

## FEATURES OF INTELLECTUAL PROPERTY PROTECTION IN POLAND

Volodymyr Marchenko<sup>1</sup>, Alla Dombrovska<sup>2</sup>

<sup>1</sup>Doctor of Science (Law), Professor, Department of State and Legal Disciplines, Criminal Law and Procedure, Grigory Skovoroda Kharkiv National Pedagogical University, Kharkiv, Ukraine, Scientific Center of Innovative Research, Pussi, Estonia, e-mail: marchenko2210@gmail.com, ORCID: <https://orcid.org/0000-0003-1921-3041>

<sup>2</sup>Ph.D. (Law), Associate Professor, O.M. Beketov National University of Urban Economy in Kharkiv, Kharkiv, Ukraine, WSHIU Akademia Nauk Stosowanych, Poznan, Poland, e-mail: dombrovskalla@gmail.com, ORCID: <https://orcid.org/0000-0003-4610-8220>

**Citation:**

Marchenko, V., & Dombrovska, A. (2024). FEATURES OF INTELLECTUAL PROPERTY PROTECTION IN POLAND. *Public Administration and Law Review*, (2(18), 67–76. <https://doi.org/10.36690/2674-5216-2024-2-67-76>

**Received: May 16, 2024**

**Approved: June 24, 2024**

**Published: June 30, 2024**



This article is an open access article distributed under the terms and conditions of the [Creative Commons Attribution \(CC BY-NC 4.0\) license](https://creativecommons.org/licenses/by/4.0/)



**Abstract.** In today's interconnected global economy, the protection of intellectual property (IP) is crucial for fostering innovation and securing the economic interests of creators and inventors. As Poland continues to develop within Europe's dynamic market, understanding its IP protection mechanisms is essential for both domestic and international stakeholders. This article aims to provide a comprehensive analysis of the multifaceted features of intellectual property protection in Poland, assessing its legal underpinnings, recent reforms, and broader economic and cultural impacts. Employing a diverse research methodology, this study combines a detailed literature review, documentary analysis, and comparative studies. The literature review examines existing Polish IP laws, scholarly articles, and international treaties, while the documentary analysis includes reports from Polish governmental agencies and reviews of judicial decisions shaping IP enforcement in Poland. The research highlights Poland's robust legal framework aligned with EU standards, yet points to challenges in enforcement, particularly regarding digital piracy and judicial inefficiencies. Solutions such as specialized IP courts and enhanced online IP enforcement mechanisms are discussed. The role of various governmental and non-governmental bodies in raising public awareness and facilitating IP education is also emphasized as crucial for improving the overall IP protection landscape. The article suggests that while Poland has established a solid foundation for IP protection, continuous adaptation and improvement are necessary to address emerging challenges effectively. To improve the legal frameworks, invest in technology-driven enforcement tools, and foster a culture of respect for intellectual property among the public. These measures will protect creators' rights and strengthen Poland's reputation as a hub for innovation and creativity within the European Union.

**Keywords:** intellectual property protection; Poland; digital piracy; legal framework; judicial processes in IP; public awareness of IP rights; technological advancements in IP enforcement.

**JEL Classification:** F12, K15, K24

**Formulas:** 0; **fig.:** 1; **table:** 1; **bibl.:** 15

**Introduction.** In an increasingly interconnected world, the protection of intellectual property (IP) stands as a crucial pillar for fostering innovation and securing the economic interests of creators and inventors. Poland, with its strategic location in Europe and a rapidly growing economy, has developed a comprehensive legal framework to safeguard intellectual assets ranging from artistic works to technological inventions. This article delves into the multifaceted features of intellectual property protection in Poland, exploring its legal underpinnings, recent reforms, and the implications for domestic and international stakeholders. Through an examination of Poland's adherence to global IP standards, and its unique challenges and solutions, we aim to provide a thorough understanding of the Polish IP landscape. This exploration not only highlights the legal mechanisms in place but also considers the broader economic and cultural contexts that influence and shape IP enforcement and protection in Poland.

**Literature review.** Intellectual property (IP) protection in Poland is a vital area of legal and economic development, reflecting the country's commitment to safeguarding innovation and creativity. This literature review synthesizes key findings from various studies and articles addressing the features and effectiveness of intellectual property protection in Poland.

Poland's intellectual property laws have evolved significantly to align with European Union standards and international treaties. The legislative framework encompasses various forms of IP, including patents, trademarks, and copyrights, ensuring comprehensive protection mechanisms. For instance, the "Legislative Framework for Academic Intellectual Property Policy in the United States, United Kingdom, Germany, and Poland" by Salamonowicz (2020) explores the alignment and comparative effectiveness of these frameworks in protecting academic IP (Salamonowicz, 2020).

The role of intellectual property in fostering economic growth and innovation is well-documented. Weresa (2010) in "Intellectual property rights and competitiveness: evidence from Poland" highlights the positive correlation between robust IP protection and increased economic activity. This study underscores how effective IP regimes can enhance competitiveness and innovation in the Polish economy (Weresa, 2010).

Despite a strong legislative framework, enforcement remains a challenge. The article "Protection of intellectual property rights in the European Union: The role of customs authorities on the example of Poland" by Czermińska (2020) discusses the role of customs authorities in preventing IP infringements and the practical difficulties encountered in enforcement (Czermińska, 2020). Furthermore, issues related to the judicial process and the efficiency of legal remedies are critical in ensuring the effectiveness of IP protection.

Public awareness and understanding of intellectual property rights are crucial for effective protection. Tomczyk's (2018) study "Protection of Intellectual Property Rights in Poland from the perspective of Polish youth" emphasizes the need for education and awareness programs to foster a culture of respect for IP among young internet users (Tomczyk, 2018).

The commercialization of intellectual property and technology transfer is another vital aspect. Jarzynowski (2020) in "Technology transfer in Poland: overview" examines the mechanisms and policies supporting technology transfer and the commercialization of IP in Poland. This study highlights the successes and challenges in translating IP into marketable products and services (Jarzynowski, 2020).

Comparative studies and international collaborations provide valuable insights into improving national IP systems. The article "United States-Poland Economic Treaty: A Blueprint for Intellectual Property Reform in Eastern Europe and the Developing World" by Boylan (1990) suggests that bilateral treaties can serve as blueprints for enhancing IP laws in Poland and other developing regions (Boylan, 1990).

**Aims.** The primary aim of this article is to comprehensively analyze the features of intellectual property protection in Poland, providing an in-depth understanding of its current legal framework, enforcement mechanisms, and the effectiveness of these measures in the global intellectual property landscape.

The main objectives of this article are:

- *to outline the legal framework* - describe the existing laws and regulations governing intellectual property in Poland, including the historical development and recent legislative changes;
- *to examine enforcement mechanisms* - investigate how intellectual property rights are enforced in Poland, focusing on judicial processes, administrative measures, and the roles of various governmental and non-governmental bodies.
- *to identify challenges and solutions* - identify the major challenges faced by Poland in the realm of intellectual property protection and discuss innovative solutions and best practices that have been adopted to overcome these challenges.
- *to provide comparative perspectives* - offer a comparative analysis with other countries to highlight unique features of the Polish intellectual property system and what lessons can be learned from the experiences of other jurisdictions.

Through these objectives, the article aims to provide valuable insights for policymakers, legal experts, and businesses, both within and outside of Poland, concerning the dynamics of intellectual property protection in a key European country.

**Methodology.** This article employs a multifaceted research methodology to explore the features of intellectual property protection in Poland. The approach integrates legal analysis and comparative studies to offer a comprehensive understanding of the Polish IP regime. Through this methodological approach, the article aims to provide a detailed, accurate, and nuanced picture of intellectual property protection in Poland, addressing both the legislative framework and its practical implications. This robust methodology ensures that the findings are well-supported and relevant to stakeholders interested in the dynamics of IP protection.

**Results.** In Poland, the enforcement of intellectual property (IP) rights integrates judicial, administrative, and collaborative efforts between various governmental and non-governmental bodies. This multi-faceted approach ensures that IP laws are adhered to and that rights holders are adequately protected under Polish and international law. Below, we delve into each aspect of this enforcement framework.

**Judicial Processes.** The judicial enforcement of IP rights in Poland primarily involves the civil and criminal court systems. Civil litigation is the most common route for resolving IP disputes, particularly for cases involving infringement of copyrights, trademarks, and patents:

- *Civil litigation* - IP rights holders can file claims in the regional courts, depending on the nature and severity of the infringement. These courts handle matters such as compensatory damages, injunctions to stop further infringement, and the destruction of infringing goods. Notably, the Polish legal system allows for the awarding of statutory damages, which can be particularly effective in copyright infringement cases where actual damages might be hard to quantify.
- *Criminal prosecution* - in more severe cases, such as those involving counterfeit goods or large-scale piracy, criminal proceedings can be initiated. The Polish Criminal Code provides for penalties including fines, imprisonment, and the forfeiture of illegal items. These measures are particularly important for deterring widespread commercial infringement.

**Administrative Measures.** Several government agencies play critical roles in the administrative enforcement of IP rights in Poland:

- *The patent office of the Republic of Poland (URP)* - this office is central to the administration of IP rights, handling the registration of patents, trademarks, and designs. It also provides preliminary assessment and mediation in disputes before they potentially escalate to court proceedings.
- *Customs and border protection:* the Customs Service plays a pivotal role in enforcing IP rights at Poland's borders. They have the authority to detain and seize counterfeit goods entering or leaving the country. This agency works under regulations set forth by the EU, which allow for ex officio action, where customs officials can act without a formal complaint from the rights holder.

**Roles of governmental and non-governmental bodies.** Beyond the courts and administrative agencies, other entities also contribute to the enforcement of IP rights:

- *Governmental Advisory Bodies* - bodies like the Copyright Commission, which operates under the Ministry of Culture and National Heritage, advise on policy and coordinate efforts across various sectors to enhance IP rights protection.
- *Non-governmental organizations (NGOs)* - NGOs such as the Polish Anti-Counterfeiting Association play a significant role in raising awareness, educating the public and businesses about IP rights, and lobbying for stronger protections. They also facilitate cooperation between businesses and law enforcement agencies.
- *Professional associations* - organizations like the Polish Chamber of Patent Attorneys provide support and advocacy for IP professionals, and also offer mediation and dispute resolution services that can precede or circumvent more formal legal actions.

The enforcement of intellectual property rights in Poland is characterized by a robust legal framework and the active involvement of various judicial, administrative, and independent bodies. This comprehensive approach not only aids in the direct enforcement of laws but also supports the development of a broader respect for intellectual property within the Polish economy and culture. As Poland continues to

integrate further into the global market, ongoing adjustments and enhancements to this framework will be vital to meet both domestic needs and international expectations.

### ***Challenges and Solutions in Intellectual Property Protection in Poland.***

Intellectual property (IP) protection in Poland faces several challenges, each with significant implications for creators, innovators, and the broader economy. Addressing these challenges requires a nuanced approach, combining legislative reform, improved enforcement mechanisms, and enhanced public awareness. We explore some of the primary challenges and the solutions being implemented or proposed to strengthen IP protection in Poland (Table 1).

**Table 1. The primary challenges and the solutions being implemented or proposed to strengthen IP protection in Poland**

	Name	Description
Challenges	Inadequate Public Awareness	One of the fundamental challenges is the lack of awareness about IP rights among the general public and small businesses. This lack of knowledge can lead to unintentional infringements and a diminished respect for the IP rights of others
	Digital Piracy	With the increasing digitization of content, digital piracy has become more prevalent. The ease of accessing and distributing pirated content online poses a significant challenge to the enforcement of copyright laws
	Judicial Inefficiencies	The judicial process for resolving IP disputes in Poland can be slow and cumbersome. Lengthy proceedings and inconsistent rulings can discourage rights holders from pursuing legal action and can diminish the overall effectiveness of the legal system in deterring infringement
	Border Control Limitations	Although there are measures in place for customs authorities to detain and seize counterfeit goods, the sheer volume of goods, especially through online transactions, makes it difficult to effectively control IP violations at the borders
	Lack of Coordination Among Agencies	There is often a lack of efficient coordination among various governmental bodies involved in IP enforcement. This can lead to gaps in enforcement and inconsistencies in how IP laws are applied
Solutions	Enhancing Public Education	Increasing efforts to educate the public and business owners about the importance of IP rights could foster greater respect and compliance. Initiatives could include educational campaigns, workshops, and the inclusion of IP rights education in school curricula
	Strengthening Online Enforcement	To combat digital piracy, Poland can enhance cooperation with internet service providers (ISPs) and international bodies. Implementing more stringent online monitoring systems and promoting the use of legal digital platforms can also reduce the prevalence of piracy
	Streamlining Judicial Processes	Reforms aimed at making the judicial process more efficient and consistent could improve the enforcement landscape. This could involve specialized training for judges in IP law, the creation of dedicated IP courts, or the introduction of faster, alternative dispute resolution mechanisms such as arbitration and mediation
	Enhancing Border Controls	Improving the capabilities of customs authorities through better technology and increased training can enhance the detection and seizure of counterfeit goods. Implementing more rigorous checks on e-commerce shipments and fostering international cooperation on border control can also be effective
	Improving Interagency Coordination	Establishing a centralized coordination body for IP enforcement could lead to more consistent and effective enforcement. This body would oversee the actions of various agencies and ensure that efforts are unified and aligned with national and international IP protection standards

Source: systematized by the author

While Poland has made significant strides in improving its IP protection framework, ongoing challenges necessitate continuous improvement. Addressing these issues not only protects the rights of individual creators and industries but also enhances Poland's attractiveness as a destination for innovation and creative talent. The proposed solutions require concerted efforts from governmental bodies, private sectors, and the general public to create a robust IP environment that can adapt to the evolving digital landscape.

To bolster the protection of intellectual property (IP) in Poland, further actions can be taken across various dimensions – legal, technological, and educational. These actions aim to enhance the current framework, address emerging challenges, and align Poland's IP protection with best practices observed in other advanced jurisdictions.

Based on the results of the research, the main directions of further actions regarding the protection of intellectual property in Poland were systematized here:

*1. Legal reforms:*

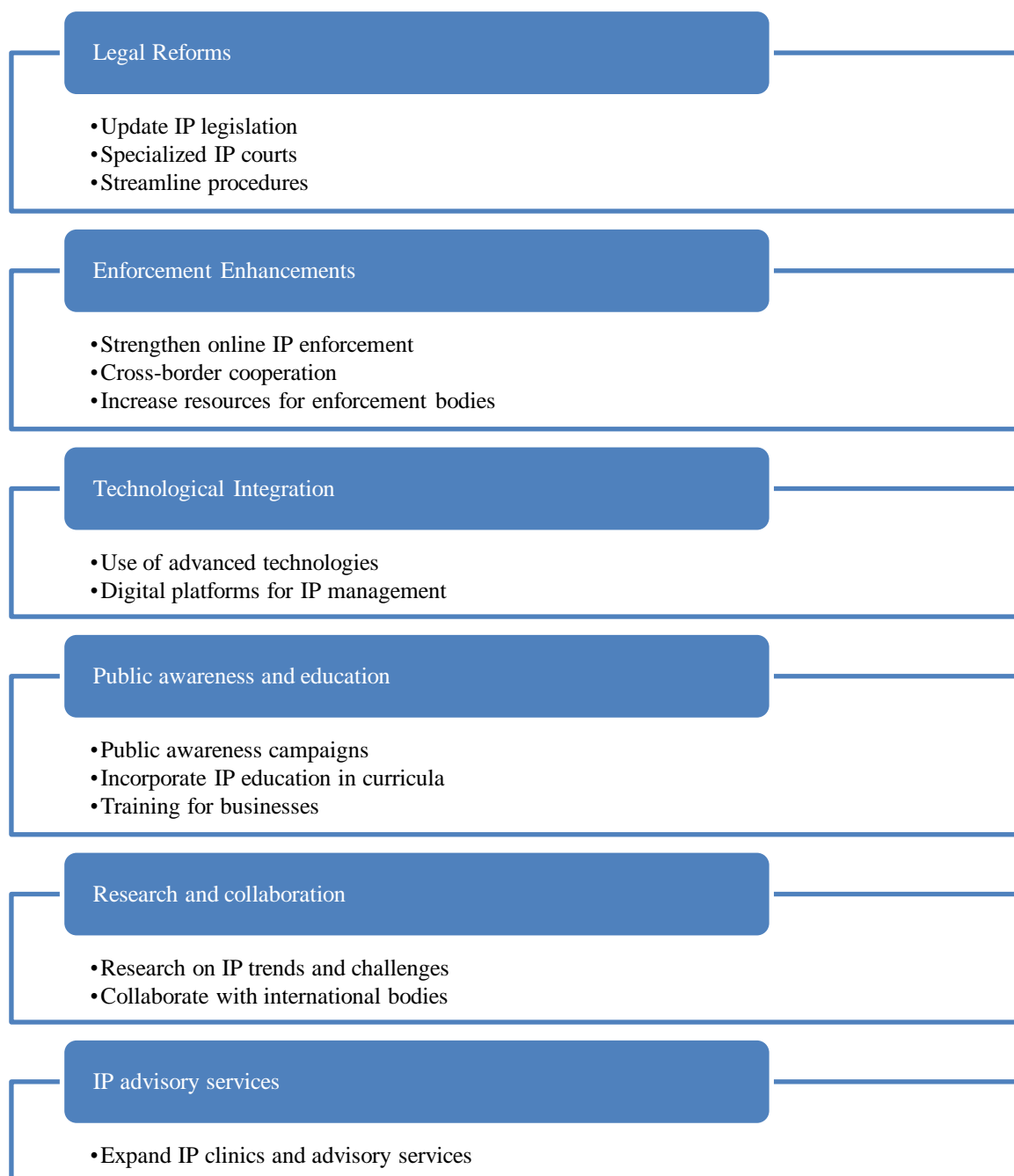
- *Update IP legislation* - regularly update and refine IP laws to keep pace with technological advancements and new types of intellectual creations, ensuring that all forms of IP are adequately protected under Polish law.
- *Specialized IP courts* - establish specialized courts or judicial panels focused exclusively on IP matters to ensure that cases are handled by experts, thus improving the consistency and speed of legal proceedings.
- *Streamline procedures* - simplify and expedite the procedures for IP registration and dispute resolution to make them more user-friendly and less time-consuming for rights holders.

*2. Enforcement enhancements:*

- *Strengthen online IP enforcement* - develop and implement more robust mechanisms for monitoring and enforcing IP rights online. This includes partnerships with internet service providers (ISPs) and platforms to swiftly address infringements.
- *Cross-border cooperation* - enhance cooperation with IP enforcement agencies in other countries and participate in international efforts to combat IP theft, especially in digital contexts.
- *Increase resources for enforcement bodies* - allocate more resources to authorities like the Polish Patent Office and customs officials to improve their capacity to detect and act against IP infringements.

*3. Technological integration:*

- *Use of advanced technologies* - implement advanced technologies such as blockchain and artificial intelligence to track IP registrations and transactions securely and transparently.
- *Digital platforms for IP management* - develop state-of-the-art digital platforms that allow for easier management and monitoring of IP rights, making the system accessible and efficient for all users.



**Figure 1. The main directions of further actions regarding the protection of intellectual property in Poland**

Source: systematized by the authors

#### 4. Public awareness and education:

- *Public awareness campaigns* - launch comprehensive national campaigns to educate the public about the importance of IP rights and the implications of infringement on economic and creative activities.
- *Incorporate IP education in curricula* - integrate IP education into school and university curricula to build awareness from an early age, fostering a culture of respect for intellectual property.
- *Training for businesses* - provide specialized training programs for small and medium enterprises (SMEs) on how to protect and leverage their IP assets effectively.

### 5. Research and collaboration:

- *Research on IP trends and challenges* - support research initiatives that monitor global and regional trends in IP, helping to inform policy and adapt strategies accordingly.
- *Collaborate with international bodies* - increase collaboration with international IP organizations to gain insights and support for enhancing Poland's IP framework.

### 6. IP advisory services

- *Expand IP clinics and advisory services* - establish more IP clinics and advisory services that offer free or low-cost guidance to inventors and creators, particularly targeting startups and individual entrepreneurs.

These further actions aim to create a robust and dynamic IP protection environment in Poland. By addressing legal, technological, and educational aspects, Poland can better safeguard its intellectual assets, promote innovation, and enhance its competitiveness on the global stage. Each step will require collaboration among government bodies, the private sector, and educational institutions to ensure a cohesive and effective approach to IP protection.

**Discussion.** The examination of the features of intellectual property (IP) protection in Poland reveals a complex landscape shaped by evolving legal frameworks, enforcement challenges, and the impact of technological advancements. This discussion synthesizes the findings from various sections of the article, highlighting key insights, implications, and potential pathways for enhancing the IP protection regime in Poland.

*Legal and Regulatory Framework.* Poland's commitment to protecting intellectual property is evident in its comprehensive legal and regulatory framework, which aligns with European Union standards and international agreements. The country has made significant strides in updating its IP laws to accommodate new types of intellectual creations and digital innovations. However, the analysis suggests that there is an ongoing need for refinement and adaptation of these laws to address emerging challenges effectively. For instance, the rapid pace of technological change often outstrips the current legal provisions, necessitating more agile legislative processes.

*Enforcement Mechanisms.* Enforcement remains a critical area of concern in Poland's IP protection landscape. While there are robust mechanisms in place, several issues undermine their effectiveness, including judicial delays, resource constraints, and the complexities of dealing with online infringements. The establishment of specialized IP courts or tribunals could potentially address these issues by ensuring more expert and expedient handling of IP disputes. Moreover, enhancing cross-border cooperation and leveraging technology for enforcement, particularly in combating digital piracy and counterfeit goods, could significantly improve outcomes.

*Role of Governmental and Non-Governmental Bodies.* The roles of various governmental and non-governmental organizations have been pivotal in both the enforcement and education regarding IP rights. Initiatives to increase public awareness and understanding are crucial, as they foster a culture of respect for intellectual



property. Continued investment in these initiatives, coupled with targeted educational programs for businesses, especially SMEs, can increase compliance and reduce infringements.

Looking forward, Poland faces both challenges and opportunities in the realm of IP protection. The ongoing digital transformation globally necessitates a forward-looking approach to IP law and enforcement. Poland could benefit from increased investment in technology-driven enforcement tools, such as AI and blockchain, to track and manage IP rights more effectively. Additionally, fostering a stronger collaborative environment among EU countries could help in sharing best practices and technologies.

While Poland has made commendable progress in establishing a solid IP protection framework, continuous efforts are needed to address existing shortcomings and prepare for future challenges. Strengthening legal frameworks, enhancing enforcement mechanisms, investing in public awareness, and embracing technological solutions are imperative steps towards a more robust IP protection regime. These efforts will not only safeguard creators' rights but also bolster Poland's innovation ecosystem and economic competitiveness on the global stage.

**Conclusion.** The comprehensive exploration of intellectual property (IP) protection in Poland has illuminated a landscape marked by robust legal frameworks, evolving enforcement strategies, and significant areas for development. As Poland further integrates into the global and digital economy, the need to enhance IP protection emerges as both a legal imperative and a cornerstone of economic and cultural prosperity.

Poland's adherence to EU directives and international treaties forms a strong foundation for IP rights protection, but the analysis highlights several challenges. These include the need for more efficient judicial processes, stronger measures against digital piracy, and improved public awareness about IP rights. Addressing these challenges requires a concerted effort from the government, judiciary, businesses, and educational institutions.

The comparative analysis with other EU countries, like Estonia, provides valuable lessons on different approaches to IP protection and enforcement. These insights underscore the importance of adapting to specific national contexts while striving to meet international standards, offering a roadmap for Poland to enhance its IP enforcement strategies and public education efforts.

Looking forward, Poland stands at a pivotal juncture where strategic enhancements in IP protection could significantly boost its innovation ecosystem. By streamlining legal processes, leveraging technology in enforcement, and fostering a culture of IP respect and compliance, Poland can enhance its position as a leader in innovation and creative industries within the European Union.

This article has not only provided a detailed overview of the current state of IP protection in Poland but also identified key challenges and proposed actionable solutions. As Poland continues to refine its IP protection strategies, it is well-positioned to create a more secure and dynamic environment for creators, innovators, and investors, ultimately contributing to the nation's growth and competitiveness on the international stage.

**Author contributions.** The authors contributed equally.

**Disclosure statement.** The authors do not have any conflict of interest.

### References:

1. Alshunnaq, M. F., Alsabbagh, R. . B. I., & Alazzam, F. A. F. (2021). LEGAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS UNDER JORDANIAN LEGISLATION AND INTERNATIONAL AGREEMENTS. *Public Administration and Law Review*, (3), 18–32. <https://doi.org/10.36690/2674-5216-2021-3-18>.
2. Al Azzam, F. A. F., & Alshunnaq, M. F. N. (2019). The Nature of E Companies and Their Legal Regulations. *International Journal of Business and Social Science*, 10(7).
3. Alazzam, F. A. F., Shakhathreh, H. J. M., Gharaibeh, Z. I. Y., Didiuk, I., & Sylkin, O. (2023). Developing an information model for E-Commerce platforms: A study on modern socio-economic systems in the context of global digitalization and legal compliance. *Ingénierie des Systèmes d'Information*, 28(4), 969-974.
4. Boylan, S. P. (1990). United States-Poland Economic Treaty: A Blueprint for Intellectual Property Reform in Eastern Europe and the Developing World. *Fla. J. Int'l L.*, 6, HeinOnline.
5. Czermińska, M. (2020). Protection of intellectual property rights in the European Union: The role of customs authorities on the example of Poland. *International Entrepreneurship Review*, 2020, ier.uek.krakow.pl.
6. Dombrowska, A. (2021). Blockchain and intellectual property. In *International Conference on economics, accounting and finance*. Retrieved from: <https://conf.scnchub.com/index.php/ICEAF/ICEAF-2021/paper/view/300>
7. Dombrowska, A. (2022). Legal Nature of NFT: Intellectual Property or Virtual Assets? In *International Conference on Corporation Management*. Retrieved from: <https://conf.scnchub.com/index.php/ICCM/ICCM-2022/paper/view/352>
8. Jarzynowski, M. (2020). Technology transfer in Poland: overview. *Technology Transfer and Entrepreneurship*, 2020, ingentaconnect.com.
9. Marchenko V. (2024). The main challenges to copyright in the digital society. In *International Conference on Corporation Management*. Retrieved from: <https://conf.scnchub.com/index.php/ICCM/ICCM-2024/paper/view/764>
10. Marchenko V. V. (2024). Some issues of legal protection of computer programs in the context of harmonization of the legislation of Ukraine with the law of the European Union. *Actual problems of social development in the society of changes: Materials of the II International Scientific and Practical Conference March 28-30, 2024, Kharkiv*. In general ed. Kipensky A.V. Kh.: NTU "KhPI". P. 96-98. Retrieved from: <https://repository.kpi.kharkov.ua/server/api/core/bitstreams/269023b1-8ecd-4dcd-a12a-b386716d7259/content>
11. Salamonowicz, M. (2020). Legislative Framework for Academic Intellectual Property Policy in the United States, United Kingdom, Germany, and Poland. *American & European Intellectual Property Law*, researchgate.net.
12. Shakhathreh, H., & Ababneh, E. M. (2023). THE MAIN WAYS OF LEAKING COMMERCIAL SECRETS AND MEASURES TO PROTECT THEM. *Economics, Finance and Management Review*, (2), 76–82. <https://doi.org/10.36690/2674-5208-2023-2-76-82>.
13. Shakhathreh, H. J. M., Salman, A., Aldrou, K. K. A. R., Comite, U., & Alazzam, F. A. F. (2023). Analyzing the Relationship Between Inventory Policies and CSR Practices: Case of Jordanian Companies. *Economics*, 11(s1), 141-163.
14. Tomczyk, Ł. (2018). Protection of Intellectual Property Rights in Poland from the perspective of Polish youth. *Conference: e-Society*, 2018, researchgate.net.
15. Weresa, M. A. (2010). Intellectual property rights and competitiveness: evidence from Poland. *International Journal of Foresight and Innovation Policy*, 2010, inderscienceonline.com.