

Opposition systems

Poland

Pursuant to Article 246 of the Industrial Property Law of 2000 (as subsequently amended) any person may, within six months from the publication in “Wiadomości Urzędu Patentowego” of the mention of the grant of a patent, give a reasoned notice of opposition to a final decision of the Patent Office on the grant of a patent.

The opposition may be filed on the same grounds on which a patent, may be revoked, i.e.:

- (i) the requirements for the grant of a patent have not been satisfied, or
- (ii) the invention has not been disclosed in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art, or
- (iii) the patent has been granted for an invention not covered by the contents of the application or of the original application.

Patent Office without delay communicates the opposition filed to the right holder and invites him/her to file his/her observations within a fixed time limit.

Where following the communication of the Patent Office the right holder claims the opposition to be unjustified, the case is submitted for examination in litigation proceedings. Otherwise the Patent Office decides to repeal the decision on the grant of a patent and discontinues the proceedings.