

**Press release of 15 May, 2015**

## **The amendment of the Act on Industrial Property Right is an opportunity to reinstate the institution of the exhibition priority at trade fairs in Poland**

On March 13, 2015, the Parliament of the Republic of Poland received the Bill on amending the Act on Industrial Property Right of June 30, 2000, amended in 2007. It is an important fact for the Polish exhibition sector although the governmental legislative project does not concern changes essential of Polish Chamber of Exhibition Industry. Nevertheless the amendment is an opportunity for Polish Chamber of Exhibition Industry to regain the privilege lost as a result of amending the Act in 2007.

The mode of proceeding in the Parliament is very quick. On March 18 the government Bill was submitted to the Economic Commission of the Parliament of the Republic of Poland, which convened already on March 8, 2015. The Commission had the first reading of the government Bill "on Amendment of the Act - Industrial Property Right and Other Selected Acts" (Sejm paper no. 3249) and the extraordinary subcommittee was appointed to investigate the government Bill, composed of Marek Polak MP (Krakow), Wojciech Zubowski MP (Legnica), Marek Niedbala MP (Poznan), Artur Gierada MP (Kielce) and Katarzyna Stachowicz MP (Sosnowiec). Next the subcommittee convened on April 9, April 22 and May 13, 2015, with the participation of the highest representatives of the Patent Office.

As everyone in the Polish exhibition sector knows, as a result of the last amendment of the Act on "Industrial Property Right", as of November 1, 2007, organizers of exhibitions in Poland lost the possibility to grant the so-called "priority certificate" from the exhibition, which protects inventions, utility models, industrial designs and trademarks presented during exhibitions. The certificate was the proof of public presentation of a particular invention, utility model, industrial design and trademark during a particular exhibition on the particular date, and thus provided the exhibitor with temporary protection resulting from the date of issuing the priority certificate by the exhibition organizer against other parties which submitted an application to the Patent Office at a later date to grant industrial property rights.

Legal analysis of the official records of the legislative works on the amendment of the Act on Industrial Property Right (abrogation of art. 15, section 2-4 and art. 125, section 2-4 thereof) does not provide the reasons for the abrogation of the aforementioned articles which were so important for the organizers of exhibitions in Poland. There are also no generally available legal interpretations which would analyse the amendment in question. In that situation Polish Chamber of Exhibition Industry decided to investigate the regulations concerning the priority from exhibitions in terms of legal status and practices in selected EU states.

Information obtained both from the German Patent and Trademarks Office, as well as AUMA - the Association of the German Trade Fair Industry confirmed that priority from exhibiting, including at domestic exhibitions, of utility models, industrial designs and trademarks is a generally applied tool used by exhibitors at German exhibitions.

Polish Chamber of Exhibition Industry also possesses an expert's legal report confirming that our attempts to reinstate in the Polish legislation the institution of the so-called priority certificate from exhibiting a utility model and trademark at public national exhibitions are justified. According to the experts the proposed changes are neither against international law (the Paris Convention), nor against EU law (Ordinances and Directives)

Since 2014 PCEI has been undertaking actions aimed at reinstating the institution of the priority from exhibitions. Since September 2014 the representatives of the Chamber has met several times with Ms. Alicja Adamczak, the President of the Patent Office of the Republic of Poland. In 2015, due to the onset of the amendment works in the

Parliament, PCEI addressed 44 letter to the Economic Commission of the Parliament of the Republic of Poland containing its own suggestions of legislative changes in the Act on Industrial Property Right.

The discussions on our motion at the stage of the works carried out by the extraordinary subcommittee have proven the difficulty of the topic. We have approached our Members requesting their support. PCEI's letter on the aforementioned matter was also sent to non-governmental and self-government organizations, which expressed their interest in this matter so important for Polish enterprises who participate in exhibitions and currently it is being investigated. At present legislative works are still in progress. We are looking forward to their outcome.

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#### *About Polish Chamber of Exhibition Industry*

*Polish Chamber of Exhibition Industry, founded in 1993, is the only national organization of Polish enterprises leading their business activity in the exhibition industry. The members of PCEI belong to all categories of players on the exhibition market. They are especially: trade fair and exhibition organizers, operators of trade fair and conference venues in Poland, providers of trade fair services such as designing construction and furnishing of exhibition stands, transport and forwarding companies, organizers of foreign trade fair participations, foreign trade fair representatives in Poland, as well as advertising and marketing agencies, media companies, enterprises offering catering and accommodation services.*

*The PCEI mission is: to provide a comprehensive platform of co-operation and exchanging ideas and experiences for the Polish exhibition market players, to serve the Polish exhibition industry as an effective platform for lobbying, to promote participation in exhibitions as an effective part of corporate marketing and communication strategy, to create circumstances for improving the industry quality standards, including reliable and transparent exhibition statistics, to offer trade fair marketing education in cooperation with marketing specialists, the university lecturers, to create favourable conditions for the Members to enjoy the benefits of integration and cooperation within the Chamber.*

*The four main areas of activities of Polish Chamber of Exhibition Industry are: lobbying, actions facilitating the integration of trade fair industry, widely understood promotion of trade fairs and exhibitions - including publications, as well as education in the area of trade fair marketing and promotion of ethical business activities in the industry.*

*PCEI has been an active member of UFI - the Global Association of the Exhibition Industry since 1996. For many years PCEI has been cooperating on a regular basis with CENTREX - International Exhibition Statistics Union, AUMA - the Association of the German Exhibition Industry and many other foreign and international industry organizations.*

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