

Intellectual Property Protection Guide

Safeguarding Your IP When Sourcing from Poland

Introduction

Protecting your intellectual property (IP) is critical when engaging in international B2B trade. Poland, as an EU member state, has robust IP protection laws aligned with European and international standards. This guide helps international buyers understand IP protection mechanisms, registration procedures, and best practices when working with Polish suppliers.

Polish IP Protection System

Poland's IP system is governed by the Industrial Property Law (2001) and managed by the **Patent Office of the Republic of Poland (Urząd Patentowy Rzeczypospolitej Polskiej - UPRP)**.

Key Characteristics:

- Full compliance with EU IP directives and international treaties
- Member of WIPO, Paris Convention, Madrid System, Hague Agreement
- Recognition of EU-wide IP rights (EUTM, Community Design, European Patents)
- Strong enforcement mechanisms through courts and customs

Types of IP Protection Available

1. Patents

Protection for technical inventions (products, processes, devices):

- **Duration:** 20 years from filing date
- **Requirements:** Novelty, inventive step, industrial applicability
- **Filing:** National (Poland only) or European Patent (EP) covering multiple countries
- **Processing time:** 2-4 years for national patents
- **Costs:** Filing fee ~€200-300, annual maintenance fees

2. Utility Models

Simplified protection for minor technical improvements:

- **Duration:** 10 years
- **Lower threshold:** Doesn't require inventive step, only novelty
- **Faster registration:** Typically 6-12 months
- **Lower costs:** Alternative to patent for incremental innovations

3. Trademarks

Protection for brand names, logos, and distinctive signs:

- **Duration:** 10 years, renewable indefinitely
- **Scope:** National (Poland), EU (EUTM), or International (Madrid System)
- **Classes:** Register in specific Nice Classification classes
- **Processing time:** 4-8 months for national marks
- **Costs:** €250+ for national registration (via iPNOTE platform)

4. Industrial Designs

Protection for visual appearance of products:

- **Duration:** 5 years, renewable up to 25 years total
- **Requirements:** Novelty and individual character
- **Scope:** National, EU (RCD - Registered Community Design), or International (Hague)
- **Fast registration:** 2-6 months typically

5. Copyrights

Automatic protection for creative works (no registration required):

- **Duration:** Life of author + 70 years
- **Covers:** Software, graphics, documentation, marketing materials
- **Protection:** Automatic upon creation (Berne Convention)
- **Evidence:** Keep dated records and drafts as proof of authorship

IP Registration in Poland

Step-by-Step Registration Process:

1. Prepare Application

- Gather required documents (descriptions, drawings, claims)
- Conduct prior art search (check existing patents/trademarks)
- Determine classification (IPC for patents, Nice for trademarks)

2. File Application with UPRP

- Online filing: ewyszukiwarka.pue.uprp.gov.pl
- Pay filing fees (varies by IP type)
- Receive filing date and application number

3. Formal Examination

- UPRP checks completeness and formalities (2-4 weeks)
- Opportunity to correct deficiencies if found

4. Substantive Examination (for patents)

- Examination of novelty, inventive step, industrial applicability
- May take 18-36 months
- Possible objections requiring responses

5. Opposition Period (for trademarks)

- 3-month opposition period after publication
- Third parties can oppose if conflicts exist

6. Grant and Registration

- Certificate issued upon approval
- Publication in official gazette
- Pay registration/grant fees

EU-Wide IP Protection Options

Advantages of EU-Wide Registration:

- **Single application:** One filing covers all 27 EU member states including Poland
- **Cost-effective:** Cheaper than filing in multiple countries separately
- **Unified protection:** Same rights across EU

EU IP Rights:

IP Type	Office	Coverage	Duration
EU Trademark (EUTM)	EUIPO (Alicante, Spain)	27 EU states	10 years (renewable)
Registered Community Design (RCD)	EUIPO	27 EU states	Up to 25 years

European Patent (EP)	EPO (Munich)	Choose countries (including Poland)	20 years
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IP Protection Strategies for B2B Buyers

Before Starting Sourcing:

- **Register key IP rights** in Poland/EU before disclosing to suppliers
- **File provisional patent** if product contains proprietary technology
- **Register trademarks** for brand names and logos in Poland/EU
- **Protect designs** through registered design applications

During Supplier Selection:

- **Non-Disclosure Agreement (NDA)** before sharing technical specifications
- **Verify supplier reputation** for respecting IP rights
- **Check supplier's IP portfolio** for potential conflicts
- **Request references** from other international clients

In Manufacturing Contracts:

- **IP ownership clause** – clearly state all IP remains buyer's property
- **Confidentiality obligations** – supplier must keep information confidential
- **Non-compete clause** – prevent supplier from making similar products for competitors
- **Audit rights** – right to inspect production and quality records
- **Tooling ownership** – clarify who owns molds, dies, and tooling
- **Termination provisions** – return of technical data upon contract end

Essential IP Contract Clauses

1. IP Ownership Clause (Example):

"All intellectual property rights, including but not limited to patents, designs, trademarks, copyrights, and trade secrets related to the Products, shall remain the exclusive property of the Buyer. The Supplier acknowledges that no rights to such IP are transferred through this Agreement."

2. Confidentiality Clause (Example):

"The Supplier shall maintain strict confidentiality of all technical specifications, drawings, designs, and business information disclosed by the Buyer. This obligation shall survive for 5 years after termination of this Agreement."

3. Non-Compete Clause (Example):

"During the term of this Agreement and for 2 years thereafter, the Supplier shall not manufacture, sell, or supply products substantially similar to the Products for any third party without Buyer's written consent."

IP Enforcement in Poland

If IP Infringement Occurs:

1. Cease and Desist Letter

- First step: formal warning to infringer
- Often resolves issue without litigation

2. Civil Court Action

- File lawsuit in Polish commercial courts
- Remedies: Injunctions, damages, destruction of infringing goods
- Timeline: 12-24 months for final judgment

3. Criminal Prosecution

- Available for intentional IP violations
- Penalties: Fines and imprisonment

4. Customs Enforcement

- Register IP with Polish customs (Krajowa Administracja Skarbowa)
- Customs can detain suspected counterfeit goods at borders

Best Practices Summary

DO:

- ✓ Register IP **before** approaching suppliers
- ✓ Use comprehensive NDAs and contracts
- ✓ Conduct supplier due diligence
- ✓ Keep detailed records of IP creation and ownership
- ✓ Monitor the market for potential infringements
- ✓ Work with experienced IP attorneys for complex cases

DON'T:

- ✗ Share detailed specifications without protection
- ✗ Assume verbal agreements are enforceable
- ✗ Ignore trademark/patent searches before product launch
- ✗ Delay registration hoping to save costs
- ✗ Use templates without legal review

Key IP Resources

Organization	Purpose	Contact
UPRP (Patent Office)	Patent, trademark, design registrations	uprp.gov.pl +48 22 579 0000
EUIPO	EU trademarks and designs	euipo.europa.eu
EPO	European patents	epo.org
WIPO	International IP system	wipo.int

Sources: UPRP, Dudkowiak Law Firm, IP-Coster, iPNOTE