patent takes effect. In that case, the utility model application is deemed to be filed on the filing date of that patent application.

FEES

(Currency: Polish zloty)

National fee for patent or utility model:	
— where international preliminary examination has been carried out	350
— where no international preliminary examination has been carried out (if more than two inventions, the annual fee is increased by 50%)	550
— additional fee for each sheet in excess of 20	25
Fee for priority claims, per priority	100
Fee for publication of the patent specification	90
and additionally for each commenced sheet in excess of 10	10
Fee for publication of the utility model specification	90
Annual fees: ¹	
— for patent:	
for the first three years	480
for the 4 th year	250
for the 5 th year	300
for the 6 th year	350
for the 7 th year	400
for the 8 th year	450
for the 9 th year	550
for the 10 th year	650
for the 11 th year	750
for the 12 th year	800
for the 13 th year	900
for the 14 th year	950
for the 15 th year	1,050
for the 16 th year	1,150
for the 17 th year	1,250
for the 18 th year	1,350
for the 19 th year	1,450
for the 20 th year	1,550
— for patent of addition:	
for the whole term of protection	1,500
— for utility model:	
for the first three years	250
for the 4 th and the 5 th years, per year	300
for the 6 th to the 8 th year, per year	900
for the 9 th and the 10 th years, per year	1,100
Fee for restoration of the right of priority	80

How can payment of fees be effected?

Applicants who are foreign nationals or foreign entities must pay all fees (including annual fees) through a patent attorney resident in Poland.

¹ The annual fees are counted from the filing date.

PEŁNOMOCNICTWO / POWER OF ATTORNEY / POUVOIR

Ja(My) (imię, nazwisko i adres):

I(We) (full name and address):

Je(nous) (nom et adresse):

niniejszym upoważniam (imię, nazwisko i adres):

Do hereby authorize (full name and address):

Donne(donnons) pouvoir a (nom et adresse):

do zastępowania mnie(nas) jako zgłaszającego(ych) w wszelkich czynnościach związanych z postępowaniem dotyczącym
to represent me(us) as applicant(s) in all proceedings relating to the processing
de me(nous) représenter en ma(notre) qualité de déposant(s) pour toutes les procédures concernant

(zakreślić właściwe okienko)/(check the applicable box)/(cocher la case correspondante)

zgłoszenia nr
of application No.
la demande N°

dokonanego w dniu
filed on
deposee le

wszystkich zgłoszeń o patent/wzór użytkowy
of all my(our) patent/utility model applications

toutes mes(nos) demandes de brevet/modele d'utilite

przed Urzędem Patentowym Rzeczypospolitej Polskiej oraz do dokonywania lub przyjmowania opłat w moim/naszym/
imieniu.

before the Patent Office of the Republic of Poland and to make or receive payments on my/our) behalf.

aupres de l'Office polonais des brevets et d'effectuer ou de recevoir des paiements en mon(notre) nom.

Miejscowość:

Place:

Lieu:

Data:

Date:

Date:

Podpis:

Signature:

Signature: