

Warsaw, 14 April 2020

Dear Sirs,

We kindly inform you that the Polish Patent Office has made an open access to a communication on the anti-crisis shield for proceedings before the Office.

The information presented in the communication confirms our interpretation of the law provisions offered in the previous newsletter, namely that the only time limits that do not start and those that have already started to run shall be interrupted are the deadlines for filing oppositions against trademark applications and for validations, which fall between 8 March to 30 June 2020. They will start to run again from 1 July 2020.

This means that if the 3-month period for filing opposition against trademark application starts eg. on 9 March 2020 and ends on 9 June 2020, pursuant to the newly implemented laws, the 3-month period is interrupted and starts to run again as of 1 July 2020. This way, the time limit for filing the opposition expires on 1 October 2020.

The Patent Office also confirmed that the remaining time limits regarding the proceedings before the Office are suspended. This means that the time limits which were running at the date when the anti-crisis shield act entered into force, i.e. 31 March 2020, are suspended and will continue to run after calling off epidemic threat or epidemic situation. They do not start from the beginning.

As for the time limits that did not start to run before the mentioned act entered into force, e.g. a request for removing formal defects was delivered in a form of a letter on 2 April 2020, a deadline in this regard starts to run after the end of the epidemic threat or epidemic situation. In such a case the deadline for removing formal defects runs after epidemic threat or epidemic situation have been called off.

At the same time, we would like to inform you that the Office is working on conducting the hearings by the Adjudative Boards on-line.

The new rules of proceedings before the Polish Patent Office are aimed at protecting the parties in the event where taking actions before the authority is made impossible or difficult.

Kulikowska & Kulikowski Sp.k.

Nevertheless, all actions taken in cases, even if the time limits for taking them are suspended or interrupted, are valid and effective.

Given the above we encourage you to take actions before the Patent Office on an ongoing basis. Please note that both the Patent Office and our law firm operate as usual.

This will allow us to streamline our work since at the moment when epidemic threat or epidemic situation are called off, the Office may get slammed with immense number of correspondence and documents, which will delay the speed of the proceedings and significantly prolong handling the cases.

We hope the above information is useful for you. Please contact us at kulikowska@kulikowski.pl in any doubts or question you may have.