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EU ENLARGEMENT AND THE INTEGRATION OF THE IP PROFESSION INTO THE EU IP SYSTEM

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ACCESSION TO THE EUROPEAN UNION

1994	Application for the EU membership
1998	Start of accession negotiations
2002	Twenty seven negotiation chapters closed
?	Accession

ACCESSION TO THE EUROPEAN PATENT CONVENTION

1996 Request for accession to the EPC

1999 Invitation of the Administrative Council of the EPO

2003 Anticipated Accession

LEGISLATIVE STEPS IN POLAND

Step	Status
Statute approving a draft of Ratification Instrument	Accepted by the Lower House and Upper House of Parliament, submitted to President
Ratification Instrument	Draft prepared, the act will be signed by President
Law on the Filing of European Patent Applications and Effects of the European Patent in the Republic of Poland	Draft prepared, must be accepted by Parliament and Senate, then signed by President

WHAT'S AHEAD ?

THE „GRANDFATHER CLAUSE"

- Who can benefit ?

  A patent attorney continuously active in the IP profession, registered before accession

- Who may be ready to benefit ?

  Patent attorneys already experienced in handling foreign patent cases and trained in the EPO procedure

- Who should benefit ?

  Only the future can show ...

TO BE OR NOT TO BE (A EUROPEAN PATENT ATTORNEY) ?

- Formal factors
- Historical factors
- Educational factors
- Economic factors
- Other considerations – what kind of work can be expected in Poland ?

WHAT DO WE HAVE NOW ?

PATENT APPLICATIONS FILED WITH THE POLISH PATENT OFFICE IN RECENT YEARS

Patent applications (total)	6,500 – 7,200 per year
including Foreign patent applications	4,500 – 4,900
including PCT national phases	3,500 – 3,700

PCT CASES FILED THROUGH THE POLISH PATENT OFFICE IN RECENT YEARS

About 100 per year

NATIONAL PATENT APPLICATIONS FILED ABROAD

Data unavailable

WHAT CAN WE HOPE FOR IN THE NEXT 4 – 5 YEARS ?

NEW FILINGS

PCT applications filed before accession	3,500 per year for the next 1.5 years
National patent applications	1,000 per year

PENDING PCT AND DOMESTIC APPLICATIONS

All the cases to be examined for the next 4 – 5 years

NEW SOURCES OF WORK IN COMING YEARS

- TRANSLATIONS OF APPLICATIONS FOR FOREIGN FILING
- TRANSLATIONS OF EUROPAN PATENTS REGISTERED IN POLAND
- LITIGATION CASES
- SERVICES FOR POLISH ENTERPRISES
- SERVICES OF PROFESSIONAL REPRESENTATIVES FOR FOREIGN APPLICANTS

WHAT MAY HELP US TO PERFORM ADEQUATELY AND WHAT MAY GIVE US PROBLEMS ?

- New package of acts regulating two-instance procedure in administrative courts
- Improved performance of economic courts in patent infringement cases
- Better protection of IP rights at the Polish borders
- The Polish Patent Office well-prepared for new duties

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POLAND

CONCLUSIONS