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Polish way towards specialized intellectual property courts

Bartosz Krakowiak (POLSERVICE) · Thursday, April 13th, 2017

Initially, I thought that this would not be a topic for this trademark-specific blog but, having read a very interesting and inspiring [post of my Chinese colleagues on specialized intellectual property courts in China](#), I changed my mind and decided to share with the Readers also some Poland-related updates...

Following a meeting held on December 15, 2016 under the aegis of the Parliamentary Committee on Digitalization, Inventiveness and New Technologies, with his order of January 9, 2017, **the Minister of Justice** established a ministerial team of judges and experts responsible for developing **concepts for intellectual property courts**. This was indeed a breakthrough in the long-term efforts to create within the Polish judiciary system a specialized court (or group of courts) competent to handle intellectual property matters. So far, those efforts, strongly supported by various stakeholders, have been made either by the Polish Patent Office and the Ministry of Development (previously - the Ministry of Economics) or by the Ministry of Culture and National Heritage. Now, when the Ministry of Justice decided not only to join those efforts but also to take the lead, some of numerous earlier ideas have a chance to become the reality.

The first meeting of the ministerial team, which was open to invited guests representing some other government authorities as well as non-governmental organizations, took place on January 24, 2017. During the meeting, the Vice-minister of Justice, who himself leads the team, together with the team's outside experts presented initial concepts related to the new judiciary model for intellectual property matters (including patent, design, trademark, copyright and, most likely, unfair competition matters).

The new model is to be limited to **civil procedures** (civil enforcement of intellectual property rights), so the idea of its unification with the judiciary control of the Polish Patent Office's decisions, as strongly supported by the Patent Office itself, is currently out of the agenda. The model does not imply creation of any separate (and extraordinary) court or group of courts - the intention is to base it on **the existing structure of common courts**, with only some of them appointed to deal with specific intellectual property matters (with a full concentration of "technical" matters in one appointed court of first instance and one court of appeal; and only partial

concentration of “non-technical” / “soft IP” matters - i.e. also those related to trademarks - in several appointed courts of first instance and up to three courts of appeal).

A leitmotif of the reform appears to be: “to make judges’ work easier with the benefit for all users of the system”. Therefore, besides the said organizational changes, the ministerial team also intends to introduce various **procedural solutions** for intellectual property matters, most likely to be codified in a separate section of the Code of Civil Procedure. This should be treated as an excellent opportunity to implement to Polish national law those provisions of [the EU Enforcement Directive 2004/48/EC](#), which failed to be properly adopted several years ago and continue to cause problems not only for parties and their attorneys but also for judges.

The author of this post, in his capacity as the President of the Polish Group of [AIPPI](#), attended both the meeting of the Parliamentary Committee and the inaugural meeting of the ministerial team. Further updates hopefully to come shortly...

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