PATENT OFFICE OF THE REPUBLIC OF POLAND

(URZAD PATENTOWY RZECZYPOSPOLITEJ POLSKIEJ)

AS

DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Patent Office of the Republic of Poland
PPL: Polish Law on Inventive Activity
SUMMARY

Designated (or elected) Office

PL

PATENT OFFICE OF THE REPUBLIC OF POLAND

Summary of requirements for entry into the national phase

<table>
<thead>
<tr>
<th>Time limits applicable for entry into the national phase:</th>
<th>Under PCT Article 22(1): 30 months from the priority date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Translation of international application required into:</td>
<td>Polish</td>
</tr>
<tr>
<td>Required contents of the translation for entry into the national phase:</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>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)</td>
</tr>
<tr>
<td>Is a copy of the international application required?</td>
<td>No</td>
</tr>
<tr>
<td>National fee:</td>
<td>Currency: Polish zloty (PLN)</td>
</tr>
<tr>
<td></td>
<td>For patent or utility model:</td>
</tr>
<tr>
<td></td>
<td>— where an international preliminary examination has been carried out: PLN 350</td>
</tr>
<tr>
<td></td>
<td>— where no international preliminary examination has been carried out: PLN 550</td>
</tr>
<tr>
<td></td>
<td>— additional fee for each sheet in excess of 20: PLN 25</td>
</tr>
<tr>
<td></td>
<td>Fee for priority claims, per priority: PLN 100</td>
</tr>
<tr>
<td>Exemptions, reductions or refunds of the national fee:</td>
<td>None</td>
</tr>
<tr>
<td>Special requirements of the Office (PCT Rule 51bis):¹</td>
<td>Statement justifying the applicant’s right to the patent if he is not the inventor²</td>
</tr>
<tr>
<td></td>
<td>Statement justifying the applicant’s priority right where the applicants are not identical³</td>
</tr>
<tr>
<td></td>
<td>Appointment of an agent if the applicant is not resident in Poland</td>
</tr>
<tr>
<td></td>
<td>Translation of the priority document into Polish if it is not in English, French, German or Russian⁴</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td>Who can act as agent?</td>
<td>Any patent attorney registered to practice before the Office⁴</td>
</tr>
</tbody>
</table>

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/

(Continued on next page)
Designated (or elected) Office

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

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.

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.

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.

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.

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.

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.

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.
PL.13  Restoration 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 restoration 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.

PL.14  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.15  The requirements for utility models during the national phase are basically the same as for patents.

PL.16  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 4th year ............................................................................................................. 250
  for the 5th year ........................................................................................................... 300
  for the 6th year .......................................................................................................... 350
  for the 7th year .......................................................................................................... 400
  for the 8th year .......................................................................................................... 450
  for the 9th year .......................................................................................................... 550
  for the 10th year ....................................................................................................... 650
  for the 11th year ....................................................................................................... 750
  for the 12th year ....................................................................................................... 800
  for the 13th year ....................................................................................................... 900
  for the 14th year ....................................................................................................... 950
  for the 15th year ..................................................................................................... 1,050
  for the 16th year ..................................................................................................... 1,150
  for the 17th year ..................................................................................................... 1,250
  for the 18th year ..................................................................................................... 1,350
  for the 19th year ..................................................................................................... 1,450
  for the 20th 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 4th and the 5th years, per year .................................................................... 300
  for the 6th to the 8th year, per year ........................................................................ 900
  for the 9th and the 10th 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 deposant(s) pour toutes les procedures 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/
imięniu.
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: Data:
Place: Date:
Lieu: Date:

Podpis:
Signature:

(7 December 2006)