

## **Opposition system**

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.

## **Administrative revocation and invalidation mechanisms**

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 is initiated at a written request which is subject to payment of a fee. 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

### **Submission of information by third parties**

The Polish Industrial Property Law allows third party observations under Article 44(1) which stipulates that as from the date of publication of the particulars of the patent application third parties may inspect the application specification. Until a decision on the grant of a patent is taken, such parties may submit to the Patent Office any observations as to the existence of grounds that may prevent the grant of a patent. Persons who have submitted observations do not become a party of the patent application procedure. However, the patent applicant is informed of any observations submitted. In the course of substantive examination of the patent application the PPO takes the submitted observations into consideration.