

Interpellation no. 2450 to the Minister of Economic Development and Technology regarding the ongoing desintegration of the Patent Office of the Republic of Poland

Submitted by: Andrzej Szewiński

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Dear Minister HETMAN,

The President of the Patent Office of the Republic of Poland is mandated by law to annually prepare and submit, by March 31st of each year, a report detailing the prior year's activities, as stipulated in Article 261(4) of the Industrial Property Law Act. This report is to be presented for approval to the minister responsible for economic affairs.

Recent submissions, however, have failed to provide an accurate representation of the Office's operations. The reports have been notably brief, predominantly consisting of tables filled with selectively chosen statistics designed to highlight apparent successes. Both the numerical data and the narrative sections seemed crafted to suggest that activities were progressing according to previously established plans. Yet, straightforward annual comparisons reveal a worsening trend in the quantitative measures of industrial property protection in Poland.

Moreover, despite evident signs to the contrary, there has been a consistent omission in acknowledging significant qualitative downturns, indicative of persistent irregularities within the functioning of the Patent Office of the Republic of Poland. This discrepancy suggests a detachment from the actual conditions and challenges facing the Office, contrary to the optimistic depictions in the official reports. These are:

- **lack of transparency** as to exclusive rights;
- **the presence of erroneous information or the lack of relevant information on the status of the rights** granted by the Office in the Office's databases (as discussed by 130 opposition MPs of the previous term of the Polish Parliament in interpellation 37331);
- the adopted **methodology of supplementing data in reports** resulting in providing false information for economically important cases (the number of decisions concerning the granting of rights is inflated, e.g. by decisions to close proceedings as a result of withdrawal of an application). A similar effect bringing a weakening of legal certainty was:
 - 1) **the promotion** in recent years of **rapid granting of exclusive rights** at the expense of their deeper verification already at the stage of first consideration in the Office (which negatively affects the stability of law and reflects on the functioning of the judiciary, to which flawed decisions are forwarded);
further demerit is:
 - 2) the continuation of undoubtedly harmful legislative ideas; and
 - 3) **continuation** (also in 2024) of the **intimidating disciplinary proceedings** characteristic of PiS governments initiated to achieve a chilling effect on those who are critical of the dubious effects of the actions of the Office. The above-mentioned list of hidden negative phenomena is incomplete; more of them exist.

In these circumstances, my electors believe that the questions posed below will clarify much and help in assessing the situation. I would therefore kindly ask you, Minister Hetman, for an answer:

1. How does the President evaluate the report of the President of the Patent Office of the Republic of Poland, made available on the BIP website [pl. *Biuletyn Informacji Publicznej*, eng. - the Bulletin of Public Information], for the year 2023?
2. Does the fact that Mrs. Edyta Demby-Siwiek remains in the post of the President of the Patent Office of the Republic of Poland reflect the fact that her candidacy for the post of

Vice-President of the European Union Intellectual Property Office (EUIPO) is supported and her multi-year self-assessment of the activity of the Patent Office of the Republic of Poland is accepted, even though it is very different from the assessment reported to me by many entrepreneurs and expressed in the interpellations of the opposition MPs of the previous term of the Polish Parliament (in the series of interpellations, i.a. 37330, 37331, 37332)?

3. Will there be an external audit ordered - an opening audit at the Patent Office of the Republic of Poland, as only such an audit may be a prelude to assessing the functioning of the Office, as well as the current management of the Patent Office of the Republic of Poland, and the beginning of any corrective action?
4. When will a competition for the post of the President of the Patent Office of the Republic of Poland be announced?

Yours faithfully, Andrzej Szewiński Member of the Polish Parliament