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& partners 

Innovative Business Law Solutions



**Your Full Scope  
IP Law Practice**

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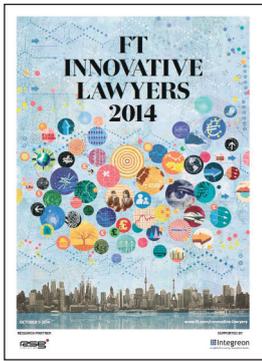
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The only Polish law firm to be awarded in the prestigious Financial Times Innovative Lawyers 2014 ranking



A laureate of the Business Centre Club and the Polish Ministry of Foreign Affairs: Ambassador of Polish Economy 2013 and 2014



A laureate of the Business Centre Club, the Polish Ministry of Foreign Affairs and the European Economic and Social Committee European Medal 2013 and 2014



## Our Firm

**Kochański Zięba & Partners** was established in 1998 by Piotr Kochański, advocate and member of the Warsaw Bar Council and the District of Columbia (Washington, D.C.) Bar.

Our Firm currently consists of more than 80 lawyers, tax counselors and patent attorneys supported by 40 of administration staff. We are a full-scope, business-orientated law firm dedicated to providing clients with innovative and efficient legal solutions of the highest professional standards.

The distinct advantage of our Firm is that we do not just provide clients with a “standard” law service, but we handle each case in a multidisciplinary manner, combining experience and knowledge in related fields of law. This comprehensive “one-stop-shop” approach is highly appreciated by our clients, as it is extremely efficient and leads to the best quality and results.

Our lawyers are experts in various fields of law, including banking and finance, real estate, civil, company and corporate, M&A, tax, industrial, telecommunications, competition and distribution, and European law. Our philosophy is to work closely with clients in order to understand their businesses and tailor our services to their needs.

## International Practice

**Our Firm is a Polish law firm with global capabilities through its professional relationships with groups of international law firms operating under different brands.**

Since 2004, we have been a Polish member of the International Lawyers Network ([www.iln.com](http://www.iln.com)). The ILN is a group consisting of over 5,000 lawyers in 91 member firms representing 66 countries. Through our membership in the ILN we have been engaged in various top level transactions, including international M&A projects, project finance or significant transactions on the real estate market.

We are also members of Mackrell International ([www.mackrell.net](http://www.mackrell.net)), a network of medium-sized law firms in major jurisdictions, dedicated to client satisfaction. Founded 20 years ago, it currently numbers over 60 firms in more than 100 offices on five continents.

International affiliation gives us the possibility to run and manage our cross-border projects globally.



# Industrial Property Administration

Industrial property rights constitute an important and valuable component of the assets of many businesses and companies from all sectors and industries, both domestic and international. We provide a full range of IP rights portfolio administration services, including filing, registration, maintenance and modification of IP rights.

Our expertise extends to comprehensive management of IP rights portfolios. We conduct IP rights searches using dedicated software and databases. Our trademark and patent attorneys also develop advanced administration strategies, including advice on IP rights clearance and selection, bulk filing and watching services.

## Our services:

- Trademark, patent & SPC, utility model, design application & registration
- IP rights administration, including renewal, request for records (update, modification, assignment etc.)
- Search & watching services
- IP due diligence reports
- Freedom to operate searches
- Domain name search and registration
- Domain name portfolio administration



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### Legal 500 EMEA 2013 – Poland Intellectual Property:

*„KZRP is currently advising Teva and Procter & Gamble on launching various brands in the Polish market. Other clients include Reckitt Benckiser, Pandora Jewelry and Ringier Axel Springer. Practice head Karolina Marciszyn is also recommended”.*



**IP Centrum**  
 Intellectual Property

Karolina Marciszyn is a lecturer in trademarks at the IP Centre (Centrum Praw Własności Intelektualnej im. H.Grocjusza).

## Managing Intellectual Property

The Global IP Resource

*Karolina Marciszyn is recommended by Managing Intellectual Property ranking 2014 as a Copyright and Trademark Star.*

# IP SCOUT® – Revolutionary Solution for IP Administration

**With the rapid development of information technology** combined with the impact of globalization on competition, enterprises are faced with the challenge of finding the most efficient and cost effective solutions to manage their business activities. We help our clients find these solutions, with an emphasis on their satisfaction at every step of the way.

In order to provide clients with the most efficient, cost effective and technologically advanced solutions, we use the novel **IP SCOUT®** system, which has been specially designed to meet the needs of our Firm. **IP SCOUT®** gives clients 24/7 secured access to their case files and enables them to monitor their cases online, anywhere in the world, at any time. This ensures the transparency of our services and at the same time increases productivity, improves performance and reduces administration costs in IP cases.

## **IP SCOUT® distinctive features:**

- **24/7 remote control over IP cases**
- **Cost efficient administration of IP rights**
- **Functionally rich online access to IP files**
- **Automatic monitoring of deadlines**
- **Intuitive web browser interface**
- **Simple installation procedure**
- **Unique service on the Polish market**



Revolutionary Solution for IP Administration

# Technology Transfer

**Effective IP management** is the ability to successfully commercialize inventions, market trademarked products, license know-how and conclude franchising or joint ventures. Our deep technical expertise allows us to analyze the market forces at play and competitors' technologies in order to effectively integrate our clients' IP transactions strategies into a plan for to meet their business needs.

We are experienced in technology transfers, including not only registered IP rights but also rights to databases, know-how and trade secrets. Our team provides clients with a detailed legal analysis of the potential opportunities and exposures arising from R&D and technology transfer transactions. We also assist in the acquisition of IP rights owned by employees as well as in ensuring the confidentiality of trade secrets vis-à-vis competitors and ex-employees. Apart from our "day-to-day" services in IP law, we are also active in advising marketing departments on product name creation, product labeling and IP aspects of advertising campaigns.

## Our services:

- Drawing up licensing and assignment agreements
- Consulting on product name creation & assistance for marketing departments
- Advice on database, know-how and trade secret protection & licensing
- Drawing up R&D contracts
- Assistance in acquisition of employee IP rights
- Advice on confidentiality of trade secrets vis-à-vis competitors and ex-employees

## Managing Intellectual Property

The Global IP Resource

*Piotr Kochański is recommended by Managing Intellectual Property ranking 2014 and 2015 as a Patent Star.*



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### Chambers Europe 2014: Poland: Intellectual Property

*"Well-known, full-service IP practice supporting clients in advisory and contentious matters. Advises clients from the retail, pharmaceuticals, media, FMCG and luxury goods sectors. The team's advice is clear and understandable, and the lawyers are always available. Represented Ringier Axel Springer Polska in a number of matters, including trade mark disputes and royalties litigation. Acted for pharmaceuticals company Novartis on numerous public procurement litigation cases against Roche. Piotr Kochański leads the IP department."*

### Legal 500 EMEA 2014: Poland: Intellectual Property

*"Piotr Kochański leads the team at Kochanski Zieba Rapala & Partners, which continues to advise longstanding client Ringier Axel Springer Polska, including managing its portfolio of IP rights and preparing contracts for e-subscriptions and the distribution of foreign magazines. The firm also provides ongoing advice to Fiat Auto Poland relating to the use of Fiat trade marks by members of Fiat's distribution network."*



# Industrial Property Protection



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**Legal 500 EMEA 2015:**  
**Poland: Intellectual Property**

*“Kochanski Zieba Rapala & Partners provides ‘a consistently high level of service’. The firm regularly advises Teva Pharmaceuticals and Ringier Axel Springer Polska on a range of IP matters, and represented Reckitt Benckiser in litigation regarding unfair competition and comparative advertisement. Piotr Kochański heads the team, which includes Rafał Zięba”.*

**Industrial property disputes often have complex scientific and technical questions at their core.** Our trademark and patent attorneys, advocates and legal counselors are not only well experienced in the legal aspects of IP protection but are also familiar with the technology involved.

We represent clients in contentious matters before the PPO (Polish Patent Office), EPO (European Patent Office), WIPO (World Intellectual Property Organization), OHIM (Office for Harmonization in the Internal Market), common and administrative courts, as well as arbitration tribunals. Based on our experience, knowledge of procedures and substantive law, we work closely with clients to develop the most effective practical advice.

## Our services:

- Drawing up formal objections in registration proceedings
- Representation in opposition & cancellation proceedings
- Representation before administrative courts
- Representation in disputes (infringement, preliminary injunction) before common courts & bailiffs
- Advice on anti-counterfeiting actions in cooperation with customs offices
- Representation before arbitration tribunals  
common courts & registrars in domain name disputes



**GlobalLawExperts®**  
Recommended Attorney



*“KZRP’s highly qualified lawyers are a pleasure to work with and substantially contribute to the company’s position in the market.”*

– Jakub Kudła, Head of Legal, Ringier Axel Springer Polska

# Internet, E-Commerce and Computer Games

**Technological progress, especially in the field of communication technologies, requires dedicated legal services**, based on substantive knowledge, open-mindedness to new technologies and a traditional, business-orientated approach. We assist clients with legal issues connected to different kinds of IT undertakings, including the process of integrating digital technologies into traditional businesses.

When disputes arise, we take a commercial approach, thoroughly analyzing a client's specific needs, looking for the "pros and cons" of opting for a settlement or entering litigation. At the stage of contentious proceedings, we make use of our considerable expertise in IP/IT litigation, developing an effective claim or defense, whichever is required by the client.

**The internet has developed into one of the most incredible technological and social accomplishments ever created**, altering the way business is conducted in the process. Naturally, internet legislation and best practice rules have also dramatically developed. Compliance with these aspects is a critical factor in the success of any company or organization looking to increase sustainability, reputation and profitability.

Navigating the legislative minefield, ensuring best practice guidelines and resolving disputes requires specialized advice. Our team provides comprehensive, practical and cost effective analysis, for clients who are new to e-commerce, looking to improve their current e-commerce offering as well as those who are experienced entrepreneurs searching for an effective resolution to a dispute.

## Our services:

- Assistance in technology-related transactions, in particular software development, software licensing, support & maintenance, SLA (service level agreements), IT outsourcing, hosting, IT consulting, website administration
- Advice on safeguarding data protection and privacy standards in IT projects
- Advice on digitizing and distributing content in new channels of communication (inter alia: Internet, e-books, tablets, mobile phones & VOD)
- Preparation of the terms and conditions of Internet services, e-shops and privacy policies
- Comprehensive audits of rights to computer programs
- Representation in court disputes concerning infringement of copyright to computer programs / computer games
- Assistance in developing e-commerce strategy
- Advice on financial & technical aspects of running an e-commerce service, including trust, security, digital signature and encryption issues
- Consulting on legal e-commerce issues (inter alia: drawing up terms and conditions, determining applicable law & court jurisdiction, advice on data protection)
- Representation in disputes concerning e-commerce services
- Complex advice on computer games issues



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***Dr Ireneusz Matusiak is a first prize laureate for the best doctoral thesis as judged by the Polish Patent Office.***

# Copyright and Related Rights



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**Copyright is central to the exploitation of intellectual capital** in technology based companies. Recognition and enforcement of copyright is fundamental to developing and maintaining assets upon which a company trades.

As leaders in the field of intellectual property protection, our IP specialists successfully represent owners of copyrights, i.e., TV and radio stations, design and advertising agencies, record companies, film producers and distributors. We also advise authors, artists and inventors on how to protect their copyrights in the creative process as well as in their business activity. We are aware that in a rapidly changing technological environment copyright protection based on traditional legal institutions must be supplemented by an innovative and open-minded tactical approach. Therefore, we combine our in-depth knowledge and courtroom experience with industry-orientated legal expertise.

## Our services:

- **Negotiation and drafting all type contracts, which include rights acquisition & licensing agreements**
- **Representation and advice on copyright disputes as well as in cases of piracy**
- **Representation in disputes with organizations for collective management of copyright and related rights**
- **Advice on other copyright-related issues, such as how to manage public performances and events, live and recorded broadcasts, and mechanical reproduction rights, co-production of musical and audiovisual works, advertisement and media**

*“Legal advice provided by KZRP has been professionally performed in a manner which corresponds to our needs and business challenges.”*

- Maksymilian Litwinow, Marketing Director, Castorama Polska

# Data Protection

**Most business projects require professional advice in the crucial area of privacy and personal data protection.** We advise not only on creation, registration and data collection management, but also while monitoring current market trends and legislative projects, we take into account the significance of privacy and data issues for innovative business at the preparatory stage for a given project in accordance with the concept of privacy by design. As part of the work of our project team we assist in developing mechanisms ensuring respect for privacy, procedures and producing the necessary documentation.



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## Our services:

- **Preparing and carrying out audits within the scope of A laureate personal data protection**
- **Comprehensive advice in developing and implementing safety standards for personal data**
- **Preparing documentation for personal data processing**
- **Structuring and reporting personal data files for registration with the Inspector General for the Protection of Personal Data (GIODO)**
- **Complex advice on transactions involving access to personal data**
- **Full support at undertakings involving personal data transfer to third countries, in particular due to cloud computing solutions**
- **Representation in proceedings before the Inspector General for the Protection of Personal Data (GIODO) and other proceedings concerning personal data**

**Chambers Europe 2015:  
Poland: Intellectual Property**  
*"The firm smoothly advised the client through the legal challenges. Practice head Piotr Kocharński is the key point of contact."*

Top Ranked  
**CHAMBERS  
GLOBAL**  
- 2015 -

# Information and Communication Technology Law



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## **Our Information and Communications Technology Law Practice (ICT)**

provides legal assistance to clients conducting their business activity within the scope of telecommunications, electronically provided services, data security and security of network data transmission, as well as privacy and protection of Intellectual Property on the Internet, in particular Internet domain names.

Our law firm provides support during regulatory proceedings, in determining the market position of telecommunication entrepreneurs, establishing telecommunication business activity, including its registration, reporting, and also in conducting its further activity, including drafting regulations, price lists, agreements on providing telecommunication services and inter-operator agreements being subject to the provisions of the Telecommunications Law.

We also assure professional representation of our clients before the Competition and Consumer Protection Court, as well as representation before any regulatory authorities and competition and consumer protection authorities.

## **Our services:**

- **Complex advice on telecommunication law, inter alia: contracts for providing telecommunication services, broadband infrastructure services, legal relationships with regulator and other public institutions responsible for the telecommunication market**
- **Drafting and negotiating contracts on the deployment of complex information systems for local entrepreneurs and international institutions**
- **Advice on electronic communication law: hosting, Internet technologies, domain names**
- **Advice on cybersecurity issues: network and services security**
- **Advice on consumer protection in cyberspace**
- **Advice on personal data and privacy protection in new technologies**
- **Advice on Internet Governance**

# Combating Unfair Competition

Clients increasingly approach us with questions that involve competition law aspects or those that lie at the intersection of IP law and competition law, particularly issues of parallel imports, technology transfers, interoperability for other market participants, manufacturing spare parts of original products and comparative advertising.

With a broad expertise in EU and national competition rules in a wide range of industry sectors, we provide comprehensive legal services related to combating unfair competition matters. At the same time, we advise clients on the possible competition law implications of IP rights enforcement. In addition, our lawyers are popular speakers at conferences and provide coaching to clients on the latest developments in competition law.

## Our services:

- Drawing up licensing and assignment agreements
- Consulting on product name creation & assistance for marketing departments
- Advice on database, know-how and trade secret protection & licensing
- Drawing up R&D contracts
- Assistance in acquisition of employee IP rights
- Advice on confidentiality of trade secrets vis-à-vis competitors and ex-employees



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# Press & Media Law



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**We provide services to one of the largest and most successful European news media publishing houses**, which owns many of the highest circulation daily newspapers and magazines. Our team is also highly experienced in representing various radio and television stations in matters concerning the protection of freedom of expression.

Our extensive media-related expertise allows us to provide legal advice in a broad range of cases, from a reporter's right to gather information and protect his informants from being revealed, to litigation involving publicity rights, to legal advice to media entities and authors on defamation and libel clearance. We also regularly represent journalists and authors in areas concerning their work and their employment by media entities and assist with pre-publication reviews concerning potentially inflammatory articles and in negotiations with the news media to ensure that inaccurate information is not published.

## Our services:

- Risk assessment of press material for potential publication
- Drafting documents for press title registration and representation in press title registration proceedings
- Drawing up responses to press denial demands and responses to demands for retraction
- Representation in media court cases, including personal & publicity rights etc



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# Regulatory & Pharmaceutical Law

**Many aspects of IP law intertwine with regulatory law.** Our focus at KZP is providing optimal IP rights protection schemes to clients ranging from small start-up operations and individual inventors to large Polish and multi-national corporations, in all industry sectors.

We are experienced in providing comprehensive legal advice for the pharmaceutical & health care industry. We advise on parallel imports of medicinal products, particularly de-branding, co-branding and/or re-labeling, as well as on administration and enforcement of supplementary protection certificates for medicinal products and on data exclusivity. We also act for clients in the FMCG, alcoholic beverages, tobacco, media & advertising, IT & telecom, automotive, fashion, luxury goods, architecture & construction as well as the banking & finance sector industries. Our team focuses on these regulatory aspects in order to provide clients with services tailored not only to their business needs, but also to the legal environment in which they operate.



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## Our services:

- **Advice on agreements on clinical trials and agreements with researchers and Clinical Trial Centers**
- **Preparation of registry documentation and appropriate notifications, as well as representation in regulatory proceedings related to medicinal products, medicinal devices and borderline products**
- **Advice on parallel and target imports**
- **Advice on medicinal products materials and advertising campaigns**
- **Advice on closed advertising and the application of anticorruption provisions of the law**
- **Advice on the legal and tax aspects of advertising and marketing activities**
- **Negotiation of distribution agreements of medicinal products**
- **Advice on issues regarding the refund of medicinal products, medicinal devices and FSMP**
- **Advice on procedures for awarding public procurement within the scope of supplies of medicinal products**
- **Advice on supervision over the quality and safety of product use, in particular within the scope of pharmacovigilance (PV)**
- **Representation in proceedings before the following authorities: The Office of Registration of Medicinal Products, Medicinal Devices and Biocidal Products, The State Pharmaceutical Inspection, Trade Inspection, Agricultural and Food Quality Inspection, and the Ministry of Health as well as before the administrative courts**

# IP Asset-Based Financial Engineering



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**IP rights not only serve to protect** but once activated may also positively enhance the financial standing of a company. Thus, we help clients create optimal tax efficient structures in order to maximize the value of their registered IP rights.

We also specialize in IP licensing tax issues, and the use of IP rights by related companies (particularly group companies). Our team assists clients with the tax law aspects related to IP rights value assessments before Initial Public Offerings or for other purposes. We are also experienced in advising on securitization and collateralization based on IP rights.

## Our services:

- Advice on tax-efficient structures for IP tax optimization
- Consulting on use of IP rights as collateral, pledging IP rights
- Advice on tax issues concerning licensing of IP
- Assistance in tax law aspects of IP rights value assessments



**WHO'S WHO LEGAL**  
*The International Who's Who of Business Lawyers*

**GlobalLawExperts®**  
 Recommended Attorney



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