



BusinessLawFirm

kochański **zięba** **rapała** & partners

Professional Legal Solutions for Businesses



**Your Full Scope
IP Law Practice**

Table of Contents



Firm Profile	1
Industrial Property Administration	2
IP SCOUT – Revolutionary Solution for IP Administration	3
Industrial Property Protection	4
Industrial Property Management & Technology Transfer	5
IP-Asset-Based Financial Engineering	6
Combating Unfair Competition	7
Copyright	8
New Technologies & Digitalization	9
Internet & E-commerce	10
Press & Media-Related Litigation	11
IP & Regulatory Law	12



Firm Profile

Kochański, Zięba, Rapała & Partners (KZR&P) was established in 1999 by Piotr Kochański, an advocate and member of the Warsaw Bar Council and the District of Columbia (Washington, D.C.) Bar. KZR&P currently consists of 20 partners and 28 lawyers, advocates, legal counselors, tax counselors and patent attorneys co-operating through offices in Warsaw, Cracow and Lublin. The lawyers are supported by administrative, information and telecommunications, marketing and finance departments. KZR&P employs a total of 70 people. We are a full scope, business orientated law firm dedicated to providing clients with innovative and efficient legal solutions of the highest professional standards in various practice areas. Our reputation has been built by adapting and refining our skills to meet the challenges presented by Poland's transformation since 1989.

We are recommended as IP specialists by such prestigious legal publications as The Legal 500, European Legal Experts, Who's Who Legal and PLC Which Lawyer. In addition, as members of recognized legal and non-legal associations (including various Chambers of Commerce, Bars and Law Societies), we provide clients with full support in both local and multi-jurisdictional projects.

The distinct benefit of our Firm is that we do not just provide clients with a "standard" intellectual property law service, but we handle each case in a multidisciplinary manner, combining experience and knowledge from related fields of law. This comprehensive, "one stop shop" approach is highly appreciated by our clients, as it is efficient and leads to better quality and results.

"KZR&P is ranked 4th by net profit and 25th by number of lawyers in Poland."

– Rzeczpospolita Magazine, Law Firm Rankings, April 15, 2011

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 right 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 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 names portfolio administration.**



Karolina Marciszyn
k.marciszyn@kochanski.pl
+48 883 323 468



Marta Koremba
m.koremba@kochanski.pl
+48 883 323 456



Marta Miszczuk
m.miszczuk@kochanski.pl
+48 660 765 929

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 tailor designed to fit 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

Industrial Property Protection

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 also have fluency in 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.



Katarzyna Zbierska
k.zbierska@kochanski.pl
+48 660 765 923

Our IP experts have continued contributing substantially to the increasing social awareness of the significance of IP rights protection in Poland since the beginning of systemic transformation in 1989, including one of the first trademark infringement cases in 1991 on behalf of Cinzano Italian vermouth.

Industrial Property Management & Technology Transfer



Piotr Kochański
 p.kochanski@kochanski.pl
 +48 602 218 217

Effective IP management is the ability to successfully commercialize inventions, market trademarked products, license know-how, 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 client's IP transactions strategies into a plan for meeting their business needs.

We are experienced in technology transfers, including not only registered IP rights but also rights to data bases, 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 "everyday" 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 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.**



IP-Asset-Based Financial Engineering

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.

In addition, we 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.**



Rafał Zięba
r.zieba@kochanski.pl
+48 508 326 300



Tomasz Zaleski
t.zaleski@kochanski.pl
+48 883 323 459



Andrzej Malec
a.malec@kochanski.pl
+48 660 765 920

Combating Unfair Competition



Krzysztof Zięba
 k.zieba@kochanski.pl
 +48 660 765 928

Clients increasingly approach us with queries 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 of 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:

- **Advice on competition law implications of IP rights transfer transactions, both at a national and EU level;**
- **Representation in cases concerning acts of unfair competition: trademark infringement, trade dress infringement, passing off, false advertising, misappropriation of trade secrets, deceptive trade practices;**
- **Advice on competition law aspects concerning exhaustion of IP rights and parallel trade;**
- **Assistance in cases of abuse of a dominant position, restricting competition by IP rights holder or collective rights management society;**
- **Advice on issues of interoperability and spare parts “clauses”.**



Joanna Affre
 j.affre@kochanski.pl
 +48 660 765 912



Magdalena Mitas
 m.mitas@kochanski.pl
 +48 660 765 916

Copyright

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 one of the 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 film 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 an industry-orientated legal expertise.



Sylwia Sylwestrzak
s.sylwestrzak@kochanski.pl
+48 660 765 911

Our services:

- **Negotiation and drafting of commercial contracts, agency, 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, live and recorded broadcasts, and mechanical reproduction rights.**



Joanna Karczewska-Wróbel
j.karczewska@kochanski.pl
+48 660 765 905

New Technologies & Digitalization



Piotr Niezgódka
 p.niezkodka@kochanski.pl
 +48 660 765 921

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, first 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 a client.

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).

Internet & E-commerce

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, who are looking to improve their current e-commerce offering as well as those who are experienced entrepreneurs searching for an efficient resolution to a dispute.

Our services:

- 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.



Alex Katny-Mazowiecki
a.katny-mazowiecki@kochanski.pl
+48 604 468 404

“KZR&P’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

Press & Media-Related Litigation



Tobiasz Szychowski
 t.szychowski@kochanski.pl
 +48 660 765 925

We provide services to one of the largest and most successful European news media publishing houses, owner of 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;
- Drawing up 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.

As a consequence of a KZR&P complaint filed with the Polish Supreme Administrative Court on behalf of a renowned press publisher in a case of personal data disclosure, by virtue of precedence, in a recent judgement the Court upheld:

“The individual interest of an injured party to obtain a journalist’s personal data on the basis of a potential court order must be confronted with the public interest in access to constant and free information provided by press. A potential desire to sue a journalist for alleged personal goods infringement does not suffice to obtain the journalist’s personal data from the court”.

– Polish Supreme Administrative Court, March 22, 2011

IP & Regulatory Law

Many aspects of IP law intertwine with regulatory law. Our focus at KZR&P 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 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 those 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.



“The Firm and Piotr Kochański individually are recommended in Life Sciences – regulatory.”

– PLC Which Lawyer and Who’s Who Legal 2011

ambitious but respectful
ambitni ale uprzejmi

creative but clear-sighted
twórczy ale realistyczny

effective and affordable
skuteczni i dostępni

local yet global
lokalni lecz zglobalizowani



efficient and meticulous
szybcy i precyzyjni

conservative but sharp
konserwatywni ale nowoczesni

open and dependable
nowatorscy i rzetelni

traditional but innovative
tradycyjni lecz innowacyjni

kochański **zięba**
rapała & partners



Contact:

email: ip@kochanski.pl

tel. +48 22 326 9600

fax +48 22 326 9601

Metropolitan,

Plac Piłsudskiego 1
00-078 Warsaw, Poland

Office hours:

Monday-Friday 9:00 a.m. – 8:00 p.m.

www.kochanski.pl