

Warsaw, 6 April 2020

Dear Sirs,

We would like to inform you that a number of new regulations governing prevention, counter-measures and control of COVID-19, other infectious diseases and emergency situations caused by them have been in force in Poland since 31 March 2020.

We have prepared a summary of the most important changes relating to the proceedings before the Polish Patent Office and the courts, which may prove relevant for your interests on the Polish market.

1. Proceedings before the Polish Patent Office

The Act directly regulates the issue of time limits for

- oppositions against trademark applications
- validations

The deadlines which fall between 8 March and 30 June 2020 shall not start running whereas the ones which have already started shall be interrupted. They shall start again as of **1 July 2020**.

However, actions taken during this period have legal effect, which means that the Act does not exclude the possibility of action, and lets the entitled parties decide in this regard.

There is no specific regulation regarding other deadlines for carrying out actions before the Polish Patent Office. Notably, 1 July 2020 being the new deadline for starting a time limit to run does not apply to oppositions against the decisions on granting a patent, a protection right for utility design or a registration right for an industrial design.

The Act, however, contains general provisions relating to time limits resulting from

- administrative law provisions and
- procedural deadlines in administrative proceedings,

pointing out that such time limits do not start to run, while the ones which have already started shall be suspended during the period of epidemic threat and epidemic situation.

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The above regulations should therefore be applied in proceedings before the Patent Office with regard to all time limits.

Notwithstanding that, it is also possible to make a narrow interpretation of the mentioned law provisions, in line with which the Patent Office assumes that only the deadlines for the proceedings before the Patent Office that are clearly defined in the Act, i.e. the deadlines for filing opposition against trademark application and validation, are extended and all other time limits run the same as before. We recommend adopting this narrow interpretation until the official interpretation of the provisions in question have been presented by the Polish Patent Office.

You will be kept duly updated in the case of further amendments or new regulations implemented.

The Polish Patent Office has also suspended the sessions of the panels adjudicating in ongoing litigation cases until 10 April 2020, yet this period may be extended depending on the duration of the epidemic.

The employees of the Patent Office work in shifts or remotely. Thus, it is possible to submit letters regarding pending cases, both by mail and electronically.

2. Running of time limits in civil, criminal and administrative court proceedings

In all civil, criminal and administrative court proceedings, time limits shall not start running whereas the ones which have already started shall be suspended.

Holding up the start of the time limits to run as well as suspension of running the time limits shall not affect the time limits in urgent cases proceeded before the courts.

However, other substantive legal time limits periods, in particular the limitation period for claims, shall not be suspended or interrupted.

We hope that you have found this summary supportive and useful. Please advise of any questions or doubts you may have by contacting us at kulikowska@kulikowski.pl.