

Poland – Changes in Trademark Law

By [Janet L. Hoffman](#)

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Among the changes is the simplification of the renewal process. Registrants no longer need to file a separate renewal request. Rather, payment of the renewal fee by an authorized person will suffice. This change should result in cost savings for trademark owners as agents or other authorized representatives no longer need to prepare formal renewal applications.

Additional changes of note include:

1. Broadening of the definition of “trademark” to include marks not capable of graphic representation;
2. Requiring the Polish Patent Office to notify trademark owners of approaching renewal deadlines;
3. Requiring publishers of dictionaries and encyclopedias to remove entries of registered trademarks in next editions, upon receipt of a demand from the trademark owner;
4. Extending the reach of trademark infringement to include use of a mark as a trade name or business name, and/or in advertising which amounts to unfair competition, as well as imposing liability for those who assist in the infringing activity (e.g., by offering point-of-sale facilities);
5. Allowing a defendant in a civil court trademark case to seek and obtain proof of use of the mark(s) on which the plaintiff relies; and

6. Making it possible for a trademark to be transferred to more than one entity (as a collective mark), including dividing the goods/services covered and maintaining the priority date.