

## Administrative Revocation and Invalidation Mechanisms

### Poland

Pursuant to Article 89 of the Industrial Property Law a patent may be revoked by the Patent Office in litigation procedure in whole or in part at the request of any person having a legitimate interest therein, who is able to prove that:

- (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.

Litigation proceedings are initiated at a written request which is subject to a fee payment. Patent Office serves the copies of the request upon the parties to the litigation proceeding and fixes the time limit for submitting a written reply to the request. On expiry of the time limit fixed for submitting by the party a reply to the request, the Patent Office fixes a date for a hearing and communicates it to the parties or their representatives while serving on them, at the same time, a copy of the reply to the request, if any.

On conclusion of the litigation proceeding, the Patent Office takes a decision which is subsequently pronounced. The decision taken by the Patent Office is liable to complaint lodged with the administrative court.