

Poland

With reference to document SCP/6/7 and the request from the delegation of the United States of America for information on:

1. the relief that may be currently available to applicants and patentees throughout the world;
2. the status, among the members of the SCP, of implementation, ratification and/or accession to the PLT 2000;
3. the prospects for accelerating implementation/ratification/accession to the PLT 2000; and
4. the possible need for relief that may go beyond that provided by the PLT 2000.

the patent Office of the Republic of Poland submits to following:

1. The new Industrial Property Law (in force since August 22, 2001) provides for two categories of relief:
 - (a) relief in respect of non-restorable time limits fixed by the statute itself, and
 - (b) relief in respect of time limits fixed by the Patent Office in the course of protection granting proceedings.

In respect of non-restorable time limits, the Law provides that in case of failure to observe the time limit, the latter may be restored provided that relevant proof is furnished by the interested party in evidence that non-observance of the time limit concerned has been caused by an act of God (*force majeure*). This rule is applicable in particular in respect of the following time limits:

- a time limit (of 30 days) for furnishing the original copy of the patent application transmitted by means of fax, which is required for preserving the priority right;
- a time limit (of six months after the expiration of a protection period) for submitting a request for the extension of the trademark registration for subsequent ten-year periods;
- a time limit (of six months after the expiration of the preceding protection period) for the payment of the renewal fee for a subsequent protection period;
- a time limit (of two months from the date, at which the reason for failure to observe the time longer than six months from the date at which the time limit concerned expired) for submitting a request for restoration of the time limit for payment of the fee concerned.

In respect of time limits fixed by the Patent Office in the course of protection granting proceedings, the time limits are restorable in case of non-observance, provided that a party provides a plausible explanation that non-observance has been without fault on its part; at the same time, the requesting party shall be required to perform the act in respect of which the time limit was fixed.

2. Poland has as yet not initiated ratification procedure to become member of the PLT 2000. The Polish Patent Office continues to examine a possibility and consequences of implementing its regulations in Office's practices.