TEACHING OF INDUSTRIAL PROPERTY IN POLAND

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GENERAL OBSERVATIONS

Background

The first higher education establishment in Poland to introduce regular courses in industrial property was the Faculty of Law of the Jagellonian University in Cracow. The Department of Civil Law of the Faculty, of which the Chair is held by Professor Stefan Grzybowski, an eniment Polish sepcialist in the field of industrial property, introduced courses on the law of inventions and of copyright in the sixties. To begin with, these were merely optional courses. Subsequently, since they were attended by ever increasing numbers of students, they were incorporated into the ministerial programme for law students, and further faculties followed the example set by Cracow.

The teaching of the law of inventions at university level is given in Poland in the faculties of law bearing the title "Faculty of Law and Administration". In addition, this subject is taught in polytechnics, agriculture colleges and, in some cases, in other higher education establishments.

In Poland, as in the other socialist countries, a distinction is made between industrial property law and inventions law. The latter subject covers not only matters of inventions and patents, but also other matters such as rationalization, organization of the inventive authority within nationalized undertakings, and the rights and duties of salaried inventors. Trademarks and provisions concerning unfair competition, on the other hand, are not considered to form part of the law of inventions. Mostly, such courses are devoted to the law of inventions or, at least, the accent is placed on this subject, leaving aside the other aspects of industrial property law.

FACULTIES OF LAW AND ADMINISTRATION

Full-time Studies - Law Option

In principle, all faculties, now numbering nine, give a course on the law of inventions and of copyright. Most of the faculties are able to devote to this course ninety hours, divided into actual lectures and supervised work. The allocation of time to the law of inventions and to copyright is decided by the lecturer. It should be added that Polish legal litterature considers the law of inventions and copyright as essential parts of a much larger and more complex branch of law - the law of intellectual property. It is therefore possible to deal with these two subjects in one and the same course.

The course on the law of inventions and copyright is only compulsory for those students specializing in civil law. The faculty council may, however, make them compulsory for other specializations. The number of such students varies. For example, during the year 1978/79, there were 75 students at the Faculty in Cracow, 90 in Poznan, 80 at Katowice, 90 at Torun and 65 at Lublin. I do not have the figures for the remaining faculties. The students are required to take a general exam at the end of the course. This is usually an oral exam. In addition to the lectures and the supervised work, those students who wish to gain a more detailed knowledge of intellectual property may choose a subject belonging to this field for their thesis. In accordance with the regulations on higher education, particularly as regards the universities, each student is required to write and defend a thesis in order to obtain his degree. Normally, such a thesis contains between 80 to 100 pages. It is prepared under the direction of a professor. Each year, a number of students choose subjects related to the law of inventions. For example, in 1978/79 there were 15 such students in Cracow, 8 in Katowice, 2 in Torun and 5 in Lublin.

Evening Studies

In addition to full-time studies, all faculties also give teaching intended for people at work. These studies, that are known as evening courses, also lead to a diploma having the same value as the full-time diploma. For this reason, the curriculum is copied from that of the full-time studies. However, in practice, the range of courses organized for such studies is more restricted. The courses on law of inventions and copyright total fifteen hours at Cracow and are compulsory only for those students that have chosen to specialize in civil law. In most of the other faculties, the principles of the law of invention are taught as part of economic law.

ADMINISTRATION OPTION

Full-time Studies

The faculties of law and administration offer a second option, that of administration. The curriculum, which is the same for all faculties, contains a course on the inventive authority and technical and organization progress. The number of hours alloted to this course is thirty in all faculties. The basic part of the course in constituted by invention law matters. This course is compulsory for all students of administration. At the end of the course, the students are required, as a general rule, to take an exam. Those students who wish to gain more detailed knowledge may choose a question of invention law for their thesis.

Evening Studies

The law of inventions is not yet taught in the evening study curriculum.

Post Graduate Studies (i.e. at Cracow, Katowice, Wroclaw, and Poznan)

The four faculties of law and administration also give post-graduate education in the field of inventive activity and the protection of industrial property. This type of studies is often chosen by patent agents. These post-graduate courses were set up with the collaboration of the Patent Office and of the bodies grouping inventors and units of the socialist economy (technical and rationalization clubs). To be accepted for this type of course, the students must already have graduated from a polytechnic or a university and have completed a period of training in a post connected with the inventive authority or with the protection of industrial property. The

courses last for two years at Cracow and for one year at Katowice, Wroclaw and Poznan. The curricula are varied. As a general law, however, there are courses on Polish law of Inventions and intellectual property and also on international (continental) industrial property law and on the property law of the main industrialized countries.

The faculties of law and administration also give other post-graduate courses, for example, oriented towards judicial practice, towards matters of national economy or towards economic law. The curriculum for these courses also covers the law of inventions. In most cases approximately ten hours are devoted to this subject.

OTHER FACULTIES

It should be mentioned that, in addition to the faculties of law and administration, the law of inventions or of copyright is sometimes taught in other faculties. For example, at the University of Katowice, the Faculty of Technology gives a course on patent information.

THE POLYTECHNICS

In recent years, the teaching of the law of inventions and industrial property has also progressed in the higher technical schools. It was thought that the prospective engineers should have at least summary knowledge in this field. Efforts were therefore made to introduce the appropriate teaching. Today, the majority of such schools give instruction in this subject.

There is, however, great variety in the methods chosen. In some establishments, teaching is given in all faculties, but only in some of them in others. The number of hours of teaching also varies. Mostly, it is something like ten to fifteen hours. The teaching of these courses in the higher technical schools is often entrusted to patent agents.

OTHER HIGHER EDUCATION ESTABLISHMENTS

It should also be noted that the teaching of industrial property is not absent from other higher educational establishments. For example, such teaching is given in most agricultural schools. Exceptionally, the protection of industrial design is taught in the art schools. Such is the case in the Cracow Art School.

THE COMPETITION IN THE FIELD OF THE INVENTIVE AUTHORITY AND THE PROTECTION OF INDUSTRIAL PROPERTY

To complete this presentation of industrial property teaching, mention should be made of the fact that each year the Patent Office, in conjunction with the Ministry of Science, Higher Education and Technology and the Association of Polish Students, organizes a competition. The authors of the thesis defended in any higher education establishment during the year in question may submit their work. The panel is composed of professors and other specialists. It awards prizes to the authors of the best thesis in the field of inventive authority and the protection of industrial property. These theses may be of a technical, legal or economic nature. The competition is organized each year.