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LAW FIRM

Guideline for foreign investors

Intellectual Property Protection in Poland

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Poland offers a comprehensive legal framework for the protection of intellectual property (IP), aligned with both European Union standards and international treaties. As a member of the World Intellectual Property Organization (WIPO) and a signatory to numerous international agreements, Poland ensures that foreign investors can safeguard their innovations, brands, and creative works effectively.

COPYRIGHT PROTECTION

In Poland, copyright protection is automatic—there is no need for formal registration. Any original creative work that qualifies as a “work” under Polish law is protected as soon as it is created. This includes literary, artistic, musical, and software works, among others.

Polish copyright law distinguishes between:

- Moral rights, which are non-transferable and protect the personal connection between the author and the work.
- Economic rights, which are transferable and allow the author or rights holder to commercially exploit the work.

Economic rights are protected for 70 years after the author's death, ensuring long-term control and potential revenue for heirs or assignees.





INDUSTRIAL PROPERTY RIGHTS

Several types of industrial property rights require registration with the Polish Patent Office to be enforceable:

- Patents: Granted for inventions, with protection lasting up to 20 years from the date of registration, provided maintenance fees are paid.
- Industrial Designs: Protected for up to 25 years, effective from the date of filing and subject to periodic renewal fees.
- Utility Models: Often referred to as “small patents,” these are protected for 10 years from the filing date.
- Trademarks: Protection lasts 10 years from the date of filing and can be renewed indefinitely in 10-year increments. Registration is required for enforcement.
- Geographical Indications: These enjoy unlimited protection, although licensing is not permitted under Polish law.
- Topographies of Integrated Circuits: Also protected under industrial property law, with registration handled by the Polish Patent Office.

DATABASE PROTECTION

Databases may be protected under two legal regimes:

- The Copyright Act, if the database qualifies as a creative work.
- The Database Protection Act, which grants 15 years of protection from the year of compilation, even without registration.

This dual protection ensures that both the structure and the content of databases can be safeguarded.

LEGAL FRAMEWORK AND INSTITUTIONS

The main legal acts governing IP in Poland are:

- The Copyright and Related Rights Act,
- The Industrial Property Act.

The Polish Patent Office is the central authority responsible for registering and managing rights related to:

- Inventions,
- Trademarks,
- Geographical indications,
- Utility models,
- Industrial designs,
- Topographies of integrated circuits.

Poland's IP system is designed to support innovation and creativity while offering robust legal tools for enforcement. Whether you are launching a new product, entering a joint venture, or expanding your brand into the Polish market, securing your intellectual property rights is a critical step.

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