III. Jahrgang III Volume

Review of Polish Law and Economics

ZEITSCHRIFT FÜR POLNISCHES RECHT U. WIRTSCHAFTSWESEN

ENGLISH SECTION

Editorial Office: Schriftleitung:

WARSZAWA
HOŻA 37

The preceding volumes appeared as follows:

Volume I March 1928 to February 1929
„ II „ 1929 „ „ 1930
„ III „ 1930 „ „ 1931

The first volume appeared in quarterly parts of which part 1 is out of print. The remainder may be obtained directly from the publishers or from Messrs Carl Fleisher, Leipzig.

Sales office: Concordia Sp. Akc., Poznań. Administration, Hauptdepot und Kommissionsverlag:
Editorial-Office **Warszawa, Hoża 37** Schriftleitung

Telephone: 270—25.
Postal-Savings-Bank account No. 8699.

Price Inland . . . . . 24.— zł
Abroad . . . . . 12.— RM.
(postage extra).

Fernsprecher: 270—25.
Postsparkassenamt Konto Nr. 8699.

Preis für Inland . . . . . 24.— zł
„ für Ausland . . . . . 12.— RM.
(nebst Portospesen).

Editorial communications should be addressed to the Editor, Dr. Rudolf Langrod, Hoża 37, Warsaw. All questions relating to sales and deliveries are dealt with by the publishers, Messrs Concordia, Sp. Akc., Zwierzyniecka 6, Poznań.

Responsibility for the accuracy of the statements in the signed articles rests with the respective authors. Unsolicited publications will not be returned. No responsibility can be taken for unsolicited contributions.

Redaktionelle Zuschriften und Sendungen sind an den Schriftleiter, Dr. Rudolf Langrod, Warszawa, ulica Hoża 37, zu richten. Geschäftliche Zuschriften, besonders Bestellungen, Anzeigenaufträge, Korrekturen, ausschliesslich an die Verlagsbuchhandlung „Concordia" Sp. Akc., Poznań, ulica Zwierzyniecka Nr. 6.

Die wissenschaftliche Verantwortung für die mit Namen gezeichneten Beiträge tragen nur die Verfasser. Unverlangt eingegangene Bücher können nicht zurückgesandt werden. Für unverlangte Eingänge übernehmen Schriftleitung und Verlag keine Gewähr.

Die bisher erschienenen Jahrgänge umfassen folgende Zeiträume:

Jahrgang I März 1928 bis Februar 1929
„ II „ 1929 „ „ 1930
„ III „ 1930 „ „ 1931

Jahrgang I erschien in Vierteljahrsheften und ist vollständig vergriffen.

Jahrgang II kann noch direkt von der Concordia Sp. Akc., Poznań (Polen) oder durch Carl Fr. Fleischer, Leipzig, nachbezogen werden. — Inhaltsverzeichnis siehe buntes Blatt zwischen deutschen und englischen Teil.

TABLE OF CONTENTS.

Preface

PREFACE.

Encouraged by the favourable reception given to the 2nd volume of „The Review of Polish Law and Economics", published in the Spring of 1930, the editor has decided to include in this, the 3rd volume, a further selection of those laws which are calculated to be of interest to economists and to foreign business houses contemplating transactions with Poland.

It is felt that the increasing realisation of the importance of Poland, with its population of 31½ million, not only as a market for the sale of manufactured goods but also as a source of raw materials and foodstuffs for the needs of the more industrialised Western countries, should lead to a marked increase in the interest shown in the gradual adaptation of Polish commercial and civil law to the requirements of modern economic life and, for this reason, it is anticipated that the successive issues of this volume will meet with an ever expanding field of readers. It is proposed to issue a supplement during the course of the current year containing the new Banking Law, the new Mining Law and the new Civil Code.

Copies of the last issue containing translations of the Joint Stock Company Law, the Law on Enterprises which are of Importance to the State or of Public Utility, the Conditions of Admittance of Foreign Joint Stock Companies to Operate on the Territory of the Republic of Poland, the Bill of Exchange Law, the Law on Cheques, the Bankruptcy Law and, finally, the Liquidation of Russian Property Law, may still be obtained from the publishers at 21 shillings, plus postage.

With a view to the more efficient carrying out of this work the editor would be most appreciative of any suggestions or criticisms which could be of service.

Amendement of the Joint Stock Company Law.*)

Decree of the President of the Polish Republic, dated 3rd Nov. 1930.
(Journal of Laws, No. 86 of 1930, Item 664).

In virtue of Art. 44 p. 5 of the Constitution I the following is decreed:

Art. 1. The decree of the President of the Polish Republic of 22nd March 1928 regarding the Polish Company Law (Journal of Laws No. 39, item 383) is hereby amended as follows:

1) A new sub-division is added at the end of Art. 50.

„The articles of association may introduce a provision for an extension by one month of the above term of 4 months".

2) Art. 73, p. 1 should read as follows:

„Resolutions passed at a general meeting shall, on pain of nullity be embodied in a minute drafted by a Notary Public".

3) Art. 82 should read as follows:

„If the board of a company comprises more than one person, the manner of representation shall be regulated by the articles of association. If the articles of association do not provide otherwise, for the representation of the company and the issue and signature of documents in the company's name the participation of two members of the board or of one member and the holder of a power of attorney shall suffice.

Reports to the company may, however, be made and letters issued by one member of the Board or by the holder of a power of attorney.

The provisions of the present article do not preclude the establishment of a single or joint proxy and do not limit the rights of the holders of the proxy resulting from the general regulations relating thereto".

4) A new sub-division is added at the end of Art. 102.

„The articles of association may provide an extension by a further month of the above two months period."

5) The following sentence is added at the end of Art. 115 p. 2 (4).

„Which cannot be lower than the face value".

The last sub-diviison of this article is cancelled.

6) The following 3 sub-divisions are inserted instead of Art. 122 p. 1.

„A reduction of the share capital may be effected by a resolution of the general meeting amending the relative articles of association.

The fact of the reduction of the share capital shall be published three times in the publications appointed for the insertion of notices relating to

*) The translation of the Joint Stock Company Law appeared in the IInd Volume of this work, which may still be obtained from the editors.

the company, and the creditors of the company shall be asked to present their claims during the course of 3 months, counting from the date of the last notice. Creditors protesting, within that period, against the reduction of the share capital should be satisfied or receive adequate security from the company. Creditors who did not protest shall be considered as having agreed to the reduction of the share capital.

The provisions of the preceding paragraph shall not be applicable if, in consequence of the reduction of the share capital, the deposits made by the shareholders on account of the shares are not returned to them, or if the shareholders are not free from payments which they have not yet effected on account of the share capital, and provided that simultaneously with the reduction of the share capital it will in both cases be increased at least to its original amount by means of a new issue of fully paid shares. The provisions of the preceding paragraph shall also not be applicable in the event of the reduction of the share capital taking place to an amount not lower than the real value of the net assets of the company. The real value of the net assets of the company shall be fixed by a Valuation Commissions, appointed in the manner foreseen in Art. 105".

7) Point 2 of sub-division 2 of Art. 124 should now read as follows:

A statement of the members of the Board showing that the creditors who had protested against the reduction of the share capital, have been satisfied or have received adequate security".

„A new sub-division is added atthe end of that article.

„The provisions of p. 1 and 2 of the preceding sub-division shall not be applicable in the cases forseen in p. 3 of Art. 122."

8) Article 170 is amended as follows:

The following sentence is added at the end of sub-division 2: — „at the latest, however, on the expiration of the terms forseen respectively in sub divisions 3 and 4".

Sub-division 3 shall read as follows:

The co-ordination of the articles of association in accordance with the provisions of the present law and the presentation of the aproved articles of association for entry in the commercial register, should take place within three years from the day of the coming into force of the present law.

Sub-division 4 shall read as follows:

Within the boundaries of the Upper Silesian portion of the Voievodship of Silesia, the co-ordination of the articles of association with the provisions of the present law and the presentation of the approved articles of association for entry in the commercial register should take place not later than December 31st, 1938.

Sub-division 5 shall read as follows:

Companies, the articles of association of which, after the expiration of the periods mentioned above, are not brought into agreement with the main points of the provisions of the present law, may be dissolved and liquidated

under a decision of the court of registry at the instance of the Minister of Industry and Commerce. The decision of the court of registry on this subject shall be enforced only after it has become law.

Art. 2. The Ministers of Industry and Commerce and of Justice are authorised to publish a revised text of the Joint Stock Company Law, taking into account the amendments contained in the present law.

Art. 3. The present decree comes into force 14 days after the date of its publication, i. e. on 20th December, 1930.

Law of Industry.

Decree of the President of the Republic dated 7th June, 1927.

(Journal of Laws, No. 53 of 1927, Item 468)

In virtue of para. 6 of Art. 44 of the Constitution and the decree of 2nd August 1926 authorising the President of the Polish Republic to issue decrees having the force of Laws (Journal of Laws No. 78 of 1926, item 443) the following is decreed:

Chapter 1.

Basic provisions.

Art. 1. The word industry in the meaning of the present decree implies every kind of profit making profession or undertaking, carried out independently and professionally, irrespective whether it is a producing, manufacturing, trading or service rendering undertaking.

Art. 2. The following professions are not considered as being industries in the meaning of the present decree and are not subject to the provisions thereof:

1) Agriculture, gardening, forestry.
2) Fishing and hunting.
3) Undertakings regulated by the provisions of the mining laws.
4) Undertakings reserved exclusively to the State by virtue of decrees.
5) Railway, navigation, ferry-boat and aviation undertakings.
6) Emigration undertakings and agencies.
7) Electrical undertakings for the production, conversion, despatch and distribution of electrical energy.
8) Schools and educational institutions, professional work or private teachers and tutors.
9) Medical establishments, curative and medicinal springs, first aid stations, veterinary undertakings.
10) Banks, exchange offices, credit and insurance institutions, public warehouses.
11) Professional work of lawyers, solicitors, notaries, engineers, architects, building engineers, land-surveyors, geodesists, patent lawyers.
12) Literary and artistic activity, the publication by a writer of his own work, publication and sale of periodicals.
13) Professional work of surgeons, veterinary surgeons, pharmaceutists, assistant surgeons, dentists, dental technicians, obstetricans, nurses, sanitary inspectors, masseuses.
14) Chemists shops, bacteriological and diagnosing laboratories, production and sale of serums, vaccines, organo-therapeutic preparations and medicinal bacterial products, retail sale of poisons and medicines.

15) Professional work of sworn, trade, stock exchange, bill, goods and ship brokers.
16) Entertaiment, concert, theatrical, shows and other public entertaiment undertakings of all kinds.
17) Domestic industry (profit bearing producing occupation performed exclusive with the asistance of persons belonging to the family or the domestic servants thereof).
18) Employment agencies.
19) Private detective agencies.
20) Application offices.*)
21) Trade in those articles and arms and ammunition which are destined exclusively for military purposes.
22) Undertakings acting as intermediaries in the sale of land and the carrying out of parcellation, colonisation and regulation on sites situated outside of cities.

A decree of the Council of Ministers will specify the limits of the application of the present decree towards Government undertakings and towards the industrial work of public educational, penal and corrective institutions.

Art. 3. The conducting of an industry is free and permissible to anyone, provided that the present decree does not foresee exceptions or limitations in this respect.

The rights for the conducting of an industry acquired in virtue of regulations until now in force, remain valid.

The present decree does not infringe industrial rights resulting from the law on the protection of inventions, patterns and trade marks.

Art. 4. When conducting an industry a foreigner enjoys the same rights as a Polish national, provided that in his country Polish citizens enjoy the same rights as the local nationals.

Reciprocity in this respect should be established by reference to international agreements. Should a foreigner not be in a position to prove reciprocity in the manner described above, the decision will be taken by the Minister of Industry and Commerce in conjunction with the Ministers for Foreign Affairs and of the Interior, after hearing the opinion of the Chamber of Commerce or Handicrafts.

Art. 5. In industrial undertakings conducted by persons unfit for legal action and by minors a deputy should be appointed possessing the statutory rights for an independent carrying out of the industry. This provision does not apply to minors who may take legal action in virtue of special regulations.

When acquiring rights and conducting an industry legal entities should comply with the provisions of the present decree and should appoint a deputy possessing legal rights for the carrying out of an industry.

Art. 6. Independently from the limitations resulting from the present order the conducting of an industry is subject to the provisions of the laws on taxation, customs, Government monopolies, protection of work, public

*) Note by translator. An application office is an institution for drawing up and forwarding petitions, requests, etc., to Government and other authorities.

safety and tranquility, sanitation, veterinary, building, fire, road, railway, water, testing, steam boilers and weights and measures regulations and finally to those regarding State, military and civil employees.

Chapter II.

Industry with fixed residence.

A. General regulations.

Art. 7. Whosoever begins to conduct an industry with a fixed residence, not being a concessioned industry (Art. 8), should simultaneously advise the industrial authority of the 1st instance of his intention, the latter will immediately confirm the receipt of the communication.

The following data should be given in the communication:

1) name and surname, age, nationality and place of residence of the person initiating the industry,
2) kind of industry, with as detailed a specification of its subject as possible,
3) place at which the industry will be conducted (house, premises),
4) name of undertaking.

Legal persons should give the data mentioned under 2 to 4.

Should the industry be conducted by a deputy or a tenant, data should also be given concerning his person.

Art. 8. The following industries may be conducted only after the receipt of a concession:

1) water, gas and electric supply works,
2) chimney sweeping,
3) production and sale of all kinds of pyrotechnic and explosive materials and articles,
4) manufacture and sale of arms and ammunition,
5) manufacture and sale of aircraft,
6) keeping of hotels, inns, boarding houses, card playing clubs,
7) sale of railway, shipping, etc., tickets, of despatching the luggage and the arranging of various kinds of facilities for travellers,
8) the investigation of claims against Railway Directorates and other transport undertakings resulting from agreements for the transport of goods,
9) the reporting on the credit connections, and financial standing of manufacturers and other persons enquiry agencies,
10) trading in second-hand goods (cloth, footwear, underwear and bedding and other second-hand goods made of tissues and metal, provided that these articles have no artistic or historic value),
11) money lending (granting of loans against mortgages on real property),
12) the sale of movable property by auction (auction rooms),
13) the treatment of dead animals (skinning, etc.).

Art. 9. The application for the issue of a concession should be made to the Industrial Authority of the 1st instance. The application should contain the data enumerated in p. 2—4 of Art. 7. The person applying for a concession

for the carrying out of the industries specified in Art. 8, p. 1, 2, 3, 4 and 8 should demonstrate his adequate professional knowledge.

The manner in which a professional knowledge may be shown will be fixed by means of an order issued by the Minister of Industry and Commerce in conjunction with the interested Ministries after having previously obtained an opinion from Chambers of Commerce.

In cases deserving of special consideration the district industrial authorities may, on the motion of Chambers of Commerce, free the applicant for a concession from the necessity of showing his professional knowledge in the manner fixed in virtue of p. 2, if he proves in another manner, established as sufficient by the authority, his acquisition of such ability and knowledge as are necessary for the conducting of the relevant industry.

Art. 10. In the public interest and of the safety of the State the granting of a concession for the carrying out of the industries enumerated in Art. 8 may be rejected after consulting the relevant Chamber of Commerce.

Art. 11. Should there be no legal obstacles as regards either the person, industry, and or premises justifying the application of Art. 10, the competent industrial authority (Art. 131 and 132 p. 1, 2. 3) will issue the concession for the conducting of the industry.

Art. 12. For important reasons of an economic nature the Minister of Industry and Commerce, in conjunction with other interested Ministries, may exclude by ordinance individual kinds or branches of industries enumerated in Art. 8 from the necessity of possessing a concession.

Before issuing such an ordinance the opinion of Chambers of Commerce and Handicrafts should be consulted.

B. Industrial establishments.

Art. 13. Industrial establishments in the meaning of the present decree are buldings, flats and all other places serving permanently for the conducting of industry, irrespectively of the fact whether they are equipped for this purpose with machinery or special fittings.

Art. 14. In order to equip an industrial establishement it is necessary to obtain a previous confirmation of the project of the equipment from the industrial authority, provided that the establishment uses special furnaces, or mechanical driving power or if, thanks to its position or to the type of industry conducted therein, it threatens to any large extent public security and above all the life and health of the neighbours by exposing them to loss and special difficulty resulting from noise, odours, etc.

The project of the equipment of an establishment will be confirmed by the industrial authority of the 1st instance providing that it does not concern industrial establishments with regard to which the decision is reserved to the competence of higher authorities (Articles 16 and 132).

The Minister of Industry and Commerce may, by an order, free individual categories of industrial establishments from the obligation of presenting p o-jects of equipment for confirmation.

Art. 15. If it is necessary for the arrangement of an industrial establishment to erect a building or other equipment for which a special permit is required

in virtue of building or water regulations, then if the same authority is called to confirm the project of the equipment of the industrial establishment and to grant building or water permits, it should confirm the project and grant the relevant permits by one mutual decision.

Should the industrial authority called for the confirmation of the project of the equipment of an industrial establishment not be requested simultaneously to grant the permits mentioned in the preceding paragraph, it may make confirmation of the project of the equipment dependent on the obtaining of the required building or water permits.

Art. 16. The following are the industrial establishments whose projects of equipment are subject to confirmation by the district industrial authority in accordance with the procedure fixed in Articles 17 to 26 inclusive:

Tissue bleaching, finishing and printing works,
Yarn and tissue dyeing mills,
Rag and second-hand article sorting plants,
Lime-kilns and furnaces for burning gypsum, alabaster and galena,
Glass foundries, crystal and mirror glass factories,
India rubber and rubber factories,
Oil-cloth factories,
Asphalt works,
Pitch works,
Pitch pulp factories,
Coal, brown, coal, turf and resin distilleries,
Mineral oil distilleries and refineries,
Gasoline factories,
Gas plants,
Soot burning works,
Hydrochloric, azotic and sulphuric acid factories,
Artificial manure factories,
Chemical factories, chemical laboratories, establishments for the preparation of oils, varnish, lacquer and colour works,
Timber impregnating plants,
Cellulose works,
Celluloid works and factories for the manufacture of celluloid articles,
Wall paper factories,
Slaughter houses,
Works for the skinning of animal corpses,
Works for the treatment of bones and all animal waste,
Tanneries, raw hide salting and drying plants, tanning and dyeing hides and fur works,
Tallow works,
Works for the production of sporting powder, fireworks, fuses, lunt and explosives,
Starch factories,
Potato syrup works,
Foundries, iron and other metal casting plants, mechanical forges, steel and rolling mills,

Boiler works, machine factories, constructions iron mills, chain, wire and nail factories: leading, galvanising, tinning plants, all industrial establishments, working by means of steam, electric and internal combustion engines, provided that the power thereof exceeds 10 HP. or if they work by means of water power,

The Minister of Industry and Commerce, in conjunction with the interested Ministries, may change the list of establishments enumerated above by means of an order, covering the whole of Poland or different administrative territories.

In virtue of the preceding paragraph the confirmation of projects for the equipment of individual categories of industrial establishments specified in para. 1 may be vested in the industrial authorities of the 1st instance with the provision that they should fulfil the provisions of Articles 17 to 27.

Art. 17. A person demanding the confirmation of a project for the equipment of an industrial establishment subject to a provisions of Art. 16 should present to the competent industrial authority (Arts. 16 and 132) plans of the equipment of the establishment and a plan showing the buildings existing an neighbouring sites. In cases foreseen in p. 1 of Art. 15 all plans, projects and calculations required by building and water regulations should also be presented to the industrial authority who will immediately examine whether the application corresponds to the conditions of this article and will, if necessary, within 7 days from the receipt of the application, call the party to give any explanatory data required for the clear illustration of the situation and of the equipment of the establishment.

If it is desired to prevent certain details of the equipment and production, which are the secret of the undertaking, from coming to public notice, as a result of the procedure fixed in the following articles, he should submit these details in a separate description and plan bearing the inscription „secret of the undertaking".

Art. 18. In settling an application which corresponds in full to the conditions of Art. 17 the industrial authority will immediately inform the communal authority competent for the place in which the establishment is situated, of the anticipated equipment, in order to obtain its opinion, which should be sent within 10 days.

If no objections are made within that period the industrial authority will examine whether the projected establishment might not threaten the life and health of employees and neighbours or expose the general public to damages or special difficulties.

In cases foreseen in Art. 15 p. 1 the industrial authority will simultaneously carry out all activities required by the provisions of the building or water laws, observing at the same time that the investigations prescribed by the above laws should, if possible, be carried out together with those made in accordance with the provisions of the present decree.

In accordance with the results of the investigation the industrial authority will, after hearing the opinion of the interested authorities, take a decision in conformity with these regulations (especially building, water, sanitary, veterinary and industrial safety) to which the relevant establishment is subjected, as a result of its situation and character. In the event of the

confirmation of the project, the industrial authority will fix the detailed conditions on the fulfilment of which the equipment and putting into motion of the establishment will be made dependent.

The decision should be taken within 30 days counting from the day of the presentation of the application or its amplification (Art. 17).

Art. 19. If objections of a private-legal nature are made, this should be mentioned in the letter confirming the project and the party should be directed to court; such objections cannot cause the rejection or the postponement of the confirmation of the project of the equipment of an industrial establishment.

If objections of another nature are made a meeting should be arranged in order to discuss the question fully with the parties; then, after the carrying out of the investigation, a decision should be issued in conformity with Art. 18, within a period of 30 days counting from the day of the presentation of the application or its amplification (Art. 17).

Art. 20. Should a proprietor or land owner possess the right of defence against damages and special difficulties resulting from the operation of an industrial establishment situated on neighbourning property, the closing down of the establishment cannot be asked for in the law suit, provided that the establishment corresponds as regards its equipment to the project con irmed by the industrial authority; on the other hand demand may be made for the employment of such equipment as would eliminate the damage or disagreeable reaction or, should such an arrangement be impossible or hamper the proper functioning of the establishment, compensation should be paid for the damage caused.

Art. 21. Should the necessity arrise for the detailed investigation of the project of the equipment of an industrial establishment or the objections raised, the industrial authority should order a discussion on the spot by a commission. The interested authorities and parties should be asked to attent this discussion as well as witnesses and experts appointed by these parties.

The decision should be taken within the period specified in Art. 18.

Participants in the discussion should keep secret those details of the equipment and production of the establishment of which have been informed as a result of their being asked to the meeting and they should refrain from copying and applying the relevant equipment and means of production so long as they form the secret of the establishment in question.

Art. 22. The party, raising the objections, bears the costs of the investigation caused by unjustified objections; the cost of the other investigation is borne by the manufacturer.

The proportion of the costs to be borne by each of the parties should be specified in the decision.

Art. 23. In individual cases, in which the decision is reserved to industrial authorities of a higher instance, the latter may order the carrying out of the investigation, (Arts. 19 and 21) by the industrial authority of a lower instance.

Art. 24. The opening of an industrial establishment may take place only after the fulfilment of the conditions fixed by the legal decision by which

the project of the equipment of the establishment was confirmed. The competent industrial authority (Art. 17) should withoult delay be informed of the opening of the establishment.

The representative of the industrial authority should be given the possbilety of establishing on the spot whether the equipment of the establishment corresponds in full to the conditions fixed by the legal decision.

Art. 25. In the event of an essential change in the equipment of the establishment being anticipated, the competent district industrial authority should be informed of this. The industrial authority may, on the application of the contractor abandon the application of the procedure fixed in Art. 18 and confirm the project of changes without carrying out a further investigation, if, after hearing the opinion of the interested authorities, it is of the opinion that the changes in the equipment of the establishment are not contrary to the provisions of the laws and will not cause a fresh or greater danger or bigger difficulties for the neighbourhood than those which were connected with the former work. The applicant should be informed of the decision within 20 days, counting from the day of the receipt of the application.

Art. 26. The validity of a confirmed project for the equipment of an industrial establishment expires if, within 5 years from the day of the confirmation, the establishment has not been put into operation or if the interruption in its work lasted for more than 5 years.

The industrial authority may however extend these terms in view of special circumstances.

In the event of a complete destruction of the establishment its re-equipment is dependent on a confirmation of the project of equipment.

Art. 27. If the small size of the establishment or other circumstances speak for the simplification of the procedure connected with the confirmation of the project, the industrial authority may abandon the application of the provisions of Art. 18 p. 1.

Art. 28. The provisions of Articles 17 to 26 inclusive will also be applied respectively in cases where the confirmation of the projects of the equipment of industrial establishments falls, in virtue of p. 2 of Art. 12, within the comptence of the industrial authority of the 1st instance. In the above cases the industrial authority of the 1st instance, without initiating the procedure fixed in p. 1 of Art. 18 and without, in principle, ordering a commission to decide the matter on the spot, may investigate the project presented by the applicant in as short a manner as possible and give a decision within 20 days counting from the day of its receipt.

Art. 29. Contractors and those interested persons who submitted objections within the prescribed period may appeal to the industrial authority of the higher instance against the decision of industrial authorities of lower instances issued in matters relating to the confirmation of projects for the eqiupment of industrial establishments.

If the objections brought forth in the appeal result from the application of the regulations as to which the opinion was issued by the authorities mentioned in p. 4 of Art. 18, the decision lies with the industrial authority

of the higher instance in conjunction with the competent authorities of the same instance.

The decision should be taken within 30 days counting from the day on which the appealing authority received the appeal.

Art. 30. As and when required the Ministers of Industry and Commerce, of Labour and Social Welfare and of the Interior will, together with other interested Ministries define by means of ordinances the conditions to which should correspond industrial establishment of individual categories (Art. 14).

C. Conducting of an industry.

Art. 31. A preson entitled to conduct a manufacturing industry has the right to perform without special notice:

1) all work required for the complete finishing and sale of his own manufactures,
2) the sale of goods produced by third parties appertaining to this kind of industry.

Art. 32. Doubts arising as regards the application of Art. 31 should be decided in individual cases by the district industrial authority after hearing the opinion of Chambers of Commerce and of Handicrafts.

Art. 33. A person conducting an industry should indicate in an adequate manner the character of his undertaking on the exterior thereof.

The external sign should contain in a visible manner the name and surname or the firm of the owner and the character of the industry carried out; this should be given in a manner eliminating any doubt as to whether it refers to a manufacturing, trading or service rendering industry.

The names and surnames given should correspond to those given in the announcement of the industry (Art. 7) in the application for the issuing of a concession (Art. 9) or in the entry relating to the firm in the trade register.

Undertakings conducted by legal persons should bear an external indication of the registered firm name.

Art. 34. Should the industry be conducted in conformity with Art. 40 on account of legatees, or for the account of a bankrupt estate, it remains under the style of the last owner with an addition pointing out the change.

Art. 35. The provisions of Art. 33 p. 2 to 4 incl. and of Art. 34 are applied respectively to advertisements, price-lists and other similar publications of the industrialist relating to his undertaking.

Art. 36. The industrial authority of the 1st instance should immediately be informed of the giving up of the industry and of every change of the industrial premises.

As regards the change of industrial premises destined for the conducting of a concessioned industry (Art. 8) a permit from the industrial authority must previousty be obtained to this effect.

Art. 37. If a branch office is opened this should be brought to the notice of both the industrial authority of the 1st instance competent for the head-office of the industry and of the industrial authority competent for the place in which the branch is opened.

As regards the manager, the place, the equipment and the external marking of a branch office the same provisions apply as for the head office.

Art. 38. An industry with a permanent residence may be conducted by a deputy appointed for this purpose. The industrial authority should be notified of the appointment of the deputy, and it should simultaneously be confirmed that he possesses the required conditions for the carrying on of the relevant industry.

The industrial authority of the lst instance should be notified in the event of the undertaking being leased. The notification should be handed in by the industrialist together with the lessee, while the latter must prove that be possesses the required conditions for the conducting of the relevant industry.

Should the industrial authority prohibit the conducting of an industry by a deputy in view of the fact that he does not correspond to the prescribed conditions, the right of appealing to the higher instance is reserved to the industrialist.

A lessee of an industrial undertaking is considered as an independent industrialist as regards the rights and duties resulting from the present decree and as regards the conducting of the industry.

Art. 39. The industrialist has the right, even by peddling, personally or through his employees (trade assistants, commercial travellers) to

1) seek offers for his goods from merchants and producers in whose undertakings goods of the relevant character find application,
2) purchase for the requirements of his industry goods from merchants and producers or in public selling places.

The Minister of Industry and Commerce will, after hearing the opinion of Chambers of Commerce, define by an order the detailed conditions for the execution of activities fixed in the preceding paragraph and will also issue a list of goods for which orders may be sought for by persons other than those designated in the preceding sub-division. The Minister of Industry and Commerce will, in the same manner, regulate the collecting of orders for goods by individual commercial agents.

Art. 40. On the basis of the right acquired by the industrialist the concessioned industry or handicraft may be still carried on after his death for the account either of the widow during the period of her widowhood, of of under-age descendants during the time of their minority. The industry cannot be conducted for the account of the widow if she was legally separated from her husband through her own fault or if she was excluded from inheriting.

The industrial authority of the 1st instance should without delay be informed on whose account the industry will be conducted and the name of the person appointed for this purpose should simultaneously be brought to their notice.

If, besides the widow wishing to benefit from the right specified in p. 1, there are also under-age descendants entitled to inherit, the right of the further execution of the industry is given mutually to the widow and to the descendants unless that the deceased industrialist has provided otherwise in this respect.

The conducting of an industry for the account of a bankrupt estate or inheritance proceedings should also be brought to the notice of the industrial authority.

Persons appointed for the further carrying on of industry in cases foreseen in the present article should correspond to the conditions prescribed for those conducting an industry.

Art. 41. The provisions regulating the conducting of concessioned industries (Art. 8) will be issued by the Minister of Industry and Commerce, in conjunction with the interested Ministries, in the form of ordinances, after having previously heard the opinion of the Chambers of Commerce on the subject. The Minister of Industry and Commerce may particularly order the keeping of books, statements and, for undertakings specified in Articles 8 p. 1. 7 and 9, the making of deposits as well.

The provisions regarding hotels, inns and boarding houses may require from persons engaged in this industry the presentation of price-lists to the industrial authority of the 1st instance for confirmation. The confirmation of price-lists will take place after the opinion of the Communal (Urban) Council and of the Chamber of Commerce has been heard on the subject.

Art. 42. Persons conducting a pawn-broking business should give a deposit and conduct separate books and statements relating to the articles pawned.

The deposit, which does not free the pawnbroker from personal responsibility, serves as security for covering claims against him resulting from the conducting of his business.

The Council of Ministers will, on the motion of the Minister of Industry and Commerce, presented after hearing the opinion of Chambers of Commerce, and in conjunction with the Ministers of Justice, of the Interior and of Finance, issue regulations governing the deposit, fixing the amount according to different categories of places, the manner and conditions for depositing or supplementing the money and its return upon relinquishing the conduct of the industry, the conclusion of pawning agreements, the commitments and rights of persons conducting a pawnbroking business in the event of the non redemption of the pledged articles and, finally, the manner of keeping books and preparing statements.

Art. 43. For undertakings conducting an industry for the transport of persons and goods, for public messengers, porters, guides and chimney-sweeps, the industrial authority of the 1st instance may fix maximum tariffs after hearing the opinion of the Communal (Urban) Council and of the Chamber of Commerce and, with regard to chimney-sweeps, also the Chamber of Handicrafts.

Art. 44. Boards of industrial undertakings, a list of which will be issued by the Minister of Industry and Commerce, are bound to present to the industrial authority of the 1st instance, in terms fixed by the latter, information as regards the production and the equipment of the in establishments.

Chapter III.

Pedlars (and Tinkers).

Art. 45. Peddling within the meaning of the present decree implies the following profit bearing occupations, performed independently, professionally and personally, without a permanent place of residence.

1) the sale of goods,
2) the purchase of goods for purposes of re-sale from persons other than merchants or in places other than those destined for the sale of goods,
3) the offering and execution of small services of an industrial nature (such as wiring of vessels, mending of umbrellas, sharpening of knives, putting in of glass, etc.).

Art. 46. Any person who desires to become a pedlar should obtain a licence from the industrial authority of the 1st instance, competent for the place of his residence.

Art. 47. The goods mentioned below may not be sold or purchased when peddling: —

1) alcoholic beverages,
2) precious stones, platinum, gold and silver, articles made of these metals or with settling of these metals, all kinds of coins,
3) playing cards,
4) securities, lottery tickets, shares in securities and lottery tickets,
5) pyrotechnical materials and articles and all kinds of explosives,
6) inflammable liquids,
7) all kinds of arms and ammunition and articles of military equipment,
8) medicines and poisons.

The following articles may not be sold when peddling: secondhand clothes, footwear, bedding, underwear and, particularly, feathers from bedding and human hair.

Art. 48. A pedlar has no right when selling goods on instalments to reserve to himself or to a third party the right of deviating from the agreement in the event of the non-fulfilment by the purchaser of the conditions thereof.

A pedlar dealing in printed matter, pictures and drawings may not sell them if a premium is reserved to the purchaser, or if, on any printed matter delivered in parts, the price of the whole publication is not given.

Art. 49. A pedlar has no right to sell goods by auction or by lots.

Art. 50. If a pedlar uses a cart, basket, stand, etc. in his business, he should mark them with an inscription bearing his name, surname and place of residence.

Art. 51. A pedlar's licence should not be granted if the person applying for it is:

1) infected with a contageous decease,
2) under police supervision,
3) known as an habitual beggar, vagabond or drunkard.

Furthermore a licence should not be granted to persons not possessing Polish citizenship.

Art. 52. A pedlar's licence may be refused if the person applying for it

1) has not yet reached 21 years of age,
2) does not possess a real and permanent place of residence in Poland,
3) has been condemned to imprisonment or arrest for acts committed against the State, for the making of profit, against public morality, for a deliberate attempt on human life and health, for arson or for the transgression of prohibitions and ordinances preventing the spreading of infectious deceases amongst people and animals, provided that three years have not elapsed from the completion of the sentence;
4) has been several times fined during the 2 years preceding the date of his application, for non-compilance with the regulations regulating the conducting of a peddling business.

Art. 53. No licence is required for peddling from a person who

1) personally or through his household peddles his agricultural, forestry, gardening, fruit, poultry, or bee products, or game and fish from his own hunting and fishery,
2) if within the radius of 15 kilometres from the place of his residence he peddles goods belonging to articles forming the general turnover of small fairs (Art. 61 p. 1) or fulfils small services of an industrial nature, provided that this corresponds to the local customs.

In consideration of local customs and conditions of fairs the district industrial authority may, after hearing the opinion of the Chamber of Commerce and of professional unions, fix which other articles of general use may be peddled without a licence.

No licence is required from persons peddling only at fairs. They should however inform the industrial authority competent for the place of residence of the initiation of this industry, the authority will acknowledge the receipt of this information in conformity with Art. 7.

Art. 54. Pedlars licences are issued for a calendar year and for the territory of the relevant Voievodship. The district industrial authorities may extend the validity of the licence issued in another Voievodship to their own territories for a period not longer than the end of the calendar year for which the licence is issued.

Art. 55. If local conditions justify the limitation of peddling in the relevant community, the district industrial authority may, on the motion of a communal (urban) council order that a special permit (visa) of the local industrial authority should be required in that commune for the conducting of peddling as specified in Art. 45 1. 1 and 3 on the basis of the licence issued by another authority.

Such orders should be published in the official district journals and in the Monitor Polski. Furthermore such an order should be posted on the board destined for the publications of the Communal Authority.

In the event of an excessive number of applicants for pedlars licences as specified in Art. 45 1. 1 and 3, which are not justified by local conditions, the district industrial authority, after hearing the opinion of the Chamber of Commerce & Industry, and as regards the trades specified in Art. 45 1. 3,

also the opinion of the Chamber of Handirafts, may limit the number of licences to be issued; in such cases the applications of all persons who already possess pedlars licences should be granted.

Art. 56. A pedlars licence should contain the following data: name and surname of the holder, date of birth, family condition, place of residence, description of his person and a detailed specification of the character of the trade.

Sample licences will be prepared by the Minister of Industry and Commerce who may order the use of a photograph instead of the description of the person.

Art. 57. The holder of a licence should carry it with him during the course of his business and should show it at the request of competent authorities and organs thereof; should he not have the licence with him, he should cease to peddle.

He is also obliged to show the goods which he carries with him.

Art. 58. A pedlar may have an assistent if he has obtained the requisite permit from the Industrial Authority which has issued the licence. Such a permission will be written down in the licence, giving full particulars (Art. 56) concerning the assistant.

A permit should be refused if the asistant is an individual excluded from peddling in virtue of Art. 51. A permit may be refused on account of considerations specified in Art. 52, and if no circumstances desrving consideration speak for it being granted.

Art. 59. It is not permitted to enter private flats without a permit in order to peddle and, after sunset, strange houses and cottages. This provision refers also to sales and industral work referred to in Art. 53.

Chapter IV.

Communal fairs.

Art. 60. Communal fairs are divided into:

1) small fairs (usual, weekly),

2) large fairs (district, Voievodship, kermesses, jarmarks).

Art. 61. Small fairs take place according to the local needs, the trade therein is limited to raw natural products, domestic animals, except large animals (horses, cows, bulls) foodstuffs of various kinds, agricultural implements and vessels and articles produced by the local population.

On the motion of the Communal (Urban) Council the industrial authority of the 1st instance may determine what articles other than those designated above should be allowed to be sold at small fairs in view of local customs and requirements.

Art. 62. At large fairs the trade in goods includes all articles of the free goods trade, provided the individual rights of the fairs do not limit the fair traffic distinctly to certain categories of goods such as cattle, wool, grain. In the event of such a limitation of the right of fairs the goods traffic, however, also includes the articles specified in Art. 61.

Art. 63. The fairs take place in such premises and on such spots as are provided for for this purpose by the Communes and arranged as market places on days specified by law and at hours fixed in the statutes.

Trade in goods performed outside the markets or after market hours is not considered as market trade.

Art. 64. Rights for markets (market privileges) acquired before the coming into force of the present decree continue to remain in force.

Art. 65. Rights for small fairs are promulgated by the industrial authority of the 1st instance and for large fairs by the district industrial authority; in both cases after hearing the opinion of the Chamber of Commerce.

A Commune applying for market rights should present a project for the lay out of the market (Art. 63) and a draft of the market statutes (Art. 68).

When confirming rights for fairs, attention should be drawn to the fact that the new fair should not be held at such a time or be of such duration as to prevent in any large measure the normal business of neighbouring fairs.

Art. 66. A Commune may appeal within 4 weeks from a negative decision or one complying only partially with the request for the granting of market rights, to the industrial authority of the higher instance who will give a final decision.

Art. 67. Any person has the right to visit fairs and to sell and purchase goods belonging to the categories of articles permitted to be traded in at fairs.

Such goods however which may only be sold on the basis of a concession, may only be sold at fairs by persons holding such a concession.

Should the local habits and requirements speak for such a course it may be reserved in the statutes of small fairs that consumers will have the exclusive right of purchasing the foodstuffs in the early marketing hours.

Art. 68. The marketing order is fixed in accordance with the above provisions by the market statutes which are decreed by the Communal (Urban) Council and confirmed by the competent Industrial Authority (Art. 65) after hearing the opinion of the Chamber of Commerce.

Chapter V.

Corporations and corporation unions.

1. Corporations.

Art. 69. In order to fulfil the aims set out in Art. 70, persons independently conducting an industry may unite themselves into corporations, in virtue of the present decree.

The acceptance of another name for the corporation (such as assembly, industrial union) is admissible only if the name corresponds to the character of the corporation as an agglomeration of persons conducting an industry.

Art. 70. The object of a corporation is to:

1) cultivate the spirit of reunion and the maintenance and improvement of the professional dignity of the mebers,

2) maintain good relations between members of the corporation and their employees, provide of information regarding openings for work in undertakings belonging to members of the corporation and of persons looking for such positions.
3) care over questions concerning young apprentices serving with members of the corporation and decide of claims resulting from the aprentiship.

Art. 71. Corporations may extend their activity as to include the following:
1) assistance and equipment of schools, courses, lessons, etc., in order to educate professionally members of the corporation, their employees and apprentices,
2) creation of pecuniary assistance offices and funds for members of the corporation, their famililies and employees,
3) economic assistance of the industrial work of members of the corporation by keeping common workshops, stocks of raw materials, semi-manufactured goods and samples, common selling warehouses, opening of advance-payment offices for members, etc.

Art. 72. The limits of a corporation should not, in principle, extend over the territory of more than one administrative district. The extension of the limits over other districts or communes belonging to one and the same Voievodship requires a permit from the district industrial authority.

The extension of the limits of the corporation into communes or districts belonging to other Voievodships requires a permit from the Minister of Industry and Commerce.

In the event of the granting of a permit for the creation of several corporations for one and the same branch of industry, with limits embracing one and the same districts or communes, either fully or partially, the names of the relevant corporations should be fixed by statutes in such a manner as to facilitate distinguishing one from another.

Art. 73. The aims of the corporation, the organisation of its board, and the legal relations of the members should be fixed in the statutes, provided that the present decree does not contain provisions to the contrary.

The statutes should contain provisions relating to the:
1) name, seat, district and specification of the kinds and branches of industry for which the corporation has been created,
2) aims of the corporation,
3) admittance, retirement and elimination of members,
4) rights and obligations of members and manner of assessing and collecting of fees (entrance fees and subscriptions),
5) limits of activity, manner of convoking and holding general meetings and conditions for the validity of their decisions,
6) number and appointment of delegates, if the meeting should be composed of delegates (Art. 87),
7) composition, limits and period of activity of the board and conditions for the validity of its decisions,
8) manner of confirming the decisions of the general meeting and of the board,

9) enforcement of the regulations governing the employment of assistants and apprentices, who are attending finishing or professional schools and also regulating the question of apprentices,
10) settlement of claims resulting from apprentiship,
11) preliminary and annual balance-sheets,
12) statutory fines,
13) changes of statutes and resolutions and changes of supplementary statutes (Art. 75),
14) liquidation,
15) periodicals in which announcements of the corporation are published.

The statutes may not contain provisions which are contrary to the existing regulations or which do not restrict the activities of the corporation within the limits fixed by the present decree.

It is not permitted to insert in the main statutes of the corporation detailed regulations regarding arrangements for the carrying out of the activities given in Art. 71, 1, 2 and 3.

Art. 74. The statutes of the corporation are confirmed by the district industrial authority competent for its place of residence. The confirmation of the statutes should be refused should they not comply with the regulations.

An appeal against a negative decision may be made to the Minister of Industry and Commerce within 4 weeks.

The above provisions apply in the same measure to any change in the statutes of the corporation.

Art. 75. Regulations regarding individual arrangements for the carrying out of the activities specified in Art. 71, 1, 2 and 3 should be included in separate statutes (supplementary statutes of the corporation).

These statutes must be confirmed by the district industrial authority. Before a decision is taken the opinions of the Communal (Urban) Council, the Chamber of Commerce and, in cases where a handicraft corporation is concerned, of the Chamber of Handicrafts, should be obtained.

The Corporation has the right to appeal against a negative decision to the Minister of Industry and Commerce within 4 weeks.

The above provisions are also applicable to any change in the supplementary statutes, with the limitation, however, that it is reserved to the consideration of the industrial authority whether in individual cases a decision may be taken without obtaining the opinions specified in the second subdivision above.

Art. 76. The accounts of revenue and expenditure of the activities of the corporations as specified in Art. 71 p 1, 2 and 3 should be kept separately and the capital destined for individual activities of this kind should be administered separately. This capital may not be used for the covering of expenditure for other purposes.

Art. 77. A corporation is a legal body; it may purchase movable and immovable property, conclude agreements, contract commitments, summon and be summoned.

A corporation answers with its capital for its commitments.

Art. 78. The following persons may become members of the corporation:
1) those who conduct in the district of the corporation an independent industry of the type for which the corporation has been formed.
2) those who work in the district of the corporation in undertakings of such an industry as administrative employees having higher professional qualifications, i. e. directors, managers, chiefs of departments, foremen, etc.
3) those residing in the district of the corporation who have worked in such an industry as independent industrialists or held administrative poste in industrial undertakings and are not occupying a post of an industrial nature at the time.

Other persons may only be accepted as honorary members of the corporation.

The passing of an examination as a condition for the acceptance of candidates for membership of the corporation may only be demanded when the statutes contain provisions regulating the subject and manner of the examination.

The object of the examination is the establishment of the capacities of a candidate for the independant performing of the usual work of the relevant industry.

Should the acceptance of a candidate be made dependent upon the presentation of proofs of completion of apprentiship in the industry, or of having been employed during a certain period as an assistant, or on the passing of an examination, exceptions from this rule may only be made in cases forseen in the statutes.

It is permitted to free a candidate for membership from the examination should he prove that he has already passed the entrance examination of another corporation in the same branch of industry.

A person becomes a member of the corporation on the day of the receipt of information that his name has been inserted on the list of members.

Art. 79. A person may withdraw from a corporation at the end of the financial year, the notice regarding the withdrawal being made in writing. The announcement relating to the withdrawal should take place in the term fixed in the statutes. This term cannot exceed 6 months.

A person withdrawing from the corporation loses on that day all mem bership rights to the assets of the corporation and to the special funds and arrangements made by the corporation, provided that the statutes do not provide for another course, and he must pay the fees (Art. 82) which have become due by him up to the day of his withdrawal.

Art. 80. If after the death of a member of the corporation his industry is continued for the account of his widow and minor heirs (Art. 40) the rights and obligations of a member of the corporation, with the exception of the right of voting, are transferred to the widow or to the minor successors.

The statutes may also give the right of voting to the widow or to the trustee appointed for the carrying on of the industry.

Art. 81. The corporation has no right to tie down its members to undertake or to discontinue activities not resulting from the statutes.

It is not permitted to impose dues or to use funds of the corporation for aims other than those for the fulfilment of the activities of the corporation as fixed by order or in the statutes.

The corporation may levy special charges for the use of its premises, schools, inns, informational statements of work, etc.

Art. 82. Costs connected with the creation and activities of the corporation are covered by charges (subscriptions) levied for this purpose from members, provided that the income of the corporation is insufficient to cover the expenditure.

Art. 83. The funds of the corporation which are not reserved for covering current expenditure, should be invested in the manner prescribed for trustee funds. In cases deserving of special consideration, the supervising authority may allow, as an exception, another temporary manner of investment.

Art. 84. The permit of the supervising authority is required for:

1) the purchase, sale or mortgage of immovable property,
2) the contracting of loans, exclusive of short-dated loans which may be paid off from the surplus of current profits in one financial year,
3) sale of real property of the corporation possessing historic, artistic or scientific value.

Art. 85. The following bodies administer the affairs of the corporation:

1) Meeting of the corporation,
2) Board of the corporation.

The settlement of individual categories of questions may be vested in sections or trustworthy persons appointed from amongst members of the corporation.

Members of the board and trustworthy persons give their services gratuitiously, provided that the statutes do not provide otherwise.

Art. 86. The right of voting at the meeting and the right of election is given to those members of the corporation who are of age.

The following members do not possess the right of voting and election:

1) those who have been condemned for a criminal act involving in consequence the loss of the possibility of holding public office; until the time of the removal of this restriction,
2) those persons, the control of whose capital is subject to a court decision.

Members of the corporation who are in arrears for a long period in the payment of their fees may, by virtue of a statutory provision, be prevented from voting and election until such time as the arrears have been paid.

Art. 87. In corporations composed of more than 500 members, instead of a general meeting a meeting of delegates may be called, provided that the meeting is not for the purpose of an election, the taking of decisions relating to the arrangements mentioned in Art. 71, 1, 2 and 3, or deciding on the dissolution of the corporation.

The decision relating to the holding of meetings of delegates should be taken by a three quarters majority of votes of the members of the corporation participating in the general meeting.

This decision should contain provisions as to the number of delegates and the manner of their election and should be included into the statutes. The number of delegates should amount to at least 5% of the aggregate

number of the members of the corporation and to at least one third of the members of the board.

Art. 88. Meetings (general meeting, meeting of delegates) are convoked by the senior member of the corporation or his deputy, and also by the supervising authority, in the event of a meeting being held for the first time after the establishment of the corporation or if the convoking of a meeting by the senior member or his deputy is not possible.

The manner of convoking should be defined in the statutes.

The meeting should be convoked at least once a year. A general meeting should be convoked if at least one quarter of the members express their desire for such a course. The supervising authority should be informed of the convoking of the meeting and at least 3 days before the meeting.

The meeting should be headed by the senior member of the corporation or his deputy, and — if the meeting is convoked by the supervising authority — by a member of the meeting invited by a delegate of this authority; after the election of a senior member the delegate of the authority hands the chairmanship over to the former.

The presence of a quorum, as laid down in the statutes is required for the validity of decisions.

The statutes may contain a provision to the effect that should there not be a quorum at a meeting, the questions included in the order of debates may be discussed and decided upon after a closure of one hour. Such a provision is not, however, applicable to questions the deciding of which requires in virtue of the statutes, the absolute presence of a certain minimum number of voting members.

Decision taken at meetings may only relate to questions included in the order of debate.

Provided that the present decree or the statutes do not contain contrary regulations, decisions are taken by an absolute majority of votes.

Art. 89. The meeting may take decisions in all questions relating to the corporation, in which, in virtue of the present decree or the statutes, the decision is not reserved to the board of the corporation.

The following rights are reserved to the meeting:

1) election of members of the board,
2) passing of budget and examination and confirmation of annual accounts,
3) approvae of expenditure not foreseen in the budget,
4) the taking of decisions in matters relating to the capital of the corporation and particularly those specified in Art. 84.
5) the promulgation of regulations relating to the detailed regulation of study in industry, in accordance with the ordinance of the Minister of Industry and Commerce issued in conjunction with the Minister of Labour and Social Welfare.
6) decisions relating to the creation of meetings of delegates,
7) the promulgation of additional statutes and the amending of the statutes of the corporation and of the supplementary statutes,
8) the dissolution of the corporation.

Art. 90. The board of the corporation is composed of the senior member, the sub-seniors and other members of the board. The period of the

fulfilment of the functions of the board and the number of sub-seniors and of other members of the board should be fixed by the statutes.

Art. 91. The senior, sub-seniors and other members of the board are elected by the general meeting by an absolute majority of votes. Should such a majority not be attained, a further election will take place from amongst those who obtained relatively the largest number of votes. In the event of a tie the matter is decided by the drawing of lots.

The elected sub-seniors elect amongst themselves a deputy senior.

Art. 92. The senior or, in the event of his absence, his deputy, convokes the meeting of the board of the corporation.

The board deals, in accordance with the statutes and decisions of the meeting, with current matters of the corporation, prepares questions and motions for the meeting, engages and dismisses the office staff.

The board of the corporation has the right to order fines up to 10 zlote to members of the corporation not complying with the provisions of the statutes or with the decision of the meeting or the board, issued in virtue of the provisions of the statutes.

Fines are paid into the general funds of the corporation.

Art. 93. The senior of the corporation or, in his absence, his deputy, represents the corporation externally, directs the activities of the corporation and signs its correspondence.

The statutes may also forsee other rights and obligations to be vested in the senior.

When concluding agreements in the name of the corporation the attestation of the supervising authority on the identity card stating that the bearer is at that time a senior of the corporation, is sufficient.

Art. 94. Claims against the validity of an election may be made to the supervising authority within 14 days after the day of the publication of results of the election. An election may only be cancelled if it was conducted in contravention of the provisions of the present decree or of the statutes.

Should it be proved that a person chosen to the Board of the corporation does not correspond to the requirements or has lost the right of being elected, he should withdraw from the Board. In the event of refusal, the supervising authority will, after making investigations, order his withdrawal from the Board.

An appeal may be entered against such a decision to a higher authority. The entering of the appeal does not suspend the execution of the order.

Art. 95. The industrial authority of the 1st instance competent for the place of residence of the corporation is the supervising authority of the corporation.

The supervising authority decides chiefly in disputes regarding elections, assessment and levy of corporation charges and other rights and obligations of the members.

It has the right to send its delegates to the meetings of the corporation, of the board and of the departments.

The corporation is bound to present to the supervising authority copies of the budgets passed and of the audited balance-sheets.

The supervising authority may impose fines up to 20 zlote on the senior of the corporation or his deputy, if in spite of repeated demands he does not

carry out the orders of the authority. The fines are paid into the general funds of the corporation.

In the event of large irregularities in the administering of the affairs of the corporation the supervising authority may suspend the members of the board from their functions, ordering simultaneously the temporarya dministering of the affairs of the corporation by other persons.

It is permitted to appeal to the district industrial authority against the orders and decisions of the supervising authority.

Art. 96. The district industrial authority may dissolve the corporation in the following cases: —

1) if it should be proved that the statutes of the corporation contain regulations contrary to the provisions of the law and an adequate alteration of the statutes has not been made within the term fixed for this purpose by the authority,
2) if the activity of the corporation is contrary to the provisions of the law or threatens public interests,
3) if the number of members of the corporation has decreased in such a manner that the corporation cannot properly carry out the aims specified in Art. 70.

The board of the corporation may appeal against such a decision to the Minister of Industry and Commerce.

The bankruptcy of the corporation causes its dissolution by virtue of the law.

Art. 97. Should a voluntary liquidation be decided it will be conducted by the board, provided that the meeting of the corporation does not decide otherwise.

Should the board not properly carry out this obligation or, in the event of the compulsory dissolution of the corporation in virtue of Art. 96, the liquidation will be carried out by the supervising authority or by a person delegated by the latter.

The district industrial authority may, in the event of a compulsory dissolution of the corporation give an independent legal standing to the pecuniary assistance offices attached to the corporation; in such an event the existing funds remain with these offices.

Art. 98. The capital of the dissolved corporation should first of all be used to meet its liabilities.

The balance of the net assets should be transferred to general aims corresponding to the interests of the industry, in accordance with the provisions of the statutes or the decision of the meeting, or in the event of such provisions or decisions being lacking — to the Commune of the place of residence of the corporation.

The Commune should make use of the assets transferred to it in the manner best corresponding to the interests of the industry. Any project for the distribution of this capital is subject to the approval of the district industrial authority, which should, before taking the decision, hear the opinion of the Chamber of Commerce, and — when the assets of a handicrafts corporation are concerned — of the Chamber of Handicrafts.

Art. 99. Corporations (industrial associations) existing on the day of the coming into force of the present order, created in virtue of the provisions of

the industrial laws should, within 6 months, pass and present for confirmation new statutes corresponding to the provisions of this decree.

The district industrial authority may extend the term fixed in the preceding paragraph, by a further 6 months in cases deserving of consideration.

Should the corporation not present in that term new statutes conforming to the provisions of the present decree or should it not dissolve voluntarily, the competent district industrial authority will order its dissolution.

2. Corporations unions.

Art. 100. Corporations may amalgamate into unions. Accession to an union is decided by a meeting of the corporation.

The object of an union of corporations is to facilitate the carrying out of statutory tasks by corporations belonging to an union and by Chambers of Handicrafts and the bringing to the notice of the authorities of proposals relating to the general interests of those branches of industry which are embraced by the statutes of the union.

At the request of the industrial authorities competent for the district of the union, the latter will be bound to give its opinion on questions relating to such industries are embraced by its statutes.

An union may furnish informations regarding vacancies in undertakings appertaining to members of these corporations which belong to the union, assist financially the professional education of members of the union corporations and of the employees working therein, convoke professional conferences of members of the corporations belonging to the union, and open a pecuniary assistance office for members of the united corporations and their staff.

Art. 101. An union is a legal body; it may acquire movable and immovable property, conclude agreements, contract commitments, sue and be sued.

An union is responsible for commitments with its own capital only.

Art. 102. The board of an union is its legal representative. The supervising authority will issue to those members of the board who are appointed, in virtue of the provisions of the statutes, to represent the union in external matters, certificates confirming their right to act in the name of the union.

Art. 103. The following should be defined in the statutes of the union: —

1) name, objects and field of activities,
2) conditions for assuming and relinquishing membership;
3) composition, seat, rights and obligations of the Board;
4) regulations concerning the general meeting;
5) charges for the covering of the expenditure;
6) conditions for the changing of the statutes;
7) regulations concerning dissolution.

The regulations fixing the composition and activity of the pecuniary assistance office created by the union should be included in a separate statute (supplementary).

Art. 104. The statutes of an union, the activity of which does not surpass the area of one Voievodship are confirmed by the Voievodship industrial authority and the statutes of a union, the activity of which embraces districts or

portions of two or more Voievodships are confirmed by the Minister of Industry and Commerce.

A confirmation should be refused if the statutes contain regations contrary to provisions in force or relate to objects which do not fall within the limits of activity of the Corporate Unions fixed by the present decree.

The confirmation of the statutes may be refused should the number of corporations composing an union be insufficient for the satisfactory fulfilment of its objects.

An appeal can be made to the Minister of Industry and Commerce against a negative decision of the Voievodship industrial authority.

The provisions of sub-divisions 1, 2 and 4 relate also to the changing of the statutes and the supplementary statutes.

Art. 105. The board of an union is obliged to send in January of each year to the supervising authority a statement of the corporations which belong to the union and to inform that authority of every change in the composition of the board, of changes in the place of residence of the board and to present each year a copy of the balance-sheet together with a statement of the assets.

Meetings of the board and of the union should take place in the area of activity of the union. The Voievodship industrial authority competent for the place of meeting should be informed of the holding of a meeting at least 7 days before this takes place, the agenda being furnished at the same time.

The authority has the right to:

1) exclude from the agenda of the meeting of the board or of the union questions not appertaining to the objects of the union,
2) send its delegate and through him to close down the debates should the subjects thereof not appertain to the objects of the union.

Art. 106. The authority competent for confirmming the statutes (Art. 104 p. 1) may dissolve the union:

1) if it is proved that the statutes contain orders contrary to the provisions in force, and the necessary change of the statutes has not been made within a term fixed by the authority for that purpose,
2) if the union does not comply with the provisions of Art. 105,
3) if the activity of the union exceeds the limits allowed by the regulations in force.

The board may appeal to the Minister of Industry and Commerce against the decision of the Voievodship industrial authority.

The announcement of bankruptcy proceedings in respect of the assets of an union involves its dissolution by virtue of the law.

Art. 107. The liquidation of matters relating to the dissolved union (Art. 103, 1, 7 and Art. 106) is carried out by the board of the union or by the supervising authority, due consideration being given to the provisons of Art. 97.

The capital should be used for meeting the commitments of the union.

If the capital was destined for subsidising funds of schools or for other purposes of a public nature, it is not permitted to use the balance thereof in a manner contrary to this purpose. Regulations to this effect are issued by the supervising authority.

The balance of the net assets will be divided amongst the corporations which belonged to the union at the time of its dissolution, in proportion to the fees paid in the financial year preceding the dissolution.

Disputes resulting from this chapter will be finally decided by the supervising authority.

Art. 108. The union is subjected to the supervision of the Voievodship industrial authority competent for the seat of the board. The supervising authority watches over the fulfilment of standing and statutory regulations and may force members of the board to comply with these regulations by means of threats and by imposing punishments; i. e. admonitions and fines up to 20 zloty. Fines are paid into the general funds of the union.

The supervising authority decides disputes relating to subscriptions and elections.

Art. 109. The relevant provisons of Art. 99, apply to corporation unions existing on the day of the coming into force of the present decree.

Art. 110. The provisons of the present chapter do not curtail the rights of those conducting an industry to unite themselves into associations and unions on the basis of general orders relating to associations also for the purposes specified in Articles 70, 71 and 100.

Corporations and corporation unions have the right to join associations existing in virtue of the general laws regarding associations.

Chapter VI.

Industrial apprentices.

Art. 111. Manufacturers sentenced by court decision for profeteering or for acts committed against public morality, and manufacturers who have markedly failed in the fulfilment of their obligations towards their apprentices may be forbiden by the industrial authority to keep apprentices.

Art. 112. The Voievodship industrial authority may, in cases deserving of consideration restore after a year the above mentioned right to manufacturers from whom it has been withdrawn in virtue of Art. 111.

Art. 113. The industrial authority may forbid to manufacturers who either through mental or physical defects are unfit to properly educate industrial apprentices in their professional work, the keeping of such apprentices during the period of the existence of these defects.

Art. 114. In order to avoid the breaking of the law by manufacturers to whom the keeping of apprentices is forbidden in virtue of Articles 111 and 113, the industrial authority may order a control over the employment by them in their industry of workers who have not yet reached 18 years of age.

Art. 115. An appeal may be entered to the industrial authority of the higher instance against decisions issued in conformity with Articles 111, 113 and 114.

Art. 116. Conditions relating to education should be fixed by a written agreement within 4 weeks after the beginning of the lessons.

The following data should be specified in the agreement:

1) industry in which the apprentice should be educated,

2) duration of education,

3) mutual charges,
4) conditions under which the agreement may be broken.

The agreement should be signed by manufacturer (principal or by one deputy) and by the apprentice and, should the latter be under age — by his father or trustee.

One copy of the agreement should be given to the apprentice or to his father or trustee.

At the request of the local communal office and the work inspector the agreement should be presented for investigation.

Should the industrialist be a member of a corporation he must send a copy of the agreement to the corporation within a period of 14 days after its conclusion.

The corporation has the right to order that the agreement relating to education should be concluded before it. In the event of the conclusion of such an agreement before the corporation, both parties will receive copies thereof.

The Minister of Industry and Commerce and the Minister of Labour and Social Welfare may, as and when required, fix, by means of jointly issued decrees, the principal provisions of agreements relating to education in individual of industry.

Art. 117. The principal should endeavour to arrange that the apprentice has the opportunity and possibility of professional training in the industry, to observe that he behaves properly, that he takes his lessions regularly. He should strictly observe that the apprentice should not be overburdened with work having nothing in common with the education in the industry or surpassing his physical strenght, and that he should not be badly treated by employees and members of the household.

These obligations refer also to the deputy of the principal.

Art. 118. The apprentice should obey the principal and the person who in his place directs the former's professional education, behave properly, diligently and regularly visit the school classes, in virtue of the provisions binding in this respect.

Art. 119. The education agreement may be dissolved by one of the parties if within the first 4 weeks after the starting of lessons a longer period of trial has not been agreed upon.

An agreement according to which the trial period should last longer than 3 months is invalid.

Art. 120. After the elapse of the trial period the principal may dissolve the education agreement before the completion of the period of education agreed upon, should the apprentice, in spite of admonitions, not adhere to the provisions of Art. 118, or should he neglect to attend the lessons in the school.

The apprentice, or his father or trustee, may dissolve the agreement before the elapse of the education period in the following cases:

1) if the apprentice cannot continue his apprentiship without damaging his health;

2) if the principal neglects his obligations towards the apprentice in a manner such as to damage his health or morality, neglects his education in industry or makes it difficult for him to regularly visit the classes in the school;
3) if the principal becomes unfit for the proper fulfilment of the obligations fixed by the agreement;
4) if the principal together with his manufacturing undertaking changes his place of residence to another commune; in this event the education agreement may be dissolved only within a period of 1 month counting from the day of the changing of the residence.

Art. 121. If the apprentice or his legal deputy informs the principal in writing that the apprentice has decided to change his profession or to go into another kind of industry or if in view of altered conditions he is forced to join his parents again with a view to assisting them in industry or in housekeeping the dissolution of the agreement may take place after the elapse of 4 weeks, provided that the principal does not discharge the apprentice any sooner.

Art. 122. The education agreement expires in the event of the winding up of the undertaking or in the event of the death of either the apprentice or the principal.

In the event of the death of the principal the board of the corporation and, should the deceased not belong to the corporation — the Communal Office — will give the apprentice a certificate confirming the period of education completed.

Art. 123. In cases fixed in Art. 120 and 121, provided that the legal deputy cannot give an opinion in due course, the corporation is bound to present the relevant statements in the capacity of the apprentice's deputy.

Should the education agreement be dissolved but not by the fault of the apprentice, the corporation to which the principal of the apprentice belongs should endeavour to arrange that the apprentice finds a place in the manufacturing undertaking of another member of the corporation.

When concluding a new agreement the time which has already been spent in education should be considered.

Art. 124. In the event of the dissolution of the education agreement or its expiration as a result of the winding up of the industrial undertaking the principal should give the apprentice a certificate stating the period of apprenticeship completed.

In the event of the proper completion of the apprenticeship, the principal should issue within 8 days a certificate stating the period spent in apprenticeship. Should the principal be a member of the corporation, the Board of the corporation should give the apprentice, on the basis of the certificate of education and school certificates from the complementary training lessons or equivalent lessons — a certificate of the completion of the industrial education.

Should the principal not belong to the corporation, the certificate issued by him stating the period passed in apprentice should be certified by the relevant communal office.

Art. 125. Should the principal accept for apprenticeship apprentices to a number exceeding that corresponding to the size or the manner of conducting the undertaking, the industrial authority of the 1st instance, after discussing the matter with the district work inspector and upon hearing the opinion of the Chamber of Commerce, may force the principal to decrease the number of apprentices by dissolving the education agreements and forbid him to accept apprentices over the number fixed.

It is permitted to appeal against such a decision to the industrial authority of the higher instance.

Statutes of corporations may contain provisions fixing the proportion of the number of apprentices to the assistants employed in the same undertaking.

Provided that the statutes do not contain such provisions, the Voievodship industrial authority may, in agreement with the district work inspector and upon hearing the opinion of the Chamber of Commerce, fix by an order the proportion of apprentices to the assistants employed.

Chapter VII.

Penal regulations.

Art. 126. A person conducting an industry breaking either the provisions of the present decree or the regulations issued in execution thereof, will be punished administratively provided that the act committed is not liable to a punishment under the general penal laws, by: —

1) admonitions;
2) a fine up to 1000 zlote;
3) arrest up to 14 days.

Art. 127. Experts guilty of breaking those provisions of the present decree which refer to them will be punished by: —

1) a fine up to 1000 zlote;
2) arrest up to 14 days.

Apprentices breaking those provisions of the present decree which relate to them will be punished by:

1) admonitions,
2) a fine up to 100 zlote.

Art. 128. In principle, fines should be imposed. In the event of unfavourable considerations or if the fines should prove valueless the arrest of the transgressor may be ordered.

The deciding authority may, in the event of the impossibility of collecting the fine, specify in the decision the alternative punishment of arrest according to a justified discretion, not exceeding however 14 days.

Art. 129. The manufacturer is also liable to punishment for transgressions committed by his deputy, if he did not prevent the commitment thereof although he could have done so.

Art. 130. Transgressions against the provisons of the present decree are considered as prescribed after the elapse of 6 months counting from the day of their commitment.

Chapter VIII.

Industrial authorities.

A. Authorities of different instances.

Art. 131. The Starosts are the industrial authorities of the 1st instance except in cities, for which other authorities have been established. In the towns of Warsaw, Lodz, Wilno, Poznan, Torun, Bydgoszcz and Grudziądz, the Municipalities of these towns in fixed limits of activity are the industrial authorities of the 1st instance, in virtue of the present decree.

The industrial authorities of the 1st instance may issue orders and decision on the basis of the present decree in all questions as to which the right of issuing orders and making decisions has not been reserved therein to the higher industrial or to other authorities; they should supervise the fulfilment of legal regulations and orders and regulations of industrial authorities; they may carry out investigations in matters relating to transgressions against industrial regulations and impose fines in virtue of the provisons of Chapter VII.

Art. 132. The Voievodes are the Voievodship industrial authorities of the IInd instance.

The Voievodship industrial authorities: —

1) decide in the second and final instances appeals against the orders and decisions of the industrial authorities of the 1st instance;
2) issue orders and decisions in all matters in which the right of decision is reserved to them by virtue of individual articles of the present decree;
3) issue concessions for the branches of industries enumerated in Art. 8 I. 3, 4, 5, 7, 8, 9 and 11;
4) confirm projects of equipment of industrial establishments specified in Art. 14, if the equipment of the relevant industrial establshment embraces the territories belonging to several communes of the Voievodship.

Should the industrial establishment be on territories belonging to two or more Voievodships, the project of the equipment of the establishment will be passed by the Voievodship industrial authority competent for the territories in which the chief or predominant part of the equipment of the establishment is situated. In the event of doubt, the decision as to which of the industrial authorities is competent, lies with the Minister of Industry and Commerce.

In the city of Warsaw the Municipality issues the orders and decisions specified in p. 1, 1, 2 and 3 of the present decree with the reservation that concessions for the branches of industry specified in Art. 8, 1. 3, 4, and 6 are issued in conjunction with the Commissar of the City of Warsaw.

Art. 133. The Minister of Industry and Commerce, with the application of the provisions of Art. 29 p. 2 decides appeals in the second instance against orders and decisions issued in the first instance by the Voievodship industrial authorities and by the Municipality of the City of Warsaw, and issues executive orders and decisions in cases foreseen by the present decree.

Art. 134. In order to assist the development and the efficient activity of industrial corporations (especially handicrafts) and other professional organisations for handicrafts and small industry; instructors of industrial corporations are appointed at the offices of the Voievodship industrial authorities.

The object of industrial corporation instructors is particularly to advise and inform the corporations and corporation unions as to the fulfilment of their duties and to supervise the appropriate organisation of these unions and of their equipment.

Corporations and unions should supply the instructors with required explanations and data relating to their activity and inform them in due course of the meetings.

Instructors have the right to participate in meetings of chambers of handicrafts, corporations, corporation unions and of the boards thereof in order to keep themselves informed and to give explanations and advice.

The detailed limits of activity of these instructors will be fixed by an ordinance to be issued by the Council of Ministers on the motion of the Minister of Industry and Commerce.

B. Procedure when starting up and closing down an industry.

Art. 135. The announcement of the starting of an industry and applications for concessions for the conducting of concessioned industries should be submitted to the industrial authority of the 1st instance competent for the place of residence of the industry.

Applications for the issuing of a permit for the conducting of a peddlers trade should be submitted to the industrial authority of the 1st instance competent for the place of residence of the applicant.

These announcements or applications should be in writing or oral (in protocolar form).

The acknowledgement of the receipt of the announcement (Art. 7) is issued in the form of an extract from the announcement giving the serial number under which it was entered into the register of industrial rights (Art. 136).

The concession is issued in the form of a document containing particulars of the applicant or his deputy, a detailed specification of the industry, reference being made to the relevant provisions of the present decree, the place of the conducting of the industry and the conditions under which the concession has been granted.

On closing down an industry and relinquishing industrial rights the industrialist should immediately inform the industrial authority of the 1st instance and return the acknowledgement of the receipt of the announcement (Art. 7), the handicrafts card (Art. 147), and the concession document or the licence (Art. 54).

The relinquishment of industrial rights is binding from the day in which the industrial authority receives the announcement.

Art. 136. Industrial authorities of the Ist instance keep special registers of industrial rights:

1) for non-concessioned industries,
2) for concessioned industries,
3) for peddling industries.

Each announcement of the starting of an industry should, without delay, be entered into the register, as should also the issuing of a concession or licence,

also any relevant changes such as opening of a branch office, change of address, conducting of industry through a deputy or tenant, relinquishing or withdrawal of industrial rights, conducting of industry of the account of the widow or minor heirs, inherited or bankrupt estates.

Industrial authorities of the Ist instance will furthermore keep a special register of the industrial establishments specified in Articles 14 and 16.

Each entry into the register and any change thereof should be brought to the notice of the taxation authorites and of the Chamber and Commerce and, in the case of handicrafts industries, to the notice of the Chamber of Handicrafts.

Sample registers are drawn up by the Minister of Industry and Commerce.

C. Legal measures for the enforcement of decisions of industrial authorities.

Art. 137. Decisions (orders, etc.) issued in individual cases in virtue of the provisions of the present decree are brought to the notice of the parties concerned, reference being made to the regulations on the basis of which the decision was issued and, should the decision not cover all or part of the requests and objections of the parties, the reasons for nonconsideration should also be given.

Legal regulations regarding the enforcement of the decisions of administrative authorities will be applicable to decisions issued in virtue of the present decree or in virtue of the regulations issued in connection therewith, provided that the present decree does not contain provisions to the contrary.

Art. 138. The industrial authority of the higher instance should change or waive the decision of the lower industrial authority if it should be proved that the decision is partially or fully contradictory with the legal prescriptions.

D. Procedure in penal cases.

Art. 139. An appeal may be made against the penal decision of an industrial authority of the 1st instance to that authority within 7 days from the day of the receipt of the decision, requesting the transfer of the case, to the competent Magistrates Court and the latter will decide upon the case, due consideration being given to the provisions binding in the court of the first instance. The decision of the district court issued in the second instance is binding.

The request to have the case transferred to another court does not stop the execution of the penalty except in respect of imprisonment.

On territories where the German Penal Procedure of 1877 is binding the regulations regarding police penal regulations are applicable.

Art. 140. In order to safeguard the execution of penal decisions and to stop the continued conducting of an industry without the right thereto or in a manner menacing to a high decree the life or health of employees or other persons, the industrial authority issuing the penal decision may order the seizing of goods and implements and, in cases requiring immediate attention — a partial or absolute stoppage of work of the establishment in question.

The decision for the stoppage of work in the industrial establishment should immediately be withdrawn when the safety of life and health has been re-established in a manner corresponding to the legal regulations.

The provisions of p. 1 and 2 of the present article do not infringe the vested rights of other authorities.

Should the seized goods be perishable the industrial authority will order their sale by auction.

The goods seized or the sum obtained from the sale thereof (p. 4) as well as the seized implements are to be returned to the defendant after the execution of the penalty.

Chapter IX.

Handicrafts.

A. General regulations.

Art. 141. The provisions of the present decree are applicable to handicrafts with changes resulting from provisions contained in this chapter.

Art. 142. Handicrafts within the meaning of the present chapter imply the following categories of trades, provided that they are not conducted in factories: bandage-maker, glove-maker, cooper, tanner, tin smith, bronze smith, copper smith, carpenter, sweet-maker, roof-coverer, photographer, hair dresser, barber, wig-maker, comb-maker, tanner, book-binder, jeweller and gold smith (the working of articles of silver and precious stones), engraver, stone breaker, hat-maker, bonnet-maker, wheel-wright, basket-maker, boiler-maker, smith, tailor, furrier, cook, varnisher, painter, gilder, mason, musical instrument maker, optical glass and instrument maker, baker, gingerbread-maker, file-maker, rope-maker, harness-maker, saddler, wood and monumental masons, butcher, pork-butcher, horse meat butcher, horse meat sausage, etc., maker, plumber, joiner, well digger, brush-maker, shoe-maker, boot legging-maker, glass maker, trimmer, lace maker, gold and silver wire goods maker, gold and silver tissue spinner, stucco-maker, wall-paperer, turner, watch-maker, stove builder, potter.

The Minister of Industry and Commerce, may, after hearing the opinion of chambers of commerce and of handicrafts, change the above list of handicrafts by ordinance, excluding therefrom individual categories or branches of handicrafts, or amplify it with other kinds or branches of industry. This order is valid for the whole of Poland or for separate Voievodships.

Art. 143. In cases when it is doubtful whether the relevant undertaking should be considered as a handicraft or as a manufacturing industry, the Voievodship authority will give its opinion after having heard first the opinion of the chambers of commerce and of handicrafts and after having asked the opinion of the competent Treasury Office and of the Work Inspector for the relevant district.

B. Proof of capacity.

Art. 144. Any person engaging himself in an independent handicraft should simultaneously with the announcement (Art. 7), prove before the industrial

authority of the 1st instance that he possesses the necessary professional qualifications.

Art. 145. The following are considered as proofs of professional knowledge for the independent conducting of handicrafts:

1) authorisation to use the title of „master" of the relevant trade (Arts. 158 and 159) or
2) certificate of having studied the relevant trade and of having passed the apprentices examination together with certificates of at least 3 years' work in the capacity of an apprentice, or
3) certificate of passing an examination before the examination commission for cilitary foremen.

Furthermore the Minister of Industry and Commerce will fix by orders, in conjunction with the competent Ministries, the measure in which the certificates of finishing technical schools or examinations passed before the examination authorities which have been fixed for individual categories of industry or for the confirmation of the professional capacities in Government undertakings, should be considered as a proof of the professional capacity for the conducting of a handicraft.

In principle graduates of technical schools and of decorative and industrial art. schools will be considered after a corresponding practice, as possessing professional capacity for the conducting of a handicraft.

Art. 146. The Voievodship industrial authority may free individual persons from the obligation of showing the capacity fixed in Art. 145, if these persons prove in another manner that they possess an adequate professional education.

Art. 147. The industrial authority of the 1st instance will issue a handicrafts card within 30 days from the day of announcement, provided that the applicant has shown a professional knowledge in accordance with the provisions of Art. 145 or 146 and, in the contrary case the authority will forbid the continuation of the handicrafts and will give the motives for its decision.

The handicrafts card is issued in the form of an extract from the announcement, giving the serial number under which it has been inserted into the register of industrial rights (Art. 136).

C. Study of handicrafts.

Art. 148. If a craftsman takes pupils for apprenticeship in a number larger than that corresponding to the size or manner of conducting the undertaking, the industrial authority of the 1st instance, in conjunction with the district work inspector, may force him to decrease the number of apprentices by dissolving the education agreement and forbidding him to accept apprentices over the fixed number.

The statutes of a craft may contain regulations as to the number of pupils which may be kept in a numerical proportion to the apprentices employed in the same undertaking.

Should the statutes not contain regulations to that effect the Voievodship industrial authority in agreement with the district work inspector and after

hearing the opinion of the chamber of handicrafts, may fix by an order the number of pupils in proportion to the number of apprentices engaged.

Art. 149. The accepting in the handicrafts industry of pupils for purpose of teaching and professional education is permitted only to those persons who have acquired the right of using the title of a handicrafts master (Arts. 158 and) 159 and, within a period of 3 years after the day of the coming into force of the present dercee, also to those persons who accomplished 21 years of age and who have

1) after passing with a favourable result the examination for an apprentice worked for at least 5 years in the relevantbranch or kind of craft, or a
2) executed independently for at least 8 years handicraft of the relevant branch or kind.

The study of a handicraft may also take place in factory undertakings of the relevant category of industry under the direction of persons possessing qualifications corresponding to the provisions of this article or of Art. 150.

Art. 150. The Minister of Industry and Commerce, in conjunction with the competent Ministries, will fix by orders in what measure the school or examination certificate, considered in virtue of the provisions of Art. 145 as a proof of the professional education for the conducting of handicrafts, should also be considered as a proof of the adequate qualifications for the directing of the practical education of pupils.

Art. 151. On the request of an industrialist in whose undertaking several handicrafts are performed, the chamber of handicrafts may permit the practical education of pupils in each of these handicrafts, under the direction of persons whose qualifications correspond to the provisions laid down in Arts. 149 or 150.

A person corresponding to the provisions of Art. 149 or 150 as regards a certain category of industry may also educate pupils in affilitated industries. The chamber of handicrafts will fix what industries may be considered as affilitated within the meaning of this paragraph.

A certificate of completion of study, which in virtue of p. 1 of Art. 155 is presented to the examination commission, should relate to the craft in which the principal or his deputy have the right of educating apprentices in virtue of Art. 149 or 150 and of the present article.

Art. 152. The period of study should in principle be 3 years and may not exceed 4 years. With the consent of the Voievodship Industrial Authority the chamber of handicrafts, after hearing the opinion of interested crafts, may fix the period of education in individual handicrafts and branches.

The chamber of handicrafts may, in individual casesallow the apprentice to complete his service before the expiration of the prescribed term ofeducation.

Art. 153. The pupil should be given the possibility of submitting himself for an apprentices examination after the elapse of the period fixed for his education.

For this purpose the chambers of handicrafts will create examination commissions corresponding to the place, number and character of crafts in the districts of the relevant chamber.

Each of these commissions should be composed of a chairman and of at least 2 members.

The chairman, of the examination commission should in principle be a handicrafts master (Arts. 158 and 159) or a person possessing a higher technical education, employed professionally as teacher or occupying a directing post in an industrial undertaking.

One of the members of the examination commission should be appointed from amongst the qualified apprentices in the relevant handicraft working in the district of the chamber. Other members of the commission are appointed from amongst craftsmen possessing the right of educating pupils in the relevant craft and residing in the district of the chamber.

Art. 154. The object of the examination is the confirmation of the acquisition by the pupil of skill and practice in the ordinary work of the relevant craft and the necessary knowledge as to the value, purchase, storing and applying of materials worked up in the craft and the recognition of their quality.

The procedure of the examination commission, the manner of examination and the examination charges are fixed by examination regulations which are issued by the chamber of handicrafts and confirmed by the Voievodship industrial authority.

If, according to the regulations, the examination should also confirm the knowledge of keeping books and accounts the commission should compliment itself by appointing an expert as a member with the right of voting.

The Costs of examination are borne by the chamber of handicrafts.

Examination fees are paid to the chamber of handicrafts.

Art. 155. The application for an examination is presented by the pupil or his assistant to the Chamber of Handicrafts. The certificate of completion of study or the certificate confirming the period passed in learning, as well as the school certificate of completing the course in a public supplementary-educational school, or a certificate confirming the possession of an education acknowledged by Government School authorities as equivalent to that given by the completion of a public supplementary-educational school course should be attached.

The commission confirms the result of the examination on the education certificate, and in the event of a favourable result, also issues a certificate that the examination has been passed.

Should the result be unfavourable the commission will specify the term after the elapse of which another examination may be taken.

The apprentice (or assistant) who has passed the examination becomes a journeyman.

Art. 156. Pupils of handicraft commercial Government schools or of those acknowledged by the State pass the examination for journeymen before examination commissions attached to each of such schools; the composition of the commission is fixed by the Government school authorities. A representative of the chamber of handicrafts should be one of the members of the commission.

Regulations of the examination commissions fixed in the preceding paragraph are issued by the Minister of Religious Cults and Education in conjunction with the Minister of Industry and Commerce and other interested Ministries. These regulations should contain, amongst others, provisions

relating to the covering of costs of examinations and the collection of examination fees.

The Commission issues a certificate of passing the examination when the result is favourable. Should the result be unfavourable the commission will fix a term after the elapse of which the pupil may again subject himself to the examination.

A pupil who has passed the examination with a favourable result becomes a journeyman.

Art. 157. In accordance to the local conditions and after hearing the opinion of the chamber of handicrafts the Minister of Industry and Commerce may alter the provisions of Articles 153, 154 and 155, by orders without, however, decreasing the requirements of p. 1 of Art. 154.

If the alteration should relate to the provisions relating to schools or school certificates, the Minister of Industry and Commerce will issue it in conjunction with the interested Ministries.

D. Handicraft masters.

Art. 158. The title of a „master" or „foreman" together with the name of the handicraft (for instance „master tailor", „master tinker", etc.), may be used only by a craftsman who has passed a master's examination before an examination commission created by the chamber of handicrafts or before an examination commission created in virtue of the order of the Minister of Industry and Commerce, issued in conjunction with the Minister of Religious Cults and Education at a handicrafts-commercial school, a master's school or another institution suitable for this purpose, thanks to its composition and its equipment.

The by-laws of commissions for master's examinations created by a chamber of handicrafts are fixed by the chamber, the provisions of p. 2, 4 and 5 of Art. 154 being duly complied with, and confirmed by the Voievodship industrial authority.

Art. 159. Craftsmen who in virtue of the provisions until now in force have obtained the right to the title of „master", „master of corporation", „examined master", may continue to keep this title and have the right to use the title „master" or „foreman" together with the name of the craft in which they are engaged.

E. Corporations and corporation unions.

Art. 160. Those who conduct a craft independently may form themselves in virtue of the present decree, into free corporations of craftsmen. The provisions of Articles 69 to 99 inclusive will be applicable to corporations.

Art. 161. Journeymen employed permanently in the craft with members of the corporation have the right to co-operate in the fulfilment of the objects of the corporation within the limits fixed by the present decree and by the statutes of the corporation.

For this purpose a journeymen's section may be formed.

Co-operation in the detailed regulation of the education in the craft is specially reserved to the journeymen's section, as well as the regulating of questions relating to such equipment of a corporation to the maintenance of

which journeymen contribute either by subscriptions or co-operation, or whose object is the granting of assistance to journeymen.

At the time of the statutory fixation of the co-operation in these questions the following principles must be taken into consideration.

1) In debates and voting of the board of the corporation members of the journeymen's section have the right of participating, with the full right of vote in proportion of one to five to the number of persons composing the board.
2) All members of the journeymen's section with full right of vote have the right of participating in the debates and voting of the meetings of the corporation.
3) Journeymen may be elected to the board of a corporation to the maintenance of which journeymen contribute by means of subscriptions, their number not exceeding half of the members of the board.

The execution of decisions of a meeting of the corporation relating to questions enumerated in p. 3 may take place only with the consent of the journeymen's section.

Should the above section not agree, the supervising authority will take the decision on the motion of the corporation.

Art. 162. The right of electing members of the journeymen's section and their deputies is given to all journeymen employed in the craft with members of the corporation.

It is prohibited to chose as members of the journeymen's section those journeymen who are either under-age, or who have been sentenced for culpable acts involving the loss of holding a public function until the time of regaining this capability, or who in virtue of a court decision are limited in the administration of their capital.

The election meeting is convoked the first time by the senior of the corporation, then by the chairman of the journeymen's section, or should he be prevented of doing so, by his deputy.

Art. 163. Regulations as to the number of members of the journeymen's section and their deputies, the period of duration of their functions, the election of the chairman and his deputy should be contained in the statutes decreed by the meeting of journeymen in conjunction with the board of the corporation and confirmed by the Voievodship industrial authority.

The number of members of the journeymen's section cannot exceed the statutory number of members of the board of the corporation.

In the event of a decrease in the number of members of the department and their deputies as a consequence of their withdrawal, etc., the department is completed by persons being co-opted until the new elections.

Members of the journeymen's section and their deputies retain their mandate for a period of 3 months after leaving the service of an undertaking belonging to a member of the corporation, provided that they continue to reside in the district of the corporation and if no new elections take place within a shorter time.

Art. 164. On the motion of the board of the corporation or the journeymen's section, mutual debates may take place on questions which are of interest to both the employers and the employees.

Arbitration courts.

Art. 165. Arbitration courts may be established by corporations for the purpose of settling disputes arising between members of the corporation and journeymen employed by them relating to the initiation, continuance or dissolution of working agreements and claims between journeymen employed by members of the corporation in their handicraft undertakings relating to mutual claims resulting from the work, the execution of which has been mutually undertaken.

Members of the corporation elect one member of the arbitration court and his deputy from amongst members of the corporation, and the journeymen elect a second member and his deputy from amongst the journeymen. The chairman and his deputy are chosen by members of the court of arbitration.

Only those persons who have passed 30 years of age may be chosen as memobers of the court of arbitration or as chairman or their deputies and who possess the right of election in virtue of Article 86 and/or 162.

Art. 166. The arbitration court will be competent to decide all disputes presented by the parties for its decision.

The decision of the arbitration court is taken by two members and the chairman. Should a member of the court of arbitration or its chairman be prevented from fulfilling his duties, his deputy will take his place.

Decisions are taken by a majority of votes. The statutes will fix the manner of procedure before the arbitration court.

The arbitration court will present to each of the parties an extract of its decision, containing the motives for the decision taken, this extract being sent in a registered letter against an acknowledgement of receipt. The parties may however take this extract direct from the court against acknowledgement of receipt. This extract, as well as the original decision, should be signed by at least the chairman and one member of the court.

No legal measure is reserved against the decision of the arbitration court. The waiving of the decision may be requested in the manner foreseen by the laws governing the procedure of civil claims for considerations foreseen by these laws.

The court procedure foreseen for the execution of the decisions of arbitration courts is applicable to the compulsory execution of decisions.

Art. 167. Corporations may form themselves into free corporation unions. The provisions of Articles 100 to 109 inclusive will be applicable to corporation unions.

F. Chambers of handicrafts.

Art. 168. Chambers of handicrafts are established for the purpose of a permanent professional representation of interests of the handicrafts industry.

Art. 169. The Minister of Industry and Commerce will fix the limits of the districts and the place of residence of the chambers of handicrafts and, after hearing the opinion of interested chambers of handicrafts and of the Voievodship industrial authorities, will decide as to the changing of districts, the inclusion into the district of one chamber of a portion or a whole district of a second chamber and, in such cases, the division or taking over of the assets.

When fixing the boundaries of chambers of handicrafts the existing division of the country into voievodships and districts should be considered. Particularly, parts of two or more voievodships or parts of individual districts should not be included into the areas of chambers of handicrafts.

Art. 170. Chambers of handicrafts will fulfil the following objects: —

1) co-operate with Government authorities in the furtherance of the craft by giving information and opinions;
2) consider and present to the authorities requests and motions relating to the interests of the craft and also annual reports relating to its position.
3) regulate questions concerning apprentices in accordance with the statutory regulations;
4) enforce the regulations concerning apprentices;
5) create journeymen's examination commissions (Art. 153).
6) create foremen's examination commissions (Art. 158).

Chambers of handicrafts may create and support handicrafts schools or participate in other manners towards the improvement of education and professional efficiency of masters (foremen), apprentices and journeymen, they should however comply with the statutory provisions relating to private professional schools.

The provisions of p. 1, 3 and 4 do not infringe the competence of the inspectors of work.

Art. 171. In order to enable the chambers to fulfil the aims specified in Art. 170 1. 1 and 2, the competent authorities will present to them for their opinion, drafts of decrees before submitting them to the Diet, as well as orders having the force of laws of a general or local character, provided that these drafts relate to the interests of the craft.

As and when required the authorities will present, for the opinion of the chambers, projects of their regulations of the above character.

Art. 172. Corporations should comply with the regulations which will be issued by the chambers of handicrafts in their limits of activity.

Statutory regulations and decisions of corporation meetings relating to education in industry which are contrary to the orders of the chambers of handicrafts issued in their statutory limits of activity, are invalid.

Art. 173. The Minister of Industry and Commerce will issue separate statutes for each chamber of handicrafts. Changes in the statutes are decided by the chamber of handicrafts and confirmed by the Minister of Industry and Commerce.

The statutes should contain provisions relating to the

1) name, seat and district;
2) number of members;
3) manner of taking decisions;
4) composition, election and limits of activity of the board;
5) manner and of convoking and holding meetings of the chamber and its organs;
6) manner of confirming decisions of the meeting and of the board;
7) preparation and passing of budgets;
8) preparation, examination and confirmation of accounts;

9) conditions for the amending of the statutes;
10) creation of examination commissions;
11) newspapers in which the ordinances of the chamber should be published.

Should it be proved that the statutes contain provisions contrary to the regulations in force and the chamber of handicrafts does not present a decision relating to the amendment of the statutes within a period fixed by the Minister of Industry and Commerce, the latter will himself change the relevant provisions of the statutes.

Art. 174. The chamber of handicrafts is composed of elected members.

The right of electing members of the chamber of handicrafts is given to craftsmen, independently of sex, who are Polish citizens, enjoy full civil rights, and who have conducted an independent handicraft trade in the district of the chamber for at least 3 years.

The right of being elected is given to craftsmen who possess civil electoral rights, if they are over 30 years of age and have for at least 3 years contucted independently their own workshops in the district of the chamber.

Persons sentenced by a court decision for crimes involving in consequence the loss of electoral rights and of being elected to the Diet cannot benefit from the right of election and of being elected for the period during which the loss of the above rights is in force.

Art. 175. Members of the chambers are elected for a period of 6 years: on 31st December of every third year half of the members resign. The first incomplete year is counted as a whole year, and the resignation of the first batch of half the members in virtue of the present decree is decided by ballot. This provision also relates to chambers established after the winding up of a previous one (Art. 191).

Members who have resigned may be re-elected.

Deputies are elected in an equal number and they represent members of the chamber; in the event of their resignation deputies will hold their seats until the next elections, the decision being according to the maximum number of votes and, in the event of tie, according to the alphabetical order.

Art. 176. Elections to the chamber of handicrafts are ordered by the Voievodship industrial authority.

Balloting is secret. The voter must personally hand to the commission appointed for carrying out the elections, the ballot paper, filled in in accordance with the relevant statutory regulations. The election is decided according to the majority.

Every person possessing the right of voting may submit to the Voievodship Industrial authority, through the Voting Commission, claims against the validity of the elections, within 14 days from the day of the publication of the results thereof. The Voievodship Industrial authority may wholly or partly cancel the elections, only however if the provisions of the present decree or of the statutes have been transgressed.

In the event of the annulling of the election new elections have to be arranged within 3 months from the date of the decision being taken.

Details regarding election procedure will be fixed by the statutes of each individual chamber.

Should circumstances arise depriving a member of the chamber of the election rights, he ceases to be member of the chamber.

Art. 177. The Voievodship industrial authority will fix the date and hour for the opening of the newly elected chamber.

The opening is performed by the delegate of the Voievodship Industrial authority who gives the chairmanship to the eldest person present; the latter will order the election of a president.

Art. 178. The chamber of handicrafts elects from amongst its members for a period of 3 years by ballot an with an absolute majority of votes, a board composed of a President, Vice-Presidents and members.

The chamber of handicrafts may create from its members committees for the permanent or temporary fulfillment of individual functions; both the chamber as well as its committees may co-opt to their meetings experts who will possess an advisory vote.

The board of the chamber should inform within 3 days the Voievodship Industrial authority of any change in its composition and of the result of each election.

Art. 179. Members of the board of the chamber and of the committees perform their duties without fees, provided that provision tho the contrary is not formed in the statutes.

Art. 180. For the purpose of performing preparatory and executive work resulting from the limits of activity of the chamber, each chamber of handicrafts will appoint from outside its members, a professionally educated salaried secretary, as well as a salaried office staff. The secretary is head of the office.

Art. 181. Members of the chamber are bound to participate at meetings, draft reports handed to them, and accept election to the committees created by the Chamber.

Art. 182. There are ordinary and extraordinary meetings of the chamber. Ordinary meetings are held at least once per quarter.

Extraordinary meetings are assembled at the request of the Minister of Industry and Commerce, and at the demand of one third of the members of the chamber according to the discretion of the board.

The following questions are reserved to the competence of the meeting of the members of the chamber of handicrafts: —

1) election of the board and of committees,
2) passing of budget, examination and confirmation of accounts from the preceding year, approval of expenditure not foreseen in the budget,
3) purchase, sale or mortgage of real estate,
4) contracting of loans, exclusive of short-dated loans which may be paid of from the surplus of current profits in one financial year,
5) sale of real property of the chamber possessing historic, artistic or scientific value,
6) issue of opinions and passing of resolutions which have to be presented to the authorities relating to the general interests of the craft, and especially the statutory regulating of the conditions of the craft,
7) passing of provisions regulating apprentiship questions,
8) appointment of the secretary of the chamber,
9) approval of resolutions regarding changes of statutes.

A condition for the validity of regulations made on apprendiship questions is their confirmation by the Minister of Industry and Commerce and their publication.

Art. 183. A chamber of handicrafts is a legal body; it may purchase moveable and immoveable property, conclude agreements, contract commitments, sue and be sued.

A chamber is answerable with its assets for its commitments.

Funds of the chamber may be used only for the fulfilment of its aims as fixed by law or in the statutes and for the covering of the costs of the board of the chamber.

Chambers may collect special charges for the use of their equipment, schools, inns, etc.

Art 184. Funds of the chamber which are not earmarked for covering current expenditure should be deposited in a manner fixed for trustee deposits.

In cases deserving of consideration, the Minister of Industry and Commerce may temporary allow another manner of deposit.

Art. 185. Decisions of the chamber of handicrafts in questions specified in Art. 182 I. 3, 4 and 5 are subject to confirmation by the Minister of Industry and Commerce.

Art. 186. The chamber of handicrafts will prepare annually a budget which must be presented for confirmation to the Minister of Industry and Commerce within a term fixed by the latter.

That portion of the expenditure of the chamber as estimated in the budget — which is not covered by the revenue of the chamber, will be met from the surtaxes foreseen in the law on the Government industrial tax.

The percentage amount of this supplement on behalf of the chamber of handicrafts will be fixed each time by the Minister of Industry and Commmerce within the limits foreseen in the existing law on the Government industrial tax.

The taxation authorities will give to the chamber of handicrafts, against refund of costs, data regarding the apportioning of the tax as well as of the changes incurred thereafter.

Art. 187. The chamber of handicrafts will present annually, at the latest by the end of March, for the information of the Minister of Industry and Commerce, the balance-sheet for the preceding year.

Art. 188. A journeymen's section may be created in the chamber of handicrafts. Members of this department and their deputies are elected by the journeymen's sections established in the corporations having their residence in the district of the chamber.

The right of election is given to journeymen who have reached 25 years of age, are Polish citizens, enjoy full civil rights and have worked at least 2 years in handicraft workshops situated in the district of the chamber.

The number of the members (and of deputies) of the journeymens section attached to the chamber of handicrafts and the division of this number amongst the individual journeymens sections created by corporations, is fixed by the statutes of the chamber.

Elections are carried out by the corporation journeymens sections by written votes under the control of the delegate of the supervising authority.

The provisions of Art. 174 p. 4 and of Art. 175 are applicable respectively to members and their deputies of the journeymens section.

Art. 189. The journeymens section of the chamber of handicrafts has the right to co-operate in the:

1) regulating of apprentiship questions (Art. 170 p. 1, I. 3),
2) issue of opinion and presenting of resolutions relating to the relations between apprentices and journeymen,
3) discussions and decisions relating to the composition and activity of journeymen examination commissions created by the chamber.

At the time of statutory fixing of co-operation in the above mentioned questions it should be considered in principle that the participation in the discussions and decisions of the board or of the commission with a full voting right should be reserved to atleast one member of the journeymens section and that in the questions specified in p. 1 of this article under 1, 2) the journeymens section may give its opinion separately or present its resolutions.

Art. 190. The general supervision over chambers of handicrafts is vested in the Minister of Industry and Commerce.

The Minister of Industry and Commerce will appoint his deputy for each chamber of handicrafts who will have the right of participating in the full meetings of the chamber and speak in all questions discussed on the meeting; he has, however, no voting rights.

The representative of the Minister of Industry and Commerce has the right to protest, with the right of suspension, if the decisions of the chamber are contrary to the executional laws and regulations or if they exceed the limits of activity of the chamber.

The Minister of Industry and Commerce will decide in case of protest, after previously hearing the opinion of the board of the chamber of handicrafts.

Art. 191. The Minister of Industry and Commerce may dissolve the chamber of handicrafts, if it neglects the fulfilment of its duties in spite of being twice summoned by the supervising authority or if the activities or neglects of the chamber infringe the regulations or in force or threaten the interests of the State.

In the event of the winding up of the chamber new elections should be ordered within a period of 3 months.

For the transitory period the Minister of Industry and Commerce will appoint a temporary board of the chamber composed as he considers necessary.

Art. 192. In the fulfilment of its duties specified in Art. 170 p. 1, I. 3, the chamber of handicrafts hat the right to issue orders and regulations bearing penal sanction, fixing a fine up to 20 zlote.

In case of non compliance with the orders and regulations bearing penal sanction in virtue of p. 1 of this article, the board of the chamber may impose a fine by means of a penal order.

The accused has the right of appealing against the penal order to the Voievodship industrial authority within 14 days counting from the day following the making of the order.

The entering of an appeal stops the collecting of the fine imposed.

The decision of the Voievodship industrial authority is final. The fine is collected on behalf of the chamber by compulsory administrative procedure.

Art. 193. Apart from chambers of handicrafts established in virtue of the present order no organistation or institution, irrespective of its character or object, has the right to call itself „Chamber of Handicrafts".

Art. 194. On the day of the publication in the Official Voievodship journal of the order for elections to the new Chambers in Poznan, Bydgoszcz and Grudziadz, the chambers, which in virtue of the present decree exist in these towns in their present composition, will be dissolved by law. The Minister of Industry and Commerce will, in virtue of Art. 191, appoint for the transitory period for each of these chambers a temporary board who will fulfil functions of the board of the chamber in virtue of the provisions of the present decree until the time of the constitution of the new chamber.

The assets of the dissolved chambers together with all their liabilites and commitments will pass to the new chambers created in lieu of those dissolved. In case of dispute as to the division of the assets of the dissolved chambers amongst the newly created chambers, the Minister of Industry and Commerce has the right of decision.

Chapter X.

Transitory and final regulations.

Art. 195. With regard to questions in respect of which procedure had been initiated before the coming into force of the present order, the orders until now in force concerning the competence of authorities, procedure and legal measures, will be applicable.

Art. 196. On the territories of the Voievodship of Poznan and Pomerania the competence of industrial authorities fixed by the present decree is limited inasmuch as the following functions are transferred

1) to Municipalities, in towns not excludet from districts, and counting over 10 000 inhabitants.

The settlement of questions relating to the initiation of an industry (Arts. 7, 144, 147) theconfirmation of projects of equipment of industrial undertakings, except industrial undertakings specified in Arts. 16 and 132 p. 1, I. 4.

Questions relating to the discontinuance of an industry, changes of industrial premises, opening of branches (Art. 36 and 37).

Questions relating to theinitiation and conducting of the industry by a deputy or tenant for the account of the widow or undertage successors, to the account of a bankruptcy or inherited estate (Arts. 38 and 40).

Keeping of registers of authorisations and of industrial establishments.

2) to the Voievodship Administrative Courts:

Deciding of appeals in the II instance against decisions and orders of Industrial authorities of the I instance and of Municipalities in questions fixed in p. 1, and against decisions of Industrial authorities of the I Instance in questions regarding licences for peddling trade (Arts. 46, 51, 52, 54 and 58) authorisations for small fairs (Arts. 65 and 66) by-laws for small fairs (Art. 68) and in questions relating to the prohibition of keeping pupils (Arts. 111, 115).

Furthermore the confirmation of statutes and changes of the statutes of corporations (Arts. 74 and 99) and of those corporation unions the district of which does not extend beyond the territory of the Voievodship (Arts. 104 and 109) — with the application of the regulations until now in force regarding resolutions and disputable) administrative procedure.

Art. 197. The execution of the present decree is vested in the hands of the Minister of Industry and Commerce in conjunction with the competent Ministries.

Art. 198. The present decree comes into force 6 months after the day of its publication. The Council of Ministers may, however, by ordinance postpone this term in general or in individual voievodships, the postponement may not however exceed a further period of 3 months.

On the day of the coming into force of thie decree all laws and regulations contrary thereto become nul and void. Until the regulation by a decree of questions relating to authorisations for directing or conducting the building work the relevant regulations binding in this respect in the individual territories of Poland remain in force.

Until the publication of a new petroleum law the following decrees remain in force:

1) order of the Minister of Industry and Commerce in conjunction with the Minister of the Interior of 28th April 1923, regarding the granting of concessions in the production, working and storage of rock and crude oil (Journal of Laws No. 49 of 1923, item 348),
2) order of the Austrian Minister of Trade in conjunction with the Minister of the Interior dated 23rd March 1910, regarding conditions for the granting of concessions for the treatment of crude oil and the sale of petroleum by means of tank wagons (Dz. u. p. No. 62) and the order of 16th September 1909 regarding concessions for industrial undertakings storing and extracting crude oil (Dz. u. o.143).

In the Voievodships of Warsaw, Lodz, Kielce, Lublin, Białystok, Polesie, Nowogrodek, Wilna, Volhyn and in the city of Warsaw, the confirmation by the communal authority of the fact of the initiation of the independent conducting of the relevant craft before the day of the coming into force of the present decree and the presentation of an industrial certificate purchased for the year 1927 is considered as a proof for the possessing of an industrial authorisation (Art. 3) for the independent conducting of the craft.

Within 5 years after the day of the coming into force of the present decree the certificate of the communal authority confirming that the relevant person has worked with a craftsman conducting an independent relevant craft im-

mediately before the announcement (Atr. 144) five years before, should be considered as a proof of the professional capability for the independent conducting of the craft.

The Minister of Industry and Commerce may, as and when required, extend the five years transitory period mentioned in the preceding sub-division for a maximum period of a further 5 years.

In accordance with Art. 8a of the Constitution of 15th July 1920 containing the basic statute of the Silesian Voievodship (Journal of Laws No. 73, item 497) amplified by the constitution law of 8th March 1921 (Journal of Laws No. 26, item 146) it depends on the decision of the Silesian Diet whether and when the present order shall come into force on the territory of the Silesian Voievodship.

Law of Industry.

Index.

Law on Foreigners.*)

Order of the Minister of the Interior, dated 8th. November, 1929.

(Journal of Laws No 76 of 1929, Item 575.)

(Paragraphs 1, 2, 3, 4, 5, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, 24, 38, 40, 41, 42, 43, 44, 47, 52 and 53 of this law were issued in conjunction with the Minister for Foreign Affairs.)

In virtue of Art. 20, 2, 23 and 25 of the decree of the President of the Polish Republic of 13th August 1926, regarding foreigners (Journal of Laws No. 83, item 465) the following is decreed :

I. Individual temporary stay.

Art. 1. Permits for entry and for temporary stay, foreseen in p. 1 of Art. 5 of the decree of the President of the Polish Republic of 13th August 1926, regarding foreigners, are given by Consular Offices through the issue of a period visa, according to appendices No. 1 or No. 2.

A period visa may authorise the holder to cross the Polish frontiers several times.

Art. 2. To obtain a period visa the foreigner should present a valid passport and give such data as are required for its filling up, and specify particularly the exact object of his visit and, as exactly as possible, the length of stay indispensable, in his opinion, to achieve this aim; he should also mention, at the request of the Consular Office, the place of his intended sojourn and furnish any required information regarding himself and his stay, and all the necessary documents, certificates or proofs.

Art. 3. Should it be possible to specify as nearly as possible the period of the sojourn indispensable for the achievement of the aim, the Consular Office may issue a fixed date period visa (appendix No. 1) in the limits of the term of validity of the passport.

A period visa until further notice (appendix No. 12) may be given by the Consular Office when the object of the stay is of such a character as to make it impossible to specify, even approximately, the period required for its achievement.

Art. 4. The Consular Office should, before granting the period visa (para. 3), obtain the consent of the competent Voievodship general administrative authority if there are reasons to suppose that the stay of the foreigner in the country would, in view of his person or sojourn, be undesirable for public interests.

*) As the diagramatic illustrations of visas and registration forms in the appendices are of purely administrative interest, they have not been included in the translation.

The competence of the Voievodship general administrative authority is established:

a) in the event of the object of the stay relating to real property, according to the place where the real property is situated,
b) in the event of the object relating to an undertaking or establishment, according to the place where the undertaking or the establishment is situated,
c) in cases when the local competence cannot be established in the above manner, the Commissioner of the City of Warsaw is competent for the whole territory of the Polish Republic.

Art. 5. The granting of a period visa should be refused in the following cases:

a) if the remaining of the foreigner in Poland would seriously threaten public interest,
b) if the foreigner had been expelled from Poland within a period of five years,
c) if the regulations in force are against the issue of the visa, or
d) if it results from the statement made by the foreigner or from the circumstances of the case that the foreigner intends to take up residence in Poland and not to make a temporary stay.

Art. 6. A foreigner who arrives on the strength of a fixed date period visa may only remain in the country during the period mentioned therein and is bound to leave the country in such a term as not to exceed that period.

In the event of the foreigner showing that he was unable to achieve the aim declared at the time of obtaining the visa in a period affixed to him, the district general administrative authority may grant him a corresponding extension of departure (appendix No. 3), not exceeding, however, the period of validity of his passport.

Art. 7. A foreigner who arrives on the strength of a period visa until further notice is bound to leave the Polish frontiers within 14 days after the accomplishment of his aim, and in any case within 48 hours preceding the termination of the validity of his passport.

Art. 8. In the event of the alteration of the object of a stay, the foreigner is bound to approach the district general administrative authority on whose territory he intends to achieve the new object of his stay, with a request to grant him a new permit, and should this object only be attainable on the territory of several districts — to the district general administrative authority on whose territory the foreigner intends to remain chiefly.

The district general administrative authority is competent in cases deserving of consideration, to grant such a permit by issuing a supplementary fixed date visa (appendix No. 4) or a supplementary visa until further notice (appendix No. 5), taking due notice of the provisions of Arts. 2 and 3.

Simultaneously with the issuing of the supplementary visa the former period visa becomes nul and void.

Art. 9. A foreigner who remains in Poland on the strength of a period or supplementary visa, authorising the crossing of the Polish frontiers on one occasion only, who intends to break the temporary stay and leave Poland

for the time being, may return without the necessity of obtaining a new visa, provided that he obtains before his departure a return visa from the district general administrative authority (appendix No. 6) and that his return takes place before the elapse of the term specified therein.

II. Collective temporary stay.

Art. 10. To groups of foreigners consisting of at least ten persons belonging to one and the same nationality and arriving into Poland for cultural, educational, touring, sporting or nonprofit bearing economic considerations, the Consular Office may, provided that public interests do not interfere with such a course, grant collective visas (appendix No. 7) for one entry into the country and a sojourn therein, not exceeding one month from the day of the crossing of the frontier.

Art. 11. For the purpose of obtaining this visa the group should be guided by a manager who will present in its name a valid collective passport to the Consular Office and furnish, at the request of the Consular Office, all the necessary information and documents (Art. 2).

The Consular Office in whose district the group organises itself is competent for the granting of the visa.

Members of the group are bound to possess at the time of crossing the Polish frontiers and during the whole period of their stay in Poland documents enabling the verification of their identity.

Art. 12. Should the manager of the group prove that the group was unable to attain the aim declared at the time of obtaining the collective visa in the period affixed by the Consular Office, the district general administrative authority may grant a corresponding extension for a period not exceeding two months from the day of the crossing of the frontier (appendix No. 3).

Art. 13. If a member of the group staying in Poland has to detach himself therefrom for the purpose of travelling independently through Polish territory, or leave its frontiers independently and he does not possess a valid passport, the manager of the group is bound to obtain for him a passport from his Consul, and a record in the passport of the tenor of the collective visa from the district general administrative authority.

III. Individual transit.

Art. 14. Permits for transit traffic through Polish territory foreseen in Art. 7 of the decree of the President of the Polish Republic of 13th August 1926, regarding foreigners, are given by Consular Offices by issuing a transit visa (appendix No. 8).

The transit visa may authorise during its validity either return or multiple transit through Polish territory.

Art. 15. For the purpose of obtaining a transit visa the foreigner should present a valid passport, prove that he corresponds to the conditions foreseen in the decree of the President of the Polish Republic of 13th August 1926, regarding foreigners, and give data required for filling up the visa and supply, at the request of the Consular Office, any necessary information regarding

himself and the intended transit, as well as such documents, certificates or proofs, which may be required.

Art. 16. The granting of a transit visa should be refused in cases foreseen in Art. 5, paras. a)—c), as well as in the event of there being a justified supposition that the foreigner undertakes the journey not for the purpose of passing in transit through Poland but for the purpose of remaining therein, or if the period of a transit journey exceeds that of the validity of the passport.

IV. Collective transit.

Art. 17. The Consular Office may issue a collective transit visa (appendix No. 9) in the event of a group of foreigners consisting of at least 10 persons belonging to one and the same nationality applying for a transit visa through Poland.

At the time of issuing this visa the provisions of paragraphs 11, 15 and 16 are duly applicable.

A collective transit visa may authorise during its validity a return transit through Poland.

V. Special regulations.

Art. 18. A foreigner, who, being a passenger of a ship arriving at a Polish port, is deprived of any of the required visas (Art. 20 of the decree of the President of the Polish Republic of 13th of August 1926, regarding foreigners) may land only upon a previously obtained passenger landing permit issued by the district general administrative authority (Appendix No. 10).

The passenger landing permit authorises the holder, to remain exclusively in the vicinity of the port and its city during the stay of the ship, and can be issued if

a) the foreigner holds a ticket for a further journey and a passport establishing his nationality,

b) the captain of the ship certifies that the foreigner is one of the ship's passengers, and

c) considerations of public safety or order both as regards the person of the foreigner himself or the evident object of his landing, do not oppose themselves to the granting of such a permit.

Should a person holding a passenger landing permit intend to pass beyond the vicinity of the port or its city, it is necessary to apply to the district general administrative authority for a corresponding permit.

Art. 19. A foreigner belonging to the crew of a ship arriving at a Polish port may, during its stay, freely land and remain within the vicinity of the port and its city, even though he does not possess any of the required visas (Art. 20 of the decree of 13th August 1926, regarding foreigners).

Should a member of the crew desire to pass beyond the vicinity of the port or its city, he must apply to the district general administrative authority for a sailor's permit (appendix No. 11).

A sailor's permit may not be issued if the applicant is unable to show that his name is inserted on the list of the ship's crew, or if the considerations mentioned in Art. 18, sub-division 2 p. 3 oppose themselves to his journey to the interior of Poland.

VI. Settlement.

Art. 20. A foreigner desiring to take up residence in Poland should:

1) submit through the intermediary of the Polish Consular Office an application for the granting of a permit to take up residence, addressed to the Voievodship general administrative authority, competent for the place where the settlement has to take place,

2) enclose with the application a declaration (appendix No. 12) duly filled up and signed personally, together with a photograph and a certificate of the competent authority of his native country and a certified translation that he is its citizen or subject, and/or a certified copy of the valid passport, together with a certified translation.

The Voievodship general administrative authority may, before deciding on the application, demand from the applicant the furnishing of such additional information and explanations as may be considered necessary.

Art. 21. In case of a favourable consideration of the application the foreigner will receive from the Voievodship general administrative authority, through the intermediary of the Consular Office in which the application was presented, a settlement card (Appendix No. 13) and from the Consular Office — a settlement visa (Appendix No. 14) authorising the crossing of the Polish frontiers.

Art. 22. The settlement card authorises the holder within a period of one year from the day of its issue to take up residence in the place which is specified thereon, and should be presented in the office of the district general administrative authority within the term specified on the card.

In the event of the non taking up of residence within one year from the day of the issuing of the settlement card, the latter loses its validity.

Art. 23. The change of a temporary stay into a permanent one is admissible only in exceptional cases, i. e.

a) if such a course lies in the interest of the Republic,

b) if the circumstances justifying the request for the change of the temporary stay for a permanent one, could not have been foreseen before the arrival of the foreigner into Poland.

The application for the above change should be made to the Minister of the Interior through the intermediary of the district general administrative authority competent for the place of the intended residence of the foreigner. Furthermore, the provisions of p. 2 of Art. 20 will find a corresponding application.

The entering of the application does not free the foreigner from the obligations specified in Art. 6, and/or Art. 7.

Art. 24. A foreigner who intends to leave Poland for a certain time may return without the necessity of obtaining a new settlement visa, provided

that before his departure he obtained from the district general administrative authority, competent for the place of residence, a return visa (appendix No. 6) and that his return takes place in a term specified in such a visa.

In this case a return visa may not be issued for a period not exceeding 2 years from the day of its issue.

VII. Registration.

Art. 25. The obligation of registration foreseen in Art. 8 of the dercee of the President of the Polish Republic of 13th August 1926, regarding foreigners, relates to foreigners who are authorised:

a) to reside in Poland,

b) to stay temporarily, until further notice,

c) to reside temporarily over a period of 3 months, or

d) to reside temporarily for a period of less than 3 months, but who have obtained subsequently, in conformity with p. 2 of Art. 6 a postponement of departure for a period exceeding 3 months from the day of the commencement of the sojourn, or alternatively, a supplementary visa in conformity with p. 2 of Art. 8.

Art. 26. A foreigner who has fulfilled the obligation of registration and subsequently leaves Poland, is not obliged to re-register after his return, provided that his return takes place within the period fixed in his return visa, or if the period visa, during the term of validity of which the registration has taken place, authorises multiple crossings of the Polish frontiers.

Art. 27. In cases foreseen in p. a, b and c) of Art. 25, the registration must be accomplished at the latest on the eight day after the arrival in Poland and, in the case foreseen in p. d) of Art. 25, the foreigner is bound to register immediately after the receipt of an adequate postponement of departure or a supplementary visa.

Art. 28. The registration consists in the foreigner calling on the district general administrative authority and furnishing purpose of:

1) a valid passport and — in the event of the foreigner being authorised to take up a permanent residence — also a settlement card.

2) the completed and duly signed registration declaration (appendix No. 15).

3) two photographs,

4) any information which may be required by the registering official.

Should the visiting of the authority by the foreigner for the purpose of amplifying the registration be rendered impossible as a result of imprisonment, serious illness, old age, physical disability or other similar justified reason, the person or undertaking in whose care the foreigner remains is bound to inform the district general administrative authority of the above; in such a case this authority has the right, either to delegate to the spot an official for the purpose of completing the registration formalities, or to demand the necessary documents, photographs and a filled up registration declaration.

Those foreigners who, being subjected to the obligation of registration, have the right of residing only in a specifically fixed territory (for instance: frontier line, tourist line) on which the district general administrative authority has no office, should register at the nearest State Police Commissar's Office.

A district general administrative authority who performs the registration formalities implies, for those foreigners who take up permanent residence in Poland, such an authority as is specified in the settlement card, and for foreigners who possess visas specifying distinctly the place where the object of the stay has to be attained — the authority to which this place is subjected; in all other cases the provisions of Art. 39 will be applicable.

Art. 29. The registration declaration should be filled up in the Polish language, either personally by the foreigner or by another person, should he so request. The signature of the registration declaration by the foreigner should take place in the presence of the registering official, with the exception of the case foreseen in p. 2 of Art. 28, when the authority orders the forwarding of the registration declaration.

Individual headings of the declaration should be filled up in detail and visibly.

Art. 30. After the completion of registration formalities fixed in Arts. 28 and 29, the district general administrative authority will forward to the registered foreigner a certificate to the effect that registration has ben performed (Appendix No. 16).

Art. 31. The registered foreigner is bound to inform within 14 days, either orally or in writing, the office in which the registration took place of any changes incurred as to the data enumerated under headings Nos. 1, 3, 10, 11, 13, 14, 15, 16, 17, 18, 20 and 26 of the registration declaration.

VIII. Deportation from Poland.

Art. 32. A foreigner may be deported from Poland either on the strength of a deportation order or in an executive manner.

Art 33. Deportation in an executive manner by compulsory transportation to the frontier should be ordered by the district general administrative authority when the foreigner has found himself in Poland without possessing the required permit through his own fault, or if he remains on Polish territory after the expiration of the term allotted to him. The decree for the deportation in an executive manner is issued by the district general administrative authority on whose territory the foreigner has been found.

An arbitrary remaining on Polish territory implies a sojourn caused by unforeseen circumstances which render impossible the departure from the country at the due date, such as the serious illness of the foreigner, death of parents, husband or wife, children, stoppage of traffic, imprisonment.

Should it be proved by the foreigner that one of the above cases has occurred, the district general administrative authority will allot to him a supplementary term for leaving Poland, justified by considerations of the case.

Art. 34. In all other cases, except those mentioned in Art. 33 the deportation of the foreigner from Poland may take place only on the strength of a deportation order.

Art. 35. For the purpose of carrying out the deportation order, the deportation authority may either demand from the foreigner to leave within a specified term, in a direction chosen by him or fixed by the authority, or order his compulsory removal to the frontier.

Should the foreigner not leave Poland in the term or direction fixed, the district general administrative authority on whose territory the above transgression has been found out, will order his compulsory removal to the frontier.

Art. 36. If the deportation of a foreigner from Poland cannot take place immediately, the district general administrative authority who has first stated the impossibility of removing the foreigner will, after issuing the deportation order, appoint a place for his compulsory stay in Poland for the period required to carry out the order, provided that this has not already been done.

A foreigner, to whom a place of compulsory residence has been fixed, may not leave this place without the consent of the district general administrative authority.

Art. 37. Decisions for the deportation of foreigners not possessing settlement cards, issued in cases of illegal crossing of the frontier, or in the event of the non-fulfilment of the obligation of registration, belong to the competence of the district general administrative authority. In all other cases the Voievodship general administrative authority is competent to issue orders regarding the deportation of foreigners.

The final decision for deportation deprives the person thus condemned from the right of sojourn, which he possesses on the strength of his visa or settlement card.

IX. General regulations.

Art. 38. For the purpose of settling questions within the competence of Consular Offices resulting from the present order, the Polish Consular Office in whose district of activity the foreigner actually resides permanently, is considered as competent, if the provisions of the present order do not prove to the contrary. Should it be impossible to establish the competence of the Consular Office in this manner, the Consular Office in whose district the question of the arrival into or transit through Poland is brought forward, will be considered as competent.

In exceptional cases visas may be issued by a non-competent Consular Office, if the consent of the competent Office has previously been obtained to that effect or if special difficulties or considerations hamper the obtaining of the visa from the competent office.

In cases deserving of special consideration, when the obtaining of the above consent in time would be impossible, the non-competent Consular Office may grant the required visa, informing the competent Consular Office immediately of this course.

The above two exceptions from the principle of the territorial competence cannot be applicable in cases foreseen in p. 1 of Art. 4 and in Art. 20.

Art. 39. The district and/or Voievdship general administrative authority, on whose territory of activity the foreigner actually resides, is competent to settle questions resulting from the present order, provided that it is not otherwise provided.

Art. 40. A valid passport in the meaning of the present order implies a document with an unextinguished term of validity, issued in conformity with the regulations of the country to which the bearer of the passport belongs, destined for travelling or remaining abroad, and stating the nationality of the bearer and the identity of the person to whom it is made out; the title on the passport does not influence its validity.

Other documents which, in conformity with the special regulations, are considered as documents sufficient for the purpose of crossing the Polish frontiers are those equivalent to the passports mentioned in the preceding sub-division.

Art.41. A valid collective passport in the meaning of the present order implies a document with an unextinguished term of validity, which is issued in conformity with the regulations binding in the country to which the participants of the group belong, destined for crossing the frontiers of that country and containing the names and surnames of all the participants of the group, and stating their nationality. The title on the document does not influence its validity.

Art. 42. Should a foreigner wish to exchange his passport with his Government for a new one and the old one contains visas issued by Polish Government authorities foreseen in the present order, he should, before exchanging the passport, approach the district general administrative authority, who will make the necessary extracts; after the presentation of a new passport the above authority will insert therein the necessary remarks.

Should a foreigner be unable to prove his right to remain in the country by showing a visa as foreseen in the present order, or the remarks mentioned in the preceding sub-division, it is supposed that he does not possess a permit to remain in Poland, which renders him liable to the consequences foreseen in p. 1 of Art. 33. This supposition fails should the foreigner show the original of the permit mentioned in the old passport, and/or a certificate of the Polish Consular Office or the general administrative authority that a corresponding permit (visa) has been given to him.

Art. 43. Period, supplementary, settlement, transit and return visas are inserted in the passports.

Collective visas and collective transit visas are inserted in collective passports.

Permits, a sample of which is given in Appendix No. 3, are inserted either in passports or collective passports.

Administrative period visas (Art. 46) are given on a separate card.

Art. 44. A visa authorises the crossing of the Polish frontier only during the period mentioned therein. For the pupose of crossing the frontier at another time, a new visa should be obtained.

Art. 45. A foreigner who remains in Poland on the strength of a permit obtained from the competent authorities, may leave its frontiers without a special permit for the departure, provided that he does not inted to return (Arts. 9 and 24).

Art. 46. A foreigner who has found himself in Poland without possessing a required period permit in consequence of circumstances for which he is not responsible, should call immediately on the district general administrative authority who will give him, in the event of justified considerations, an administrative period visa (Appendix No. 17), fixing the term of departure in conformity with the circumstances of the case.

Art. 47. The following principles should be followed as regards foreigners less than 21 years of age:

1) Permits required for of legalising the temporary stay of a foreigner less than 16 years of age need be possessed only when he holds an independent valid passport.

2) The obligation of registration should be performed within eight days from the day of the completion of his 16th year, if the stay of the foreigner in Poland corresponds to one of the conditions enumerated in Art. 25.

3) A settlement card may not be issued to the name of a foreigner less than 21 years of age. A foreigner inscribed into the settlement card(s) of his parents or guardian is bound, provided that he intends to settle down Poland, to take steps for the purpose of obtaining a settlement card made out in his own name when he completes his 21st year. If a foreigner completes his 21st year on Polish territory, he should apply for a settlement card to the Voievodship general administrative authority through the intermediary of the general administrative authority, on the district of which he intends to settle down.

4) A settlement visa may be inserted in the passport of a foreigner of less than 21 years of age, if he is not included in the passports of his parents or guardian, and his parents or guardian already possess settlement card(s).

X. Transitory and final regulations.

Art. 48. Foreigners, whose temporary stay has been regulated by Consular Officers and/or by general administrative authorities, in virtue of the order of the Minister of the Interior of 15th December 1928, regarding foreigners (Journal of Laws No. 5 of 1929, item 49) are subjected, on the day of the coming into force of the present order, to the provisions of Arts. 6 and 8.

Foreigners, who have not regulated their sojourn in Poland in conformity with the provisions mentioned in the preceding sub-division, are bound to accomplish this with the district general administrative authority within one month from the day of the coming into force of the present order.

Art. 49. Foreigners who, in conformity with Art. 21 and p. 2 of Art. 43 of the order of the Minister of the Interior of 15th December 1928, regarding foreigners (Journal of Laws No. 5 of 1929, item 49) entered applications to the Voievodship general administrative authorities for the changing of a temporary stay into a permanent one, and whose applications have not yet been decided, are freed, in virtue of Art. 23 from the obligation of presenting another application to the Minister of the Interior. The Voievodship and/or district general administrative authorities should transfer these applications immediately to the Ministry of the Interior.

Foreigners, whose applications for obtaining a settlement permit, which have been submitted to the Voievodship general administrative authority

in conformity with Art. 43 of the order of the Minister of the Interior of 15th December 1928, (Journal of Laws No. 5 of 1929, item 49) were or would have been rejected by this authority, should regulate their further sojourn in Poland in conformity with the provisions of Arts. 6 or 8.

Art. 50. Foreigners, registered in virtue of the order of the Minister of the Interior of 15th December 1928, (Journal of Laws No. 5 of 1929, item 49), regarding foreigners, are freed from the obligation of registration, provided for in the present order, except the obligation foreseen in Art. 31; the 14 days' term foreseen in Art. 31, relating to any changes which may have occurred before the coming into force of the present order, becomes binding for them from the day of the coming into force of the present order. Should they leave Poland, they are subjected to the provisions of Art. 26.

Foreigners who were residing in Poland on the 27th March 1929, and who have not accomplished the obligation of registration in the term fixed in Art. 39 of the order of the Minister of the Interior of 15th December 1928, regarding foreigners (Journal of Laws No. 5, of 1929, item 49), are bound to complete this registration on the strength of the general instructions (Arts. 25—31 and 51), with the reservation, however, that they should fill up, not the registration declaration, but the registration cards, as specified in Appendix No. 13 of the above named order.

Art. 51. Foreigners, who are in Poland on the day of the coming into force of the present order, and are not subjected to the obligation of registration in virtue of the order of the Minister of the Interior of 15th December 1928, regarding foreigners, (Journal of Laws of 1929, No. 5, item 49) will be subjected to the general regulations regarding registration, fixed in the present order, except that they will have to register themselves within one month from the day of its coming into force.

The provisions of the preceding sub-division do not relate to foreigners, who are authorised to stay in Poland less than 3 months. Should they obtain a postponement of departure for a period exceeding 3 months from the day of the commencement of their stay (p. 2 of Art. 6), or should they obtain a supplementary visa authorising them to make a sojourn of over 3 months, or to stay in Poland until further notice (p. 2 of Art. 8), they are bound to register themselves on general principles, immediately after the receipt of a corresponding permit.

Art. 52. Questions which have not yet been settled definitely in virtue of the order of the Minister of the Interior of 15th December 1928, regarding foreigners, (Journal of Laws of 1929, No. 5, item 49), should be settled in accordance with the provisions of the present order.

Art. 53. The present order comes into force on 15th November 1929, and will be valid for the whole of Poland.

Simultaneously with the coming into force of the present order, the order of the Minister of the Interior of 15th December 1928, regarding foreigners, (Journal of Laws No. 5 of 1929, item 49) becomes nul and void, which course does not, however, free the foreigners from criminal-administrative responsibility for not having obeyed with its provisions during the period of its validity.

Law on Foreigners.

Index.

Patent, Design and Trade Mark Law.

Decree of the President of the Polish Republic of 22nd March 1928,
(Journal of Laws No. 39 of 1929. Item 384.)

PART I.

Patents.

SECTION I.

Constitution, restriction, cancellation, expiration, amortisation and expropriation of rights.

Art. 1. The exclusive right of exploiting inventions in trade and industry arises from the grant of a patent. This right extends throughout the whole territory of the Republic of Poland and lasts for 15 years from the date of the grant of the patent.

Art. 2. The Patent Office of the Republic of Poland is authorised to grant patents.

Art. 3. 1) A valid patent may be obtained for a new invention only.

2) An invention shall not be deemed new if, before its registration at the Patent Office, it has been so described in publications, or used or exhibited on Polish territories sufficiently to enable persons skilled in the art to apply it in industry.

3) Nevertheless former publication or the open use of the invention shall not preclude the grant of a patent if they have occurred subsequent to the exposure of the invention at a public exhibition in Poland under an order of the Ministry of Industry and Commerce granting this facility, and if the invention be registered before the expiration of 6 months from the date of the exhibition. Under these conditions neither the exposure itself nor another application lodged at the Patent Office after the date of exposure shall preclude the grant of the patent.

4) The above also relates to exposures in foreign countries belonging to the International Union for the Protection of Industrial Rights, provided that this right has been given to them on the strength of the internal laws of the relevant country. The Patent Office may demand a proof of the identity of the exposed article with that which has been registered and a proof of the date and place of exposure in a manner which will be fixed by an order of the Minister of Industry and Commerce. The six months period (p. 3) does not extend the 12 months period fixed in Article 10 p. 2; however, if the invention was exposed before the original foreign application, serving as principle of the priority right, the Patent Office may grant the priority right from the date of the exposure of the invention.

5) With regard to citizens of countries belonging to the International Union for the Protection of Industrial Rights and with regard to persons who,

although not citizens of countries belonging to the Union, reside in or possess actual and important industrial or commercial undertakings on the territory of one of the countries belonging to the Union, the former publication and the open use of the invention do not preclude the grant of a patent, provided that these citizens benefit from the priority right in conformity with p. 2 of Article 10, and the publication or open use occurred after the original application.

6) If, as a result of an application made abroad, an official patent specification (print) was published, this will not preclude the grant of the patent to the successor within 6 months. The above regulation is, however, applicable only to citizens of countries which grant reciprocity to Polish citizens.

Art. 4. A patent is not valid if the same invention has already previously been presented in Poland for patenting or registration as a model and the application resulted in the granting of a patent or the registration of the model.

Art. 5. 1) Scientific principles and scientific inventions are not patentable.

2) The following are not patentable:

a) Inventions, the use of which is contrary to law in force or to morality and ideas which are visibly not suitable to be applied in industry.

b) Foodstuffs, medicines and products obtained by chemical processes; patents may, however, be obtained for processes of manufacture of the above articles.

Art. 6. The scope of a patent granted for a process of manufacture extends to the articles directly produced by such a process.

Art. 7. The exploitation of an invention, the use of which would be an infringement of an invention or model already protected under this law is permissible only under special licence granted by the earlier patentee (a dependent patent). On the expiration of the principal patent an independent patent may be issued.

Art. 8. 1) Any person who registered an invention or has already obtained a patent may, for the purpose of improvements or modifications of the presented or patented invention obtain a protection of these improvements or modifications by a patent of addition, which expires with the principal patent.

2) In case however of cancellation, expiration or amortisation of the principal patent before the term of 15 years, the patent of addition may on the request of the owner be maintained as an independent patent until the expiration of 15 years from the date of issue of the principal patent.

Art. 9. 1) A patent has no effect against persons who, in good faith, have used the invention on the territories now belonging to Poland, before registration thereof at the Patent Office.

2) Such persons may continue to use the invention (the right of a prior user) but only within the limits in which they have used it. This right is closely attached to the undertaking and may not be transferred to a third party independently of the undertaking. Such right shall be entered in the register at the request of the user, if it be certified by an official or private deed giving the name of the undertaking and containing the signature of the user, duly legalised by a notary or at a Court of Justice.

Art. 10. 1) The priority of a patent dates from the time of the registration at the Patent Office.

2) Any person who correctly lodged an application for the issue of a patent or for the registration of an usable model in one of the countries belonging to the International Union for the Protection of Industrial Rights, or his legal successor, may benefit (with the reservation of the rights of third persons) from the priority right justified by the foreign registration, provided that the application for the use of a patent is lodged with the Patent Office within 12 months from the date of the original foreign registration, i. e. at the latest on the day and during the month corresponding to the date of the original registration, and should this day be not a working day at the Patent Office — on the nearest working day of that Office.

Art. 11. 1) A patent shall be cancelled if the conditions of Articles 3, 4 and 5 are not fulfilled.

2) The holder of a patent which has been cancelled, who is or who should have been aware of its invalidity, shall be liable for losses caused to other persons through his fault.

3) The holder of a patent which is invalid under Art. 4 must pay the prior patentee the profits derived during the last 3 years from the use of the invention.

4) In case of cancellation of the patent under Art. 4, those who have under valid title and in good faith acquired rights to the use of an invalid patent and have exercised them in good faith during a year, shall have the right to further use within the limits of their use of that invention at the time of lodging the claim for cancellation (subsequent users), whereby they must pay to the prior patentee an amount for the licence, to be fixed by the Courts in their discretion, should the parties not come to an agreement. The rights enjoyed by these users are attached to the undertaking in which the invention was used and may only be transferred to third parties with the undertaking. Registration of these rights shall be effected in accordance with the provisions governing the registration of licences (Articles 20 and 22).

Art. 12. A patent shall elapse:

a) If the fee for the current year be unpaid for over six months,

b) If the patentee surrender his rights in writing or by protocol to the Patent Office with the agreement of competent judges, the consent of prior and subsequent users shall not be required.

c) If the patent right was cancelled in the interest of industrial liberty.

d) If the costs of printing under Article 41 p. 4 have not been paid.

Art. 13. 1) A holder of a patent is bound to work his invention in Poland at the latest within 3 years from the date of its grant, if the local requirements justify home production and to such an extent as will approximately enable the covering of internal requirements.

2) Should a patentee not fulfil this oblication by himself he must after the elapse of 3 years from the grant of the patent publish in the three next issues of the „Wiadomości Urzędu Patentowego" (Patent Office Gazette) his readiness to grant licences to applicants who will present adequate guarantees. The licence will be granted under the provisions laid down in Art. 68 (compulsory licence).

3) If for whatever reasons the licence was not granted or should the holder of a licence not fulfil the production in limits covering approximately the

internal requirements, and this requirement is chiefly covered by foreign production, the Patent Office (Claims Department) may revoke the patent in consequence of a claim admissible within 5 years after it having been granted.

4) Revocation in consequence of a claim may also take place at a later date if the holder or other persons authorised by him have not worked the invention in Poland in the prescribed limits and the internal requirements have been chiefly covered from foreign production. Revocation will not take place if at the time of lodging of the claim the invention had been worked in Poland ot its prescribed limits.

5) If in a claim for the revocation of a patent by reason of the non-working of the patent in Poland within the limits prescribed the patentee is able to prove that owing to extraordinary obstacles and very serious considerations the local requirements were not met by nome production, the Patent Office (Claims Department) will stop further procedure until a term fixed by them and in this case the holder will avoid revocation of the patent if he shall prove in the procedure taken up after the elapse of the fixed term ex officio or at the motion of the plaintiff that he has in the meantime either himself or through other persons commenced to work the invention in the limits which will approximately cover internal requirements.

Art. 14. The provisions of Article 13 do not apply to patents owned by the State or by Government undertakings having a special legal personality.

Art. 15. A patent, if required in the public interest, may be expropriated on payment; expropriation of a patent in favour of the State and not for free use in industry (Arts.61—66) does not imply revocation.

SECTION II.

Property and other rights to a patent.

Art. 16. 1) The inventor or his legal successor alone has the right to obtain a patent. In the absence of a proof to the contrary the person who first registered the invention shall be deemed to be the inventor or his legal successor.

2) If the invention be registered or a patent received by a person who has no right to do so, the inventor or his legal successor may demand the grant or transfer to them of the patent, but shall refund to the person who registered the invention or obtained a patent all expenses in connection with the registration and or obtaining of the patent, to which he himself would have been subjected. In the case of claims for compensation of losses, refund of profits and maintenance of rights acquired in good faith, the provisions of Art. 11 p. 2, 3 and 4 shall be applicable with suitable alterations.

Art. 17. 1) Persons employed in undertakings (also in Government undertakings) may obtain patents on the basis of inventions made by them in connection with these undertakings. The employee may not be deprived of this right, unless he has concluded with the employer an agreement for working on inventions. The employer may however use the patent under a licence which may be obtained compulsorily (Art. 20) in case of non-agreement by the patentee, provided that the invention lies within the limits of the production of the undertaking.

2) Unless otherwise provided by contract, the employer has the right to obtain a patent in cases where employees are engaged for the purpose of working on inventions, provided there are no stipulations to the contrary in the agreement. Should, however, the compensation fixed in the agreement prove to be excessively low in comparison to the profits attained by the employer thanks to the invention, the employee may ask a justified increase of compensation.

3) An agreement depriving the inventor of his right to appear as author, shall be invalid.

Art. 18. An invention made by several persons gives them joint rights to obtain a patent.

Art. 19. 1) Rights to a patent may be transferred in whole or in part either by inheritance or will. The heir or legatee shall register the acquisition of his rights with the Patent Office.

2) These rights may also be transferred in whole or in part to another person by agreement between living persons. The transfer of the rights must be entered in the register in order to be valid vis-à-vis the Patent Office and third parties. Such an entry may only be made by virtue of an official or private deed, on which the signature of the previous owner of the patent shall be duly legalised by a notary or by a Court of Justice.

3) The joint rights of a patent shall be fixed in accordance with the regulations of the civil law, with the proviso that every co-owner of the patent may sue for infringement without the consent of the other co-owner, unless otherwise provided in the agreement.

Art. 20. 1) The right to use a patented invention belonging to another person in whole or in part may be acquired either by agreement (voluntary licence) or by virtue of a decision by the Patent Office (compulsory licence).

2) The licence shall be evidence of the rights of its owner if entered on the register (Art. 19); if the licence is attached to the undertaking in connection with which it was granted it may be transferable to other persons only with such undertaking.

Art. 21. Agreements mentioned in Articles 19 and 20 must be made in writing in order to be valid.

Art. 22. 1) The purchaser of an undertaking to which a licence is attached may not claim rights from the licence against third parties in his own name before the entry of the transfer of the licence in the register. The entry shall be made by virtue of an official or private deed, showing the title of purchase, on which the signature of the former owner shall be duly legalised by a notary or by Court of Justice. Until the new purchaser applies for the entry, all official notices regarding his rights shall be delivered to the former owner or his heirs, but all legal consequences arising therefrom shall be borne by the new purchaser.

2) The same regulations shall apply to the transfer of other rights attached to an undertaking which have been entered on the register (Articles 11 and 16).

Art. 23. 1) The owner of a dependent patent may demand the grant of a compulsory licence for the use of an invention previously patented or of a model previously registered, if the invention is of great importance to the industry, but not before the expiration of 3 years from the date of the original

patent. The grant of a compulsory licence, as above authorises the owner of the original patent to demand the grant of a licence for the use of the dependent patent only, inasmuch as this is required to create equal conditions of mutual competition.

2) A compulsory licence expires one year after its grant, if its owner does not use it within this term. It may not again be granted.

Art. 24. 1) Claims in regard to the ownership of a patent, recognition of dependence, mortgage and other rights (also the rights of users) as well as claims with regard to various kinds of licences shall be noted in the register, at the request of the person who lodged the claim.

2) Entries in connection with these claims bear the result that decisions taken in the claim are legally effective also as regards persons who may acquire rights to or in such patent subsequent to the entry.

SECTION III.

Protection of exclusive property of patents.

Art. 25. 1) Any person who shall illegally use a patented invention in trade or industry or who, in another manner contrary to law or morality, wrongs the holder of the patent, shall be prohibited from so doing, shall refund the profits made during the last three years and, moreover, if his action was premeditated or due to carelessness, shall also compensate the rightful owner for all losses caused to him and give him satisfaction for damages of a personal nature by publication of the verdict, by a corresponding public declaration, and in case of premeditated infringement — by the payment of a penalty.

Instead of the above mentioned payments, the injured party may claim the payment of a bulk sum not exceeding Zl. 15 000; the exact amount shall be fixed by the Court in its discretion.

2) Claims for infringement of rights from patents shall be subject to limitation after three years in each individual case of illegal action.

Art. 26. 1) If a person accused of the infringement mentioned in the preceding article objects that the patent does not exist legally, the Court may stop the legal proceedings until the decision of the claim on this subject by the Patent Office and will fix the final term on which the claim should be lodged with the Patent Office. Should the claim not be lodged on that date or not be supported, or, finally, should the Patent Office decide that the patent legally existed on the date of the lodging of the claim in Court, the Court will resume the legal procedure on being advised of this.

2) Both in the case of the interruption of the procedure foreseen by the present article as well as in other cases during the course of the legal proceedings relating to the infringement of the patent, the Court may by temporary dispositions issue an order prohibiting the accused from asserting the exclusiveness of the patent, place the undertaking belonging to the accused under a Court administration, order the warehousing of implements, manufactures, etc.

Art. 27. 1) Any person who, in carrying out an industry or trade, shall knowingly infringe the rights of a patent holder or shall appropriate the right to obtain a patent, may be punished by a fine up to Zl. 75 000 or by imprisonment for not more than 6 months, or by a fine and imprisonment jointly.

2) Prosecution may be instituted by private suit entered by persons who have the right to take civil action.

3) The Penal Court may also decide questions based on Articles 25, 26 and 28.

Art. 28. At the request of the injured party the articles produced illegally as well as the apparatus used exclusively in their manufacture shall either be transferred to the injured party at their purchase price or destroyed or rendered unfit for illegal use, at the cost of the infringer, or they may be left in his charge if he furnishes a sufficient guarantee that he will neither use nor sell them for two years after the expiration of the patent.

Art. 29. In the case of an invention for the manufacture of a new article, all articles possessing the same properties shall, subject to proof to the contrary, be deemed to have been produced by the patented process.

Art. 30. The provisions of Articles 25, 26, 27 and 28 will also apply to those persons who illegally employed a patent belonging to another person before a patent had been issued in respect of that invention. Claims are, however, only admissible after the issue of the patent. The period preceding the grant of a patent is not included in the period of limitation resulting from Art. 25 p. 2.

Art. 31. The following cases do not imply the infringement of a patent: —

a) the use on a ship appertaining to a country belonging to the International Union for the Protection of Industrial Rights, of a patented invention relating to the hull, machinery, equipment, accessories and other fittings, if the ship is temporarily in Polish waters and the use of these accessories, etc., serves exclusively for the needs of the ship.

b) The use of a patented invention on aircraft or land vehicles appertaining to one of the countries belonging to the International Union for the Protection of Industrial Rights, in the manner and under the conditions fixed under a) above.

SECTION IV.

Protection of freedom in trade and industry.

Art. 32. Any person may lodge a claim at the Patent Office (Claims Department) demanding the ascertainment of the fact that the process of manufacture which he applies or intends to apply in industry is not comprised in the scope of a patent.

Art. 33. Any person may lodge a claim at the Patent Office (Claims Department) for the cancellation or revocation of a patent (Articles 3, 4, 5, 11 and 13). The Attorney-General of the Republic of Poland may, at the request of the competent Ministry, where public interests are concerned, support the claim of a private person or lodge one independently.

Art. 34. 1) Any person who deliberately marks articles thereof not subjected to protection by a patent or who marks their coverings with inscriptions leading to the erroneous belief that the goods are patented, or who shall, in spite of the consciousness of an erroneous marking, circulate such articles in trade or prepares and lays is stocks for trading purposes or publish information in circulars, advertisements, etc., intended to lead to the erroneous belief that the goods mentioned therein are protected by a patent, will be punished with a fine of up to Zl. 75 000 or imprisonment up to 6 months, or with both a fine and imprisonment.

2) Misleading marks shall be removed and erased from the goods mentioned above at the cost of the guilty party, and should the removal of these marks from the goods be impossible without damage, the goods shall be destroyed (Art. 85).

SECTION V.

Functions and competence of the authorities.

A. Grant of patent and other functions of the Registration Department of the Patent Office.

Art. 35. In order to obtain a patent, application must be made to the Patent Office (Registration Department) in writing.

For each invention a separate application shall be required; if, however, several inventions are intended to serve the same purpose, they may be included in one application for registration.

The date of receipt of the application by the Patent Office shall be deemed to be the date of the application.

Art. 36. 1) The application must contain a petition for the grant of a patent, a statement of the invention, the name and address and place of residence of the applicant; applicants residing abroad must appoint a lawyer or attorney residing in Poland to act as their representative and authorise him at least to receive all correspondence from the authorities and persons interested, and in particular to receive the claims prescribed in this law.

2) The application must be accompanied by two copies of a description of the invention containing details suficient to enable any expert to apply the invention in industry. Authentic copies should be drafted in the Polish language; copies in foreign languages may be attached. If necessary, drawings, models and samples should be lodged. At the end of the description the nature of the invention for which the inventor claims exclusive rights (claims) shall be set out.

3) The applicant should make a payment for the application (Art. 74). In case of non-payment within a period fixed by the Patent Office the application shall be deemed to be void.

4) Furthermore, the applicant must subject himself to the detailed regulations issued by the Patent Office as to the applications and enclosures.

5) In spite of missing details in the application the invention does not lose the priority justified by the application, if from the tenor of the application or from its enclosures it has been found possible to ascertain the real

scope of the invention and/or if the scope of the invention has been fixed with reference to a foreign application justifying its priority (Art. 10).

Art. 37. 1) Any person wishing to benefit, in conformity with p. 2 of Art. 10, from priority rights on the basis of a foreign application, shall, within 12 months from the date of the foreign application present an application to the Patent Office for the grant of a patent and, simultaneously or additionally, but not later than within 3 months from the date of the presentation of the application, a request for the granting of priority rights. The original application should be marked in a definite manner, in particular by giving its date and the country where it was made, and/or any other data required to recognise the identity of the application. If the applicant refers to the priority from two or more original applications, he should draft the patent specification in such a manner, that one original application only should correspond to each of the applications lodged in Poland. Furthermore it is necessary to present to the Patent Office, within a period fixed by the latter, not less, however, than three months from the date of the application, a copy of the foreign application (description, drawings, etc.), the identity of which with the original has been confirmed by the competent foreign authority; no further legalisation will be required. At the request of the Patent Office the applicant should present an ordinary or legalised translation of the description and/or furnish any other explanations relating to the foreign application.

2) A decision rejecting the grant of priority will be transmitted by the Patent Office to the applicant before the decision relating to the grant of a patent. An appeal may be made against this decision to the Claims Department within two months. The decision regarding the grant of a patent may take place only after the decision rejecting the grant of the required priority has come into force.

Art. 38. 1) The Registration Department shall examine the application to ascertain if it is in the form prescribed by the regulations, in particular whether the description of the invention is sufficiently clear and whether the patent reservations are set out in a clear manner (Art. 35 and 36).

2) Should the application not correspond to the regulations in force, the Registration Department shall require the applicant to remove the inaccuracies.

3) Should the applicant not remove the inaccuracies within a period fixed by the Department, the application will be considered as having been withdrawn. This consequence may be prevented by the applicant should he remove the inaccuracies within 3 months from the lapse of the fixed time and should he simultaneously pay a second time the charge for the application.

4) Should the applicant make alterations or other modifications justifying the change of the rights of priority, the priority of such alterations and modifications shall date from the time of their registration. The division of a registration into a main and a supplementary patent with changeable priority rights is also admissible, and/or the grant of priority rights on the basis of a foreign application to the supplementary application.

Art. 39. 1) The Patent Office (Registration Department) shall ascertain that there is no objection under Art. 5 and the grant of a patent will be refused should such objections exist.

2) The Patent Office (Registration Department) shall not be obliged to examine the novelty of the invention. If however, the examination shows that the invention is not new, the Department may refuse to grant the patent. The refusal to grant a patent may not take place before the applicant has had the opportunity to make a declaration and/or before the elapse of the period granted to him for this purpose.

3) If the examination gives to the Patent Office justified doubts as to whether the invention encroaches on the scope of another invention already protected by this law, the Office shall inform the applicant and may inform the former patentee of this fact. After communicating with the applicant the Registration Department shall either grant or refuse the patent in whole or in part, as the case may be. A dependent patent may only be granted with the consent of the person registering the invention or as a result of a decision by the Claims Department.

4) The Department may not refuse the grant of a patent because in their opinion the invention is of no value.

Art. 40. The President of the Patent Office has the right, within the limits of the present order, to issue detailed instructions relating to the examination of the inventions presented for registration and the duration of the periods fixed by the Patent Office.

Art. 41. 1) If the examination is satisfactory, the Registration Department shall ask the applicant to pay a sum corresponding to the cost of printing the description of the invention and of the drawings. Upon the payment of this sum the Patent Office shall grant the patent, shall enter it on the register, shall print a description of the invention together with the drawings as a ,,patent description" and shall issue to the applicant a document called ,,the patent" with one copy of the specification of the invention and furthermore shall insert in the Journal of the Patent Office a notice of the grant of the patent.

2) The non-payment of the expenses specified in the preceding paragraph within a period of 4 months shall be considered as a withdrawal of the registration.

3) In cases deserving of special consideration, should the applicant present in addition a proof of poverty, the President of the Patent Office may consent to the grant of a patent and to the publication of the description of the patent before the payment of expenses corresponding to the cost of the printing of this description and grant a delay of not more than one year from the meeting of these expenses, counting from the day of the grant of the patent; should the expenses relating to the publication of the description of the patent not be refunded within that term, the patent shall be considered as extinguished. The Patent Office may defer the issue of the patent pending payment of the above expenses.

Art. 42. 1) The applicant may appeal against a refusal to grant a patent, as well as against a decision requiring him to amend mistakes, by lodging an appeal within 2 months with the Appeals Department.

2) The grant of a patent for a portion of the invention registered implies the partial refusal of the application.

Art. 43. 1) Inventions relating to the military protection of the State shall at once be notified by the Patent Office to the Ministry of War.

2) Should the Ministry of War inform the Patent Office that the registered invention (p. 1 above) is one belonging not to the applicant but to an organ subjected to the Ministry of War, the Patent Office shall defer the grant of the patent until the decision by the competent Court of the claim relating to the right of obtaining the patent.

3) In the case of inventions taken over by the Ministry of War before the grant of the patent, the Ministry may demand the grant of a „secret" patent.

4) A secret patent shall be entered in a special register inaccessible to the public. The descriptions of such inventions and the claims shall not be published and shall be filed separately.

5) With the exception of the above cases all specifications of inventions shall be open to public inspection after the Registration Department has decided on the grant of the patent.

Art. 44. 1) All matters within the competence of the Patent Office which are not reserved to other Departments shall be dealt with by the Registration Department.

2) In particular the Registration Department shall deal with the cancellation of patents owing to non-payment of the annual fee or to surrender by the patentee, and with the registration of transfer of ownership and other such rights.

Art. 45. Appeals against decisions of the Registration Departments under Art. 44 may be lodged with the Appeals Department within two months.

B. Cancellation of a patent.

Art. 46. 1) A claim for the cancellation of a patent shall contain a clearly worded petition, a concise explanation of the matter and a statement of proofs. Unlegalised copies of the documents mentioned in the claim may also by attached thereto. The originals or duly legalised copies should be presented when a proof from these documents is required.

2) A claim shall be accompanied by as many copies as there are defendants.

Art. 47. 1) On ascertaining that the formal conditions of the claim are in order the Patent Office (Claims Department) shall transmit the claim to the defendant, allowing a period of at least 30 days for lodging a written defence. A claim which is lacking in formal conditions will be rejected by order of the Claims Department. The plaintiff may appeal to the Appeals Department against such a decision within 2 weeks; the Appeals Department shall decide on the appeal in camer without fixing a hearing.

2) The defence in writing shall be accompanied by as many copies as there are plaintiffs. The provisions of Art. 46 p. 1 should be applied respectively with regard to the documents to which the summons refer.

Art. 48. 1) On receipt of the defence, or after the expiration of the period allowed for lodging the defence, the Claims Department shall arrange an oral hearing and shall, first of all, send a copy of the defence to the plaintiff.

2) The oral hearing shall be public. the Chairman may, for serious considerations, order the hearing in camera.

3) The non-attendance of the parties at the oral hearing shall not stay the proceedings.

4) The Claims Department may also consider circumstances which were not mentioned by the parties and may include proofs not submitted by them.

5) The Claims Department may invite and hear, both sworn or unsworn witnesses and experts; the Departments may also request the Courts of Justice to hear the witnesses and experts.

6) Minutes of the proceedings shall be taken, containing a concise statement of the pleadings of both parties and the nature of their proof.

7) The decision, which should also contain an order as to payment of the costs of the proceedings will be issued by the Claims Department in writing.

Art. 49. At the request of the defendant the Claims Department shall require a plaintiff who resides or has a place of residence abroad and does not own real property in Poland to lodge security for the payment of the costs of the proceedings, under threat of discontinuing them, unless international conventions or reciprocal arrangements render such an order impossible.

Art. 50. The loding of a claim for the cancellation of a patent as well as the decision regarding the cancellation itself shall be noted in the register, and, furthermore, the decision shall be published in the Journal of the Patent Office.

Art. 51. Appeals against decisions of the Claims Department may be lodged by the parties themselves or by the Attorney-General with the Appeals Department, within 2 months.

Art. 52. The provisions of Articles 46—49 apply respectively to the procedure of appeal; the parties may quote new facts and give fresh proofs in the procedure appeal.

C. Amortisation of a patent.

Art. 53. The provisions fixing the procedure in claims for the amortisation of a patent (Arts. 46—52), shall apply to proceedings relating to the amortisation of a patent as well as to decisions in connection with such matters.

Art. 54. The Patent Office (Control Department for the Execution of Inventions) may, at any time after the expiration of 3 years from the grant of the patent, request the owner to point out whether, in what manner and to what extent he has fulfilled the obligations specified in Art. 13.

Art. 55. The owner may, at any time after the receipt of the patent, present a petition to the effect that the Patent Office should, at his expense, ascertain the extent to which his invention is worked direct or by other persons, or the existence of valid reasons rendering the working of the invention impossible (Art. 13). For this purpose the patentee shall furnish the Control Department for the Execution of Inventions with a full report on the manner and extent of working the invention and, if the patent is not worked to an extent adequate to the internal requirements, he shall give a detailed explanation of the reasons for which the working has not taken place within the required

limits. The facts stated in the report shall be verified by witnesses or experts and, furthermore extracts from ledgers and other proofs shall be presented by the patentee. Copies of records of judicial inspections and of the hearing of witnesses and experts may be attached.

Art. 56. The Control Department for the Execution of Inventions shall examine these reports and, in case of necessity, shall require their amplification and/or consult witnesses and experts.

Art. 57. The Control Department for the Execution of Inventions may delegate a referee to examine the question on the spot. In case of necessity, the referee will examine the books and correspondence of the undertaking as well as hear unsworn witnesses and experts.

Art. 58. The above proceedings (Art. 56 and 57) shall be noted in a protocol which will be filed at the Patent Office. A copy of the protocol shall be given to the patentee on application. An entry regarding the examination of the execution of the patent shall be made in the register. The protocol may be read and extracts made therefrom, by any person in the presence of an official of the Patent Office.

Art. 59. 1) Should the examination made by the Patent Office (Control Department for the Execution of Inventions) prove that the patentee and/or licensee has not fulfilled the obligations resulting from Art. 13, the Patent Office will furnish the Attorney-General with the details collected, and the latter, acting in the public interest shall lodge a claim with the Patent Office (Claims Department) forthe amortisation of the patent. In case of the loss of the case for the amortisation of a patent resulting from the non-working of the invention, the costs will be borne by the Treasury.

2) A claim for the amortisation of a patent resulting from the non-working of an invention may also be lodged by any interested person.

3) The lodging of a claim for the amortisation of a patent shall be noted in the register of patents.

4) The proof of fulfilling the obligations resulting from Art. 13, and/or the proof of the circumstances justifying the non-fulfillment of these obligations is borne by the defendant (the holder of the patent).

D. Other claims lodged at the Patent Office.

Art. 60. 1) The Patent Office (Claims Department) shall also be competent (Art. 46) to settle the following disputes:

a) If the owner of a patent or registered model demands the recognition of a patent registered subsequent to his own as dependent from his prior rights (Art. 7).

b) If any person claims a decision that the process of manufacture which he uses or intends to use in industry does not infringe a patent (Art. 32).

2) In the above cases the regulations as to the procedure for the cancellation of patents (Art. 46—52) shall be applicable.

The decision regarding the dependence of a patent should be entered in the register and published in the Journal of the Patent Office.

E. Expropriation of a patent.

Art. 61. Patent rights may be expropriated or restricted in whole or in part either in favour of the Government or for free use in trade and industry (Art. 15). In both cases expropriation and restriction shall be decided upon by the Council of Ministers at the request of the Minister competent as regards the importance of the expropriation for the relevant branch of State administration. Compensation shall be paid by the Treasury.

Art. 62. In the cases mentioned in Art. 61 the Patent Office (Claims Department) after consultation with the Minister of Finance, shall endeavour to come to an agreement with the owner of the patent as to the amount of compensation to be paid and, in case of failure, shall fix a provisional sum at their own discretion, taking consideration of the previous investigations. This sum shall be paid to the patentee, but should the patent be subject to any rights which were entered on the register and, should the interested parties object to the payment of this sum to the patentee, the amount fixed by the Patent Office shall be paid into Court. In case of expropriation for free use in industry, the rights of former and subsequent users (Art. 9, 11 and 16) shall not be taken into consideration.

Art. 63. On payment of the final or provisional amount of compensation to the owner of the patent, or its payment into Court, rights to and in a patent shall expire and the patent shall either become the property of the State or the invention shall be open for free use in industry. In the former case the State may take over the rights shown in the register, at the same time diminishing the amount of compensation by a corresponding sum.

Art. 64. If the owner of the patent deems himself injured by the amount of the compensation fixed by the Patent Office (Claims Department) he may within 30 days demand that the amount be re-assessed by the District Court of Warsaw. The Court shall fix the amount of compensation in accordance with the particulars supplied by the Patent Office, after hearing the representative of the Ministry of Finance and the owner of the patent. If necessary, experts may be consulted and persons possessing rights in the patent may be heard. The decision of the Court shal be given as in non-litigious cases (Art. 86). Appeals against the decisions of the District Court may be lodged with higher authorities in accordance with the law governing civil procedure.

Art. 65. In non-litigious cases (Art. 86) the Court, at the request of the owner of the patent and of authorised persons whose names have been entered in the register, shall fix the manner in which the deposited sum shall be divided among the persons entitled to receive compensation (Art. 62). Appeals against decisions of the District Court may be lodged with higher authorities in accordance with the law relating to civil procedure.

Art. 66. Decisions regarding expropriation shall be entered in the register and published in the Journal of the Patent Office.

F. Compulsory Licences.

Art. 67. 1) At the request of the owner of a dependent patent (Art. 7 and 60 p. 1 a) or on the proposal of the owner of a prior patent, the Patent Office (Claims Department) shall decide at its free discretion, after hearing

both parties, and, if necessary, experts, whether a compulsory licence shall be granted to the owner of the dependent patent, or whether a licence shall also be granted to the owner of the prior patent (Arts. 20 and 23). If no agreement be arrived at between the parties, the Patent Office shall determine the conditions of such a licence.

2) Before the expiration of 2 months the parties may demand another fixation by the District Court of Warsaw of the amount of compensation for a licence. The decision shall be given as for non-litigious cases (Art. 86). The parties may appeal to higher authorities against the decisions of the District Court in accordance with the law relating to civil procedure.

Art. 68. 1) In cases when, in the opinion of the patentee the applicant for a licence foreseen in Art. 13 p. 2 does not present sufficient guarantee, or should no agreement be arrived at between the applicant and the owner as to the conditions of the licence, the Patent Office (Claims Department) shall decide immediately, at the request of one of the parties whether the licence shall be granted or not, should this be the case, the Patent Office shall fix the disputed conditions between the parties, and shall assure itself that by means of adequate reservations the production fixed by the patent does not exceed the limits foreseen by the licence.

2) The provisions of Art. 67 p. 2 will be applicable to the decision fixing the amount of compensation for a compulsory licence.

Art. 69. The decision fixing the compulsory licence or refusing its grant, shall be furnished to the interested parties. Within 2 months from the day of the receipt of the decision an appeal may be lodged with the Claims Department of the Patent Office. The appeal may not, however, relate to the amount of compensation for the use of the licence.

Art. 70. The provisions of Art. 67 relating to the procedure for the grant of compulsory licences shall be applicable also to compulsory licences mentioned in Art. 17 p. 1.

G. Appeals to the Highest Administrative Tribunal.

Art. 71. The Attorney-General of the Republic, in connection with matters of public interest mentioned in this law, may lodge an appeal against the resolutions and decisions of the Patent Office, if they are subject to appeal to the Highest Administrative Tribunal in accordance with the law of 3rd August 1922 (Decree of the President of the Polish Republic of 26th June 1926, Journal of Laws No. 68 of 1926, item 400).

H. Competence of the Courts.

Art. 72. 1) Disputes in regard to rights and private-legal claims relating to patents come within the competency of the Courts, in particular:

a) Claims in regard to the ownership of a patent and other rights to a patent or to rights under a patent (Arts. 16—20); also claims relating to the existence or otherwise of rights of prior or subsequent users (Arts. 9, 11 and 16) with the exception of claims mentioned in Art. 60.

b) Claims in regard to the restitution of profits (compensation) resulting from the cancellation or amortisation of patents, or from the recognition of the dependence of a patent.

c) Claims in regard to infringement of property and to other rights to a patent and to rights under a patent (Arts. 25, 26 and 28).

d) Claims mentioned in Articles 64, 67, 68 p. 2 and 70.

2) Disputes in connection with rights and private legal claims mentioned in p. 1 above shall be settled by Courts competent to deal with commercial cases.

3) When fixing the local competence of Courts, depending on the place of residence of the person summond, it is necessary, if the patentee resides abroad, to take into account in fixing the competent Court the place of residence of his attorney in Poland (Art. 36).

Art. 73. District Courts shall be competent to deside on acts mentioned in Articles 27 and 34.

SECTION VI.

Charges.

Art. 74. 1) The registration fee (Art. 36) shall be Zl. 35.—

2) The yearly fees shall be as follows: —

For the 1st year	40.00
,, ,, 2nd ,,	60.00
,, ,, 3rd ,,	80.00
,, ,, 4th ,,	100.00
,, ,, 5th ,,	150.00
,, ,, 6th ,,	200.00
,, ,, 7th ,,	250.00
,, ,, 8th ,,	300.00
,, ,, 9th ,,	400.00
,, ,, 10th ,,	500.00
,, ,, 11th ,,	600.00
,, ,, 12th ,,	700.00
,, ,, 13th ,,	850.00
,, ,, 14th ,,	1 000.00
,, ,, 15th ,,	1 150.00

3) For the grant of a patent of addition a sum of Zl. 40.— will be charged instead of the yearly fee, plus the registration charge. On conversion of a patent of addition into an independent patent, the same fees will be charged as for an independent patent.

Art. 75. 1) The first annual fee shall be paid during the first month following the publication of the patent in the Journal of the Patent Office, further annual fees on the day and during the month of the granting of the patent.

2) The fee may, however, be paid during 6 months following the term of payment, but a fine of 5, 10, 15, 35, 65 and 100 percent of the sum due,

shall be imposed for payments during the first, second, third, fourth, fifth and sixth months respectively.

3) Fees may also be paid before the term of maturity. In case of withdrawal, cancellation or amortisation of a patent, taxes paid in advance shall ße refunded. Taxes for previous years and for the current year shall not be refunded.

Art. 76. The fee for requests demanding the registration of changes relating to the rights of patentees and users, made to the Registration Department, shall amount to Zl. 20.—; for appeals against decisions of the Registration Department Zl. 30.—; for appeals and requestes lodged with the Claims Department, for appeals against decisions of this Department and for appeals against the decisions of the Control Department for the Execution of Inventions — Zl. 60.—.

Art. 77. 1) The Treasury and Communal Unions are freed from the payment of the above charges (Art. 74—76); Government and Communal undertakings possessing a separate legal identity are not freed from the payment of the above charges.

2) An applicant who proves poverty may be granted, according to the discretion of the President of the Patent Office, an extension for the payment of the fees for the first three years. He will be relieved from payment of these charges in case of withdrawal of the patent owing to non-payment of the fourth tax.

Art. 78. The manner for the payment of the charges foreseen in the present section shall be fixed by the Minister of Industry and Commerce in conjunction with the Minister of Finance.

SECTION VII.

Transitory and international Regulations.

Art. 79. 1) Rights resulting from the registration of inventions and from patents which had legal force in Russia, Germany and Austria at the time of the incorporation of parts of these States in the territory of the Republic of Poland, as well as rights resulting from registration of inventions and patents re-established or renewed in these States by international treaties and agreements, shall remain in force in the incorporated districts under the conditions prescribed by laws under which they existed in the countries of origin, as well as under international treaties and agreements.

2) The duration of these rights binding in Poland (district rights) shall be the same as in the country of origin.

3) The cancellation, expiration and amortisation of a patent in one of these countries shall, in principle, result in the cancellation or expiration of the district rights in Poland. In spite, however, of the cancellation or expiration of the original patent, the district rights may be maintained in Poland in the following cases:

a) If the expiration of the original patent was due to non-payment of fees and if the owner of the district patent in Poland pays the fees in accordance with Polish rates at the latest within 3 months of the expiration of the original patent.

b) If the owner of the original patent surrendered his rights in the country of origin.

c) If the original patent was cancelled in the country of origin owing to non-working of the invention, although the latter was worked in the province incorporated in the Republic of Poland to an extent and during the time prescribed for the original patent; the district rights shall also be maintained if the invention was worked anywhere else in Poland, but to the extent prescribed by the present law (Art. 13); on this basis the owner of the patent may request the Patent Office (Claims Department) to ascertain, also by means of a claim that his district rights have not expired; the claim may be lodged against the Attorney-General of the Republic of Poland as being the representative of public interests, but shall in any case bear the expenses connected with the case.

d) If the original patent was expropriated.

4) The exceptions relating to the maintenance of patents mentioned in b, c and d above, shall be applicable if the owner of the patent informs the Patent Office within 3 months of the expiration, amortisation and/or expropriation of the original patent, of his desire to maintain the district rights and if he pay the fees in accordance with Polish rates.

5) The district rights may be cancelled in Poland under the proceedings prescribed in the present law, in case of cancellation of the original patent under the law relevant to it in the country of origin.

6) District rights may also be expropriated in accordance with the present law.

Art. 80. 1) In order to ascertain the district rights on the documents issued by the Patent Office (district patent), the owner of these rights shall register them at the Registration Department of the Patent Office and shall lodge documents certifying the existence of the original patent. On finding that the conditions of the previous article are fulfilled, the Registration Department shall register the district right in a separate register of district patents and shall issue a district patent to the applicant.

Publication of the district patent shall be effecte at the express request of the applicant and only after the lodging by him or the securing of the expenses connected with the printing.

2) Decisions in connection with the existence of district rights in virtue of the preceding article, shall be taken exclusively by the Patent Office.

3) A person benefiting from district rights may demand protection against infringement (Arts. 25, 26, 27 and 28) only on the basis of a district patent.

Art. 81. Although the holder of a district patent has obtained the patent for the whole of Poland, his district patent shall remain in force only until the period fixed in Art. 79.

Art. 82. The restoration or renewal of rights from registration and patents under international treaties and agreements does not restrict the rights of third parties who used the invention when and where the patent was not in force. Such rights shall be taken into consideration in the same manner as those of prior users (Art. 9).

Art. 83. The present law does not in any way restrict rights of priority based on international treaties and agreements.

Art. 84. If a patent was granted before the coming into force of the present order, the three years' period under Art. 13 p. 1 may not expire sooner than after 2 months from the day of the coming into force of the present order.

Art. 85. 1) Until the unification of the regulations for criminal actions in Poland —

a) On the territories on which the Penal Code of the year 1871 is in force, the penalty of more than six weeks detention shall be replaced by imprisonment.

b) A person authorised to a claim for an offence under Art. 27, loses this right after 6 months from the date on which he was informed of the commitment of the offence and of the name of the author thereof,

c) For offences under Arts. 27 and 34, it is not allowed

1) to institute criminal proceedings after three years from the commital of the acts,

2) to promulgate a sentence after six years from the commital of the acts,

3) to enforce a sentence if ten years have expired since it became effective.

2) The periods of prescription mentioned under 1, 2 and 3 above, do not include the period in which owing to the provisions of the criminal law proceedings could neither be instituted nor sustained or the sentence enforced.

Art. 86. Until the unification of regulations for non-litigious cases, the method of procedure (incidental procedure) binding in former Russian Poland shall be followed in cases foreseen in Articles 64, 65 and 67.

PART II.

Designs.

SECTION I.

Constitution, restriction, cancellation, expiration, amortisation and expropriation of rights.

Art. 87. 1) The exclusive right for using a design in commerce and trade arises from the registration of the shape of the article shown in that design, appearing in the shape, pattern, colour or in the material of the article. This right extends throughout the whole territory of the Republic of Poland and lasts for 10 years from the date of the registration of the design.

2) If the novelty of the shape has for its object the amelioration of the usefulness, the design shall be called an usufruct design, and if it is artistic, a decorative design.

3) The right resulting from the registration of a decorative design restricts itself to those articles for which the registration took place.

Art. 88. The Patent Office of the Republic of Poland is authorised to register designs.

Art. 89. Any person having registered correctly an invention for patenting, suitable in accordance with the present law also for protection as an usufruct design may, after the obtaining of the patent, surrender the latter and simultaneously register the same invention as an usufruct design with the priority of the design as from the day of the registration of the patent. The protection of the design shall commence as from the date of the granting of the patent, if the patent has already been granted.

Art. 90. 1) Only the registration of new designs is valid.

2) A design shall not be deemed new if at the time of registration in the Patent Office it had already been published in its real characteristics (as regards decorative designs in application to articles of this kind) or used on or exposed to public view on Polish territories in a manner so clear and evident as to enable persons skilled in the art to apply it in industry.

3) Nevertheless former publication or the open use of the design shall not preclude the grant of registration, if they have occured subsequently to the exposure of the design at a public exhibition in Poland under an order of the Minister of Industry and Commerce granting this facility, and if the design is registered before the expiration of 6 months from the date of exposure. Under these conditions neither the exposure itself nor another lodged at the Patent Office after the date of exposure, shall preclude the registration of the design.

4) The above also relates to exhibitions in other countries belonging to the International Union for the Protection of Industrial Rights, provided that this right has been given to them on the basis of the internal laws of the relevant country. The Patent Office may demand a proof of the identity of the article in question with that which had been registered, and a proof of the date and place of exposure, in a manner which will be fixed by an order of the Minister of Industry and Commerce. The six months period (p. 3) does not extend the 12 months period (as regards decorative designs — 6 months period) fixed in Art. 96 p. 2 and 3; however, if the design was exposed before the original foreign application serving as of the priority right, the Patent Office may grant the priority right from the date of the exposure of the design.

5) With regard to citizens of countries belonging to the International Union for the Protection of Industrial Rights, and with regard to persons who, although not citizens of countries belonging to the Union, reside in or possess actual and important industrial or commercial undertakings on the territory of one of the countries belonging to the Union, the former publication and the open use of the design do not preclude its registration, provided that these citizens benefit from the priority right under Art. 96 p. 2 and 3, and the publication or open use occurred after the original application.

6) If, as a result of an application made abroad an official description of the design was published (prints), this publication does not preclude the registration within 6 months of the design on behalf of the applicant or his legal successor. The above regulations is, however, applicable only to citizens of countries which grant reciprocity to Polish citizens.

Art. 91. A registered design is not valid if a design possessing the same characteristics (as regards decorative designs, in application to articles of this type) has already previously been presented in Poland for registration or patenting, resulting in the registration of the design or the grant of a patent.

Art. 92. Designs which infringe the rights of certain persons (for instance, portraits) and designs which, generally speaking, are contrary to the existing laws or to public morality, as well as ideas which are apparently not suitable for adaption to industry, are excluded from registration.

Art. 93. The registration of a decorative design does not deprive the author of the design of his copyright rights against the owner thereof.

Art. 94. The exploitation of a design, the use of which would be an infringement of a still existing copyright or patent right or a previously registered design, is permissible only under special licence granted by the earlier holder of this right (a dependent design). On the expiration of the previous right the dependent design is exchanged for an independent one.

Art. 95. 1) Rights from the registration of designs have no effect against persons who, in good faith, have used the design on the territories belonging now to Poland before registration thereof at the Patent Office.

2) Such persons may continue to use the design (the right of a prior user) but only within the limits in which they have previously used it. This right is strictly attached to the undertaking and may not be transferred to third parties independently of the undertaking. Such right should be entered in the register at the request of the user, if it be certified by an official or private deed giving the name of the undertaking and containing the signature of the holder of the registered design duly legalised by a notary or at a Court of Justice.

Art. 96. 1) The priority of a design dates from the time of the registration at the Patent Office.

2) Any person who correctly lodged an application for the grant of a patent or the registration of an usufruct design in a country belonging to the International Union for the Protection of Industrial Rights, or his legal successor, may benefit when registering the usufruct design in Poland (with the reservation of rights of third parties) from the priority right ju tified by the foreign registration, provided that an application for the registration of the design is lodged with the Patent Office within 12 months from the date of the original foreign registration, i. e. at the latest on the day and during the month corresponding to the date of the original registration, and should this day not be a working day at the Patent Office — on the nearest working day of that Office.

3) The Registration in one of the union countries of a decorative design authorises the owner to benefit from the priority right only if this design has been registered in Poland and if the application for the registration of the design is given to the Patent Office within 6 months from the date of the original foreign registration.

Art. 97. 1) The registration of a design shall be cancelled if the conditions of articles 90, 91 and 92 are not fulfilled.

2) The holder of a design which has been illegally registered and who is or should have been aware of its invalidity shall be responsible for losses caused to other persons through his fault.

3) The holder of a right which is invalid under Art. 91 must refund to legal owner the profits made during the 3 years.

4) In case of cancellation of the registration of a design under Art. 91, those who have under valid title and in good faith acquired rights to the use of an invalid design and have exercised them in good faith during a year, shall have the right to further use within the limits of their use of that design at the time of lodging the claim for cancellation (subsequent users), whereby they must pay to the prior holder an amount for the licence to be fixed by the Courts in their discretion, should the parties not come to an agreement. The rights enjoyed by these users are attached to the undertaking in which the design was used, and may only be transferred to third parties with the undertaking. Registration of these rights shall be effected in accordance with the provisions governing the registration of licences (Articles 106 and 108).

Art. 98. A registered design shall elapse:

a) If the fee for the current period be unpaid for over six months,

b) If the holder surrender his rights in writing or by protocol to the Patent Office with the agreement of competent judges; the consent of prior and subsequent users shall not be required.

Art. 99. 1) A holder of a registered usufruct design is bound to make use of the design in Poland at the latest within 3 years from the date of registration, if the local requirements justify home production and to such an extent as will approximately enable the covering of internal requirements.

2) If for whatever reason the licence was not granted or should the holder of a licence not fulfil the production in limits covering approximately the internal requirements and this requirement is chiefly covered by foreign production, the Patent Office (Claims Department) may revoke the registration in consequence of a claim admissible within 5 years after it having been granted.

3) Revocation in consequence of a claim may also take place at a later date, if the holder or other persons authorised by him, have not worked the design in Poland in the prescribed limits and the internal requirements have been chiefly covered from foreign production. Revocation will not take place if at the time of the lodging of the claim the right from the design had been worked in Poland to its prescribed extent.

4) If in a claim for the revocation of a design by reason of the non-working of the design in Poland within the prescribed limits the owner is able to prove that owing to extraordinary obstacles and very serious considerations the local requirements were not met by home production, the Patent Office (Claims Department) will stop further procedure until a term fixed by them, and in this case the holder will avoid revocation of the design if he shall prove in the procedure taken up after the fixed term ex officio, or at the request of the plaintiff, that he has in the meantime either himself or trough

other persons commenced to work the design in the limits which will approximately cover internal requirements.

Art. 100. The provisions of Art. 99 do not apply to registered designs owned by the State or by Government undertakings having special legal personality.

Art. 101. A registered design, if required in the public interest, may be expropriated on payment; the expropriation of a design in favour of the State and not for free use in industry (Arts. 147—152) does not imply expiration.

SECTION II.

Property and other rights to a design.

Art. 102. 1) The inventor or his legal successor alone has the right to obtain registration of a design. In the absence of a proof to the contrary the person who first registered the design shall be deemed to be the inventor or his legal successor.

2) If the design be registered or the registration obtained by a person who has no right to do so, the inventor or his legal successor may demand the registration or transfer to them of the design, but shall refund the person who registered or obtained the registration of the design all expenses in connection with the registration, to which he himself would have been subjected. In the case of claims for compensation of losses, refund of profits and maintenance of rights acquired in good faith, the provisions of Art. 97 p. 2, 3 and 4 shall be applicable with suitable alterations.

Art. 103. 1) Persons employed in undertakings (also in Government undertakings) may obtain registration on the basis of designs created by them in connection with these undertakings. The employee may not be deprived of this right, unless he has concludet with the employer an agreement for working on designs. The employer may, however, use the design under a licence which may be obtained compulsorily (Art. 106) in case of non-agreement by the holder, provided that the idea of the design lies within the limits of production of the undertaking.

2) Untess otherwise provided by contract the employer has the right to obtain the registration of a design in cases where employees are engaged for the purpose of working on designs, provided that there are no stipulations to the contrary in the agreement. Should, however, the compensation fixed in the agreement prove to be excessively low in comparison to the profits attained by the employer thanks to the design, the employee may ask a justified increase of compensation.

3) An agreement depriving the inventor of his right to appear as author shall be invalid.

Art. 104. A design made by several persons gives them joint rights to obtain its registration.

Art. 105. 1) Rights to a design may be transferred in whole or in part either by inheritance or will. The heir or legatee shall register the acquisition of his rights with the Patent Office.

2) These rights may also be transfered in whole or in part to another person by agreement. The transfer of the rights must be entered in the register in order to be valid vis-à-vis the Patent Office and third parties. Such an entry may be made only by virtue of an official or private deed, on which the signature of the previous owner shall be duly legalised by a notary or by a Court of Justice.

3) The joint rights of a registered design shall be fixed in accordance with the regulations of the civil law, with the proviso that every co-owner of the design may sue for infringement without the consent of the other owner, unless otherwise provided in the agreement.

Art. 106. 1) The right to use a registered design belonging to another person in whole or in part may be acquired either by agreement (voluntare licence) or by virtue of a decision by the Patent Office (compulsory licence).

2) The licence shall be evidence of the rights of its owner if entered on the register (Art. 105); if the licence is attached to the undertaking in connection with which it was granted, it may be transferred to other persons only with such undertaking.

Art. 107. Agreements mentioned in Articles 105 and 106 must be made in writing in order to be valid.

Art. 108. 1) The purchaser of an undertaking to which a licence is attached may not claim rights from the licence against third parties in his own name before the entry of the transfer of the licence in the register of designs. The entry shall be made by virtue of an official or private deed, showing the title of purchase and on which the signature of the former owner shall be duly legalised either by a notary of by a Court of Justice. Until the new purchaser applies for the entry, all official notices regarding his rights shall be delivered to the former owner or his heirs, but all legal consequences arising therefrom shall be borne by the new purchaser.

2) The same regulations shall apply to the transfer of other rights attached to an undertaking which have been entered on the register (Art. 97 and 102).

Art. 109. 1) The owner of an usufruct dependent design may demand the grant of a compulsory licence for the use of an usufruct design previously registered, if the design is of great importance to the industry, but not before the expiration of 3 years from the date of the original registration. The grant of a compulsory licence as above authorises the owner of the previous patent right or the owner of the previously registered design to demand the grant of a licence for the use of the dependent right only, inasmuch as it is required to create equal conditions of mutual competition.

2) A compulsory licence expires one year after its grant if its owner does not use it within this term. It may not again be granted.

Art. 110. 1) Claims in regard to the ownership of a registered design, recognition of dependence, mortgage and other rights (also the rights of users) as well as claims regarding various kinds of licences shall be noted (entry of claim) in the register, at the request of the person who lodged the claim.

2) Entries in connection with these claims bear the result that decisions taken in the claim are legally effective as regards persons who may acquire rights to or in such designs subsequent to the entry.

SECTION III.

Protection of exclusive property of designs.

Art. 111. 1) Any person who shall illegally use a registered design in trade or industry, or who, in another manner contrary to law or morality, wrongs the holder of the design, shall be prohibited from so doing, shall refund the profits made during the last three years and, moreover, if his action was premeditated or due to carelessness, shall also compensate the rightful owner sor all losses caused to him and give him satisfaction for damages of a perfonal nature by publication of the verdict, by a corresponding public declaration and, in case of premeditated infringement — by the payment of a penalty.

Instead of the above mentioned payments, the injured party may claim the payment of a bulk sum not exceeding Zl. 10 000; the exact amount shall be fixed by the Court in its discetion.

2) Claims for infringement of rights from registered designs shall be subject to limitation after 3 years in each individual case of illegal action.

Art. 112. 1) If a person accused of the infringements mentioned in the preceding article objects that the registration does not exist legally, the Court may stop the legal proceedings until the decision of the claim on this subject by the Patent Office, and will fix the final term on which the claim should be lodged at the Patent Office. Should the claim not be lodged on that date or not be supported or, finally, should the Patent Office decide that the registration legally existed on the date of the lodging of the claim in Court, the Court will resume the legal procedure on being advised of this.

2) Both in the case of interruption of the procedure foreseen by the present article as well as in other cases during the period of legal proceedings relating to the infringement of the registered design, the Court may, by temporary dispositions, issue an order prohibiting the accused from asserting the exclusiveness of the registered design, place the undertaking belonging to the accused under a Court administration, order the warehousing of implements, manufactures, etc.

Art. 113. 1) Any person who, in carrying out an industry or trade, shall knowingly infringe the rights of a registered design holder, or shall appropriate the right to obtain the registration of the design, may be punished by a fine up to Zl. 50 000 or by imprisonment for not more than 4 months, or by a fine and imprisonment jointly.

2) Prosecution may be instituted by private suit, entered by persons who have the right to take civil action.

3) The Penal Court may also decide questions based on Articles 111, 112 and 114.

Art. 114. At the request of the injured party the articles produced illegally, as well as the apparatus used exclusively in their manufacture shall either be transferred to the injured party at their purchase price or destroyed or rendered unfit for illegal use, at the cost of the infringer, or they may be left in his charge if he furnishes a sufficient guarantee that he will neither use nor sell them for 2 years after the expiration of the registration of the design.

Art. 115. The provisions of Articles 111, 112, 113 and 114 will also apply to those persons who illegally employed a design belonging to another person before it had been registered. Claims are, however, only admissible after the registration of the design. The period preceding the registration of the design is not included in the period of limitation resulting from Art. 111 p. 2.

Art. 116. The following cases do not imply the infrigement of a registered design:

a) The use on a ship appertaining to a country belonging to the International Union for the Protection of Industrial Rights of a registered design relating to the hull machinery, equipment, accessories and other fittings, if the ship is temporarily in Polish waters and the use of these accessories, etc., serves exclusively for the needs of the ship.

b) The use of a registered design on aircraft or land vehicles belonging to one of the countries belonging to the International Union for the Protection of Industrial Rights in the manner and under the conditions fixed under a) above.

SECTION IV.

Protection of freedom in trade and industry.

Art. 117. Any person may lodge a claim at the Patent Office (claims Department) demanding the ascertainment of the fact that the process of manufacture which he applies or intends to apply in industry is not comprised in the scope of a registered design.

Art. 118. Any person may lodge a claim at the Patent Office (Claims Department) for the cancellation or revocation of a design or of the right resulting from the registration of an usufruct design (Art. 90, 91, 92, 97 and 99). The Attorney-General of the Republic of Poland may, at the request of the competent Ministry, where public interests are concerned, support the claim of a private person, or lodge one independently.

Art. 119. 1) Any person who deliberately marks articles not subjected to protection by the registration of a design, or who marks their coverings with inscriptions leading to the erroneous belief that the goods are protected by the registration of a design, or who shall, in spite of the conciousness of an erroneous marking, circulate such articles in trade or prepare or lay in stocks for trading purposes, or publishes information in circulars, advertisements, etc., intended to lead to the erroneous belief that the goods mentioned therein are protected by a registered design, will be punished with a fine of up to Zl. 50 000 or imprisonment up to 4 months, or with both a fine and imprisonment.

2) Misleading marks shall be removed and erased from the goods mentioned above at the cost of the guilty party, and should the removal of these marks from the goods be impossible without damage, the goods shall be destroyed (Art. 171).

SECTION V.

Function and competence of the authorities.

A. Registration of designs and other functions of the Registration Department of the Patent Office.

Art. 120. 1) In order to register a design application must be made to the Patent Office (Registration Department) in writing.

2) For each usufruct design a separate application must be presented; if, however, several designs are intended to serve the same purpose, they may be included in one application for registration. The maximum number of decorative designs which may be included in one application is 10, and this only provided that they embrace articles of the same kind.

3) The date of receipt of the application by the Patent Office shall be deemed to be the date of the application.

Art. 121. 1) The application must contain a petition for the registration of the design, a statement of the design, the name and address and place of residence of the applicant; applicants residing abroad must appoint a lawyer or attorney residing in Poland to act as their representative and authorise him at least to receive all correspondence from the authorities and persons interested and in particular to receive the claims prescribed in this law.

2) It is necessary to specify whether the registration refers to an usufruct or to a decorative design.

3) The application for the registration of an usufruct design must be accompanied by two copies of a detailed description of the design in the Polish language. This description may be substituted in whole of in part by the presentation of drawings or models (in duplicate) clearly, showing the design forming the subject of registration. The description of an usufruct design should always contain the „protective reservations" giving in an indisputable manner the real characteristics which the applicant considers as new.

4) The application for the registration of a decorative design shall be accompanied by two copies of the design. The description is, in principle, not required.

5) The applicant should make a payment for the application (Art. 160). In case of non-payment within a time fixed by the Patent Office, the application shall be deemed to be void.

6) Furthermore the applicant must subject himself to the detailed regulations issued by the Patent Office as to the applications and enclosures.

7) In spite of missing details in the application, the inventor of the design does not lose the priority right justified by the application, if from the tenor of the application or from its enclosures it has been found possible to ascertain the real scope of the idea and/or if the scope of the design has been fixed with reference to a foreign application justifying its priority (Art. 96).

Art. 122. 1) Any person wishing to benefit, in conformity with p. 2 and 3 of Art. 96, from priority rights on the basis of a foreign application, shall, within 12 months (and within 6 months in the case of the registration of a decorative design) from the date of the foreign application, present an

application to the Patent Office for the registration of the design and, simultaneously or additionally, but not later than within 3 months from the date of the presentation of the application, a request for the granting of priority rights. The original application should be marked in a definite manner, in particular by giving its date and the country where it was made and/or other data required to recognise the identity of the application. If the applicant refers to the priority from two or more original applications, he should draft the protective reservations (Art. 121 p. 3) in such a manner that one original application only should correspond to each of the applications lodged in Poland. Furthermore it is necessary to present at the Patent Office, within a period fixed by the latter, not less, however, than 3 months from the date of the application, a copy of the foreign applications (description, drawings, etc.), the identity of which with the original has been confirmed by the competent foreign authority; no further legalisation shall be required. At the request of the Patent Office the applicant should present an ordinary or legalised translation of the description and/or furnish any other explanations relating to the foreign application. Instead of the copy, description or drawing of the foreign application, it is permissible to lodge a model, sample, copy of the design itself, or its exact reproduction (for instance a photograph), together with a certificate of the foreign authority, confirming the identity of the design presented for registration with that deposited abroad.

2) A decision rejecting the grant of priority will be transmitted by the Patent Office to the applicant, before the decision relating to the registration of the design. An appeal may be made against this decision to the Claims Department within 2 months. The decision regarding the registration of the design may take place only after the decision rejecting the grant of the required priority has come into force.

Art. 123. 1) The Registration Department shall examine the application to ascertain if it is in the form prescribed by the regulations, in particular whether the description is sufficiently clear and whether the protective restrictions are set out in a clear manner (Art. 120 and 121).

2) Should the application not correspond to the regulations in force, the Registration Department shall require the applicant to remove the inaccuracies.

3) Should the applicant not remove the inaccuracies within a period fixed by the Department, the application shall be considered as having been withdrawn. This consequence may be prevented by the applicant should he remove the inaccuracies within 3 months from the lapse of the fixed time and should he simultaneously pay a second time the charge for the application.

4) Should the applicant make alterations or other modifications justifying the change of the rights of priority, the priority of such alterations and modifications shall date from the time of their registration. The division of a registration into several registrations, each with a different priority, is also permissible and/or the grant of priority rights on the basis of a foreign application to the supplementary reservations.

Art. 124. The Patent Office (Registration Department) shall ascertain that there is no objection under Art. 92, and should such objections exist the registration of the design will be refused.

2) The Patent Office (Registration Department) shall not be obliged to examine the novelty of the design. If, however, the examination shows that the design is not new, the Department may refuse the grant of the registration. The refusal to grant the registration may not take place before the applicant has had the opportunity to make a declaration and/or before the elapse of the period granted to him for this purpose.

3) If the examination gives to the Patent Office justified doubts as to whether the design encroaches on the scope of another design already protected by this law, the Patent Office shall inform the applicant and may inform the former registree of this fact. After communicating with the applicant the Registration Department shall either grant or refuse the registration in whole or in part, as the case may be. A dependent registration may only be granted either with the consent of the person registering the design or as a result of a decision by the Claims Department.

4) The Patent Office may not refuse the registration of a design because in their opinion the design is of no value.

Art. 125. The President of the Patent Office has the right, within the limits of the present order, to issue detailed instructions regarding the examination of the designs presented for registration and of the periods fixed by the Patent Office.

Art. 126. If the examination is satisfactory, the Registration Departments shall enter the design into the register of usufruct or decorative designs, as the case may be, and shall issue to the applicant a document callet a „protective certificate", together with one copy of the specification or model and furthermore shall insert in the Journal of the Patent Office a notice of the grant of the registration. The date of the protective certificate shall be regarded as the day of registration and the grant of the right of exclusiveness.

Art. 127. 1) The applicant may appeal against the refusal to grant a registration of the design, as well as against a decision requiring him to amend mistakes, by lodging an appeal within 2 months with the Appeals Department.

2) The grant of a registration for a portion of the design implies the partial refusal of the application.

Art. 128. 1) Usufruct designs relating to the military protection of the State shall at once be notified by the Patent Office to the Ministry of War.

2) Should the Ministry of War inform the Patent Office that the registered usufruct design (p. 1 above) is one belonging not to the applicant but to an organ subjected to the Ministry of War, the Patent Office shall defer the grant of the registration until the decision by the competent Court of the claim relating to the right of obtaining the registration.

Art. 129. 1) All specifications of designs presented for registration and enclosures thereof shall be open to public inspection after the Registration Department has decided upon the grant of the registration.

2) A person registering decorative designs may, however, reserve their secrecy up to 6 months from their registration and seal them for the above purpose. Should such a reservation be made the applicant is deprived of the right of initiating legal proceeding against infringements under Articles 111, 112, 113 and 114, until the design registered by him at the Patent Office shall be available for inspection.

Art. 130. 1) All matters within the competence of the Patent Office which are not reserved to other Departments, shall be dealt with by the Registration Department.

2) In particular the Registration Department shall deal with the cancellation of designs from the registers owing to non-payment of the annual fee or to surrender by the owner, and with the registration of transfer of ownership and other such rights.

Art. 131. Appeals against decisions of the Registration Department under Art. 130 may be lodged with the Appeals Department within 2 months.

B. Cancellation of the registration of a design.

Art. 132. 1) A claim for the cancellation of the registration of a design shall contain a clearly worded petition, a concise explanation of the matter and a statement of proofs. Unlegalised copies of the documents mentioned in the petition may also be attached thereto. The originals or duly legalised copies should be presented when a proof from these documents is required.

2) A claim shall be accompanied by as many copies as there are defendants.

Art. 133. 1) On ascertaining that the formal conditions of the claim are in order the Patent Office (Claims Department) shall transmit the claim to the defendant, allowing a period of at least 30 days for lodging a written defence. A claim lacking in formal conditions will be rejected by order of the Claims Department which is. The plaintiff may appeal to the Appeals Department against such a decision within 2 weeks; the Appeals Department shall decide on the appeal in camera without fixing a hearing.

2) The defence in writing shall be accompanied by as many copies as there are plaintiffs. The provisions of Art. 132 p. 1 should be applied respectively with regard to the documents to which the summons refers.

Art. 134. 1) On receipt of the defence, or after the expiration of the period allowed for lodging the defence, the Claims Department shall arrange an oral hearing and shall, first of all, send a copy of the defence to the plaintiff.

2) The oral hearing shall be public; the chairman may, for serious considerations, order the hearing in camera.

3) The non-attendance of the parties at the oral hearing shall not stay the proceedings.

4) The Claims Department may also consider circumstances which were not mentioned by the parties and may include proofs not submitted by them.

5) The Claims Department may invite and hear both sworn and unsworn witnesses and experts; the Department may also request the Courts of Justice to hear the witnesses and experts.

6) Minutes of the proceedings shall be taken, containing a concise statement of the pleadings of both parties and the nature of their proof.

7) The decision, which should also contain an order as to payment of the costs of the proceedings, will be issued by the Claims Department in writing.

Art. 135. At the request of the defendant the Claims Department shall require the plaintiff who resides or has a place of residence abroad and does not own real property in Poland, to lodge security for payment of the costs of the proceedings, under threat of discontinuing them, unless international conventions or reciprocal arrangements render such an order impossible.

Art. 136. The lodging of a claim for the cancellation of the registration of a design, as well as the decision rejecting the cancellation itself, shall be noted in the register and, furthermore, the decision shall be published in the Journal of the Patent Office.

Art. 137. Appeals against decisions of the Claims Department may be lodged by the parties themselves or by the Attorney-General with the Appeals Department, within 2 months.

Art. 138. The provisions of Articles 132—135 apply respectively to the procedure of appeal; the parties may quote new facts and proofs in the procedure appeal.

C. Amortisation of the registration of an usufruct design.

Art. 139. The provisions fixing the procedure in claims for the amortisation of a registered design (Arts. 132—138) shall apply to proceedings relating to the amortisation of rights from an usufruct design, as well as to decisions in connection with such matters.

Art. 140. The Patent Office (Control Department for the Execution of Inventions) may, at any time after 3 years from the registration of the usufruct design, request the owner to show whether, in what manner, and to what extent, he has fulfilled the obligations specified in Art. 99.

Art. 141. The owner may, at any time after the registration of the design, present a petition to the effect that the Patent Office should, at his expense, ascertain the extent to which his design is worked direct or by other persons or the existence of valid reasons rendering the working of the design impossible (Art. 99). For this purpose he shall furnish the Control Department for the Execution of Inventions with a full report on the manner and extent of working the design and, if the design is not worked to an extent adequate to the internal requirements, he shall give a detailed explanation of the reasons for which the working has not taken place within the required limits. The facts stated in the report shall be verified by witnesses and experts and, furthermore, extracts from ledgers and other proofs shall be presented by the holder. Copies of records of judicial inspection and of the hearing of witnesses and experts may also be presented.

Art. 142. The Control Department for the Execution of Inventions shall examine these reports and, in case of necessity, shall require their amplification and/or consult witnesses and experts.

Art. 143. The Control Department for the Execution of Inventions may delegate a referee to examine the question on the spot. In case of necessity the referee will examine the books and correspondence of the undertaking as well as hear unsworn witnesses and experts.

Art. 144. The above proceedings (Art. 142 and 143) shall be noted in a protocol which shall be filed at the Patent Office; a copy of the protocol shall be given to the holder of the design on application. An entry regarding the examination of the execution of the design shall be made in the register. The protocol may be read and extracts made therefrom by any person in the presence of an official of the Patent Office.

Art. 145. 1) Should the examination made by the Patent Office (Control Department for the Execution of Inventions) prove that the owner of an usufruct design, and/or the owner of a licence, has not fulfilled the conditions resulting from Art. 99, the Patent Office will furnish the Attorney-General with the details colected and, the latter, acting in the public interest, shall lodge a claim with the Patent Office (Claims Department) a claim for the amortisation of the registration. In case of the loss of the case for the amortisation of an usufruct design for non-working of the design, the costs will be borne by the Treasury.

2) A claim for the amortisation of the registration of an usufruct design resulting from the non-working of the design, may also be lodged by any interested person.

3) The lodging of a claim for the amortisation of the registration of a design shall be noted in the register of usufruct designs.

4) The proof of fulfilling the obligations resulting from Art. 99, and/or a proof of the circumstances justifying the non-fulfilment of these obligations is borne by the defendant (the owner of the registered design).

D. Other claims lodged at the Patent Office.

Art. 146. 1) The Patent Office (Claims Department) shall also be competent (Art. 132) to settle the following disputes:

a) If the owner of a patent or registered design demands the recognition of a design registered subsequent to his own as dependent from his prior rights (Art. 94).

b) If any person claims a decision that the process of manufacture which he uses or intends to use in industry does not infringe a registered design (Art. 117).

2) In the above cases the regulations as to procedure for the cancellation of the registration of a design (Art. 132—138) shall be applicable.

The decision regarding the dependence of the registered design shall be entered in the register and published in the Journal of the Patent Office.

E. Expropriation of a registered usufruct design.

Art. 147. Rights from the registration of an usufruct design may be expropriated or restricted in whole of in part, either in favour of the Government or for free use in trade and industry (Art. 101). In both cases, expropriation or restriction shall be decided upon by the Council of Ministers at

the request of the Minister competent, as regards the importance of the expropriation for the relevant branch of State administration. Compensation shall be paid by the Treasury.

Art. 148. In the cases mentioned in Art. 147, the Patent Office (Claims Department), after consultation with the Minister of Finance, shall endeavour to come to an agreement with the owner of the design as to the amount of compensation to be paid and, in case of failure, shall fix a provisional sum at their own discretion, taking consideration of the previous investigations. This sum shall be paid to the owner, but should the design be subject to any rights which were entered on the register and, should the interested parties object to the payment of this sum to the owner, the amount fixed by the Patent Office shall be paid into Court. In case of expropriation for free use in industry, the rights of former and subsequent users (Articles 95, 97 and 102) shall not be taken into consideration.

Art. 149. On payment of the final or provisional amount of compensation to the owner of the design, or its payment into Court, rights to and in the registered design shall expire and the design shall either become the property of the State or it shall be open for free use in industry. In the former case the State may take over the rights shown in the register, at the same time diminishing the amount of compensation by a corresponding sum.

Art. 150. If the owner of the registered design deems himself injured by the compensation fixed by the Patent Office (Claims Department), he may within 30 days demand that the amount shall be re-assessed by the District Court of Warsaw. The Court shall fix the amount of compensation in accordance with the particulars supplied by the Patent Office, after hearing the representative of the Ministry of Finance and the owner of the design. If necessary experts may be consulted and persons possessing rights in the design may be heard. The decision of the Court shall be given as in non-litigious cases (Art. 172). Appeals against the decisions of the District Court may be lodged with higher authorities, in accordance with the law governing civil procedure.

Art. 151. In non-litigious cases the Court, at the request of the owner of the registered design and of authorised persons whose names have been entered in the register, shall fix the manner in which the sum deposited shall be divided among the persons entitled to receive compensation (Art. 148). Appeals against decisions of the District Court may be lodged with higher authorities in accordance with the law relating to civil proceedings.

Art. 152. Decisions regarding expropriation shall be entered in the register and published in the Journal of the Patent Office.

F. Compulsory licence.

Art. 153. 1) At the request of the owner of a registered dependent design (Art. 94 and 146 p. 1a) or on the proposal of the owner of a prior registration, the Patent Office (Claims Department) shall decide at its free discretion, after hearing both parties and, if necessary, experts, whether a compulsory licence shall be granted to the owner of the dependent design, or whether

a licence shall also be granted to the owner of the prior registration (Arts. 106 and 109). If no agreement be arrived at between the parties, the Patent Office shall determine the conditions of such a licence.

2) Before the expiration of 2 months the parties may demand another assessment by the District Court of Warsaw of the amount of compensation for a licence. The decision shall be given as for non-litigious cases (Art. 172). The parties may appeal to higher authorities against the decisions of the District Court, in accordance with the law relating to civil procedure.

Art. 154. 1) In cases when, in the opinion of the owner of the registered design, the applicant for a licence foreseen in Art. 99 p. 2 does not present sufficient guarantee, or should no agreement be arrived at between the applicant and the owner as to the conditions of the licence, the Patent Office (Claims Department) shall decide immediately, at the request of one of the parties, whether the licence shall be granted or not, should this be the case the Patent Office shall fix the disputed conditions between the parties and shall assure itself that by means of adequate reservations the production fixed by the registration does not exceed the limits foreseen by the licence.

2) The provisions of Art. 153 p. 2 shall be applicable to the decision fixing the amount of compensation for a compulsory licence.

Art. 155. The decision fixing the compulsory licence or refusing its grant shall be furnished to the interested parties within 2 months from the day of the receipt of the decision. An appeal may be lodged with the Claims Department of the Patent Office. The appeal may not, however, relate to the amount of compensation for the use of the licence.

Art. 156. The provisions of Art. 153 relating to the procedure for the grant of compulsory licences shall be applicable also to compulsory licences mentioned in Art. 103 p. 1.

G. Appeals to the Highest Administrative Tribunal.

Art. 157. The Attorney-General of the Republic, in connection with matters of public interest mentioned in this law, may lodge an appeal against the resolutions and decisions of the Patent Office, if they are subject to appeal to the Highest Administrative Tribunal in accordance with the law of 3rd August 1922 (decree of the President of the Polish Republic of 26th June 1926, Journal of Laws No. 68 of 1926, item 400).

H. Competency of the Courts.

Art. 158. 1) Disputes in regard to rights and private-legal claims relating to registered designs come within the competency of the Courts, in particular:

a) Claims in regard to the ownership of a registered resign and other rights to a design or to rights under a design (Arts. 102—106), also claims relating to the existence or otherwise of rights of prior or subsequent users (Arts. 95, 97 and 102) with the exception of claims mentioned in Art. 146.

b) Claims in regard to the restitution of profits (compensation) resulting from the cancellation or amortisation of the registration of designs, or from the recognition of the dependence of a design.

c) Claims in regard to infringements of property and other rights to a registered design and to rights under a registered design (Arts. 111, 112 and 114).

d) Claims mentioned in Articles 150, 153, 154 p. 2 and 156.

2) Disputes with regard to rights and private-legal claims mentioned in p. 1 shall be settled by Courts competent to deal with commercial cases.

3) When fixing the local competence of Courts, depending on the place of residence of the person summoned, it is necessary, if the holder of the registration resides abroad, to take into account in fixing the competent Court the place of residence of his attorney in Poland (Art. 121).

Art. 159. District Courts shall be competent to decide on acts mentioned in Arts. 113 and 119.

SECTION VI.

Charges.

Art. 160. 1) A sum of Zl. 15.— shall be paidon application for the registration of an usufruct design, or on application for the joint registration of decorative designs up to 10 in number (Art. 120). The charge for the first protective period (1st, 2nd and 3rd years) amounts to Zl. 40.— for usufruct designs, and to Zl. 25.— for decorative designs. The charge for the third protective period (7th, 9th, 8th and 10th year) amounts to Zl. 200.— for usufruct designs and to Zl. 100.— for decorative designs.

2) When registering decorative designs referring to several classes of goods, which shall be fixed by the Minister of Industry and Commerce, the fees (periodical and registration) shall be paid as many times as there are classes of goods embraced in the registration.

Art. 161. 1) The periodical charges for the first period shall be paid during the month following the publication of the registration in the Journal of the Patent Office; for the second and third periods — according to the date of registration, on the day and month of their beginning.

2) The fee may, however, be paid during 6 months following the term of payment, but a fine of 5%, 10%, 15%, 35%, 65% and 100% shall be imposed for payments during the first, second, third, fourth, fifth and sixth months respectively.

Art. 162. The fee for requests demanding the registration of changes relating to the rights of holders and users, made to the Registration Department, shall amount to Zl. 20.—; for appeals against decisions of the Registration Department — Zl. 30.— for appeals and requests lodged with the Claims Department and for appeals against decisions of this Department and for appeals against the decisions of the Control Department for the Execution of Inventions — Zl. 60.—.

Art. 163. 1) The Treasury and Communal Unions are free from the payment of the above charges (Art. 160—162), provided they refer to usufruct designs;

Government as well as Communal undertakings possessing a separate legal identity are not freed from the payment of the above charges.

2) An applicant who proves poverty may be granted, according to the discretion of the President of the Patent Office, an extension for the payment of the fees for the first period. He will be relieved from the payment of these charges in case of withdrawal of the registration, upon the termination of the first period, owing to non-payment of the charges for the second period.

Art. 164. The manner for the payment of charges foreseen in the present section, shall be fixed by the Minister of Industry and Commerce in conjunction with the Minister of Finance.

SECTION VII.

Transitory and international regulations.

Art. 165. 1) Rights resulting from designs presented for registration or registered in Russia, Germany and Austria at the time of the incorporation of parts of these States into the territory of the Republic of Poland, as well as rights resulting from the registration of designs re-established or renewed in these States by international treaties and agreements, shall remain in force in the incorporated districts, under the conditions prescribed by the laws under which they existed in the countries of origin, as well as under international treaties and agreements.

2) The duration of these rights binding in Poland (district rights) shall be the same as in the country of origin.

3) The cancellation, expiration and amortisation of the registration of a design in one of these countries shall, in principle, result in the cancellation and expiration of the district rights in Poland. In spite, however, of the cancellation or expiration of the original registration, the district rights may be maintained in Poland in the following cases:

a) If the expiration of the original registration was due to non-payment of fees and if the owner of the district registration in Poland pays the fees in accordance with Polish rates at the latest within 3 months of the expiration of the original registration.

b) If the owner of the original registration surrendered his rights in the country of origin.

c) If the original design was cancelled in the country of origin owing to non-working of the design, although the latter was worked in the province incorporated in the Republic of Poland to an extent and during the time prescribed for the original registration; the district rights shall also be maintained if the design was worked anywhere else in Poland, but to an extent prescribed by the present law (Art. 99); on this basis the owner of the registered design may request the Patent Office (Claims Department) to ascertain also by means of a claim that his district rights have not expired; the claim may be lodged against the Attorney-General of the Republic of Poland as being the representative of public interests, but shall in any case bear the expenses connected with the case.

d) If the original design was expropriated.

4) The exceptions relating to the maintenance of registrations mentioned in p. b), c) and d) above, shall be applicable if the owner of the registered design informs the Patent Office, within three months of the expiration, amortisation and/or expropriation of the original registration, of his desire to maintain the district rights and if he pays the fees in accordance with Polish rates.

5) The district rights may be cancelled in Poland under the proceedings prescribed in the present law, in case of cancellation of the original registration under the law relevant to it in the country of origin.

6) District rights may also be expropriated in accordance with the present law.

Art. 166. 1) In order to ascertain the district rights on the documents issued by the Patent Office (district protective certificate) the owner of these rights shall register them at the Registration Department of the Patent. Office and lodge documents certifying the existence of the original registration. On finding that the conditions of the previous articles are fulfilled, the Registration Department shall register the district rights in a separate register of district registered designs and shall issue a district protective certificate to the applicant.

Publication of the district registration shall be effected at the express request of the applicant and only after the lodging by him or the securing of the expenses connected with the printing.

2) Decisions in connection with the existence of district rights in virtue of the preceding article shall be taken exclusively by the Patent Office.

3) A person benefiting from the district right may demand protection against infringement (Arts. 111, 112, 113 and 114) only on the basis of a district protective certificate.

Art. 167. Although the owner of the district right has obtained a registration of the design for the whole of Poland, his district registration shall remain in force only until the period fixed in Art. 165.

Art. 168. The restoration or renewal of rights from registrations and registered designs under international treaties and agreements does not restrict the rights of third parties who used the design when and where the right from the registration was not in force. Such rights shall be taken into consideration in the same manner as those of prior users (Art. 95).

Art. 169. The present law does not restrict in any way rights of priority based on international treaties and agreements.

Art. 170. If an usufruct design was registered before the coming into force of the present order, the three years period under Art. 99 p. 1 may not expire sooner than after 2 months from the day of the coming into force of the present order.

Art. 171. 1) Until the unification of the regulations for criminal actions in Poland:

a) On the territories on which the Penal Code of the year 1871 is in force the penalty of more than six weeks detention shall be replaced by imprisonment.

b) A person authorised to a claim for an offence under Art. 113, loses this right after 6 months from the day on which he was informed of the commitment of the act and of the name of the author thereof.

c) For offences under Arts. 113 and 119 it is not allowed:

1. to initiate criminal proceedings after three years from the committal of the acts.
2. To promulgate a sentence after six years from the committal of the acts.
3. To enforce a sentence if ten years have expired since it became effective.

2) The periods of prescription mentioned under 1, 2 and 3 above, do not include the period in which, owing to the provisions of the criminal law proceedings could neither have been initiated nor sustained or the sentence enforced.

Art. 172. Until the unification in Poland of regulations for non-litigious cases, the method of procedure (incidental procedure) binding in former Russian Poland shall be followed in cases foreseen in Articles 150, 151 and 153.

Art. 173. The maximum period of protection up to 12 years will still remain in force with regard to designs which benefited from it in virtue of Art. 105 of the law of 5the February 1924, regarding protection of inventions, trade marks and commercial marks (Journal of Laws No. 31, item 306). The fee for the fourth period (11th and 12th year) will be double the amount foreseen for the third period.

PART III.

Trade Marks.

SECTION I.

Constitution, restriction, cancellation, expiration, amortisation and expropriation of rigths.

Art. 174. 1) The exclusive right of marking goods with designs, (sketches, pictures, words, letters, figures, plastic shapes, etc.) for the purpose of pointing out to the purchasers that the goods come from a certain undertaking, arises in principle (Art. 180) from the registration of the trade mark. The right extends to whole of the Republic of Poland.

2) The right from the registration of the trade mark shall be restricted to that kind of goods for which the mark was registered and which come into the scope of the undertaking mentioned in the registration.

3) The legal procedure shall commence from the date of the registration of the mark.

Art. 175. The Patent Office of the Republic of Poland is authorised to register trade marks.

Art. 176. The Ministry of Industry and Commerce may prohibit the introduction of particular goods in the country before the trade mark will be affixed, registered according to the revisions of the present order.

Art. 177. 1) The registration of a trade mark shall be cancelled in the following cases: —

a) if the mark does not possess sufficiently distinctive characteristics; marks which are intended to show the kind of goods, their quality,

quantity, destination, value, as well as their origin; marks which are generally known definitions in the ordinary trade as the names of the goods for which they were registered.

b) Marks which infringe the rights of certain persons (in regard to their names, firms, portraits, etc.) and marks which are in contradiction to existing laws or against public morality.

c) Marks which might create or actually give rise to erroneous suppositions on the part of purchasers in connection with the origin of the goods, their kind, quality or marks and other characteristics of the undertaking.

d) Marks which include the name or the design of the Red Cross, if they are not presented for registration by Associations or authorities authorised for their use.

e) Marks, parts of which comprise the coat of arms, flag or other insigna of the Polish State, communal unions and of other Public corporations, insigna of orders, etc., as well as official, controlling and guaranteeing marks and stamps, if the applicant is unable to prove the consent of the competent authority or institution.

f) Marks, parts of which comprise the coats of arms, flags and other insigna of countries belonging to the International Union for the protection of Industrial Rights, official, controlling and guaranteeing marks and stamps of these States, if the applicant is unable to prove the consent of the competent authority.

2) The consent of the competent authorities or institutions required under the provisions given in p. 1 e) and f) above in regard to official, controlling and guaranteeing stamps and marks shall not be required, if they refer to goods of different kind altogether to those for which such a designation was introduced.

3) In consequence of the provisions laid down in p. 1 f) and in p. 4 of the present article, the Patent Office shall publish in the Patent Office Gazette statements obtained through the intermediary of the International Office at Bern, notifying which insigna, marks, stamps, etc., shall benefit at the request of the individual countries from protection in virtue of the present regulations.

4) The provisions of the present article p. 1 f) and/or of Art. 183, shall be applicable to trade marks containing generally known insigna of States belonging to the International Union for the protection of Industrial Rights, provided that the registration of these marks took place after the day of the signature of the agreement arrived at the International Convention at The Hague, held for the purpose of examining the Paris Union Convention (6th November 1925); as regards Government insigna which are not generally known, as well as marks and stamps of countries belonging to the abovenamed Union, the present regulations shall apply only to trade marks registered after the expiration of 2 months from the receipt of the notification (Art. 177 p. 1 f.).

5) The obtaining of the consent of the authority mentioned in p. 1 e), f) of the present article does not exclude the possibility of the refusing of the

registration of a mark for other considerations. The registration of the mark does not exclude the subsequent registration of a similar or identical mark originating from another country.

6) The provisions of p. 1 d), e) and f) are also applicable to marks which are imitations of the marks mentioned in p. 1 d), e) and f) and which would tend to deceive the purchasers of the goods.

Art. 178. The registration of the trade mark does not deprive the author of the design of his copyright rights against the owner thereof.

Art. 179. 1) The right to a trade mark is invalid if this mark has already been registered in favour of another enterprise for goods of the same kind, even if there should be no objection under Art. 177 p. 1 c).

2) If the registration of the trade mark of an enterprise be cancelled,. another enterprise producing or selling goods of the same kind may register its rights to the mark without the consent of the former owner, but only after the expiration of three years from the date of cancellation.

Art. 180. 1) If a mark which was not registered be known in Poland to be the mark of a certain enterprise and if another enterprise, producing or selling the same kind of goods, register that mark, then the first enterprise shall have the right to claim from the Patent Office (in case of dispute — through the Courts) within a year from the registration, that this right be acknowledged as being their property and transferred to them. In such case they should pay to the person who presented the mark for registration or who obtained its registration, the costs connected with the presentation and registration to which they would themselves have been subjected. The provisions of Art. 183 p. 2 and 3 should be applied to claims in connection with repayment of profits and compensation for losses.

2) The above regulation does not exclude the possibility of claiming the cancellation of the first registration under Art. 177 p. 1 c) and Art. 179.

3) If, however, after the expiration of the term of one year mentioned above, the registration of the mark should be maintained, the rights resulting from registration shall have no effect as against the prior user in connection with his present undertaking.

4) The rights enjoyed by former users are closely attached to the undertaking and may not be transferred to a third party independently of the undertaking. Such rights shall be entered in the register at the request of the former user if it be certified by an official or private deed containing the signature of the owner of the registered trade mark duly legallised by a notary or at a Court of Justice.

5) At the request of the parties interested or that of the Attorney-General, the Patent Office may demand from the owner of the registered trade mark, from the former user, or from both parties, under the threat of applying the regulations of Art. 184 c.) and 177 p. 1 c.) the registration of such amendments of the trade mark as would clearly show that the goods originate from two different undertakings.

Art. 181. In the interpretation of this law „the same trade mark" shall be understood to mean a mark which would differ so little from the previous

one that the purchaser of the goods might easely suppose, in spite of differences, that the goods originated from an undertaking whose trade mark he remembers. This regulation applies to such trade marks which differ in form, i. e. if one of them is a word and the other a picture.

Art. 182. 1) The priority of a trade mark dates from the time of the registration at the Patent Office.

2) Any person who presented for registration at the Patent Office a trade mark which has been previously affixed on an article exposed in Poland at a public exhibition benefiting from facilities under an order of the Minister of Industry and Commerce, shall benefit from priority rights from the date of exposure, provided that the trade mark is presented for registration at the Patent Office within 6 months from that date.

3) The above also relates to exposures in foreign countries belonging to the International Union for the Protection of Industrial Rights, provided that this right has been given to them on the strength of the internal laws of the relevant country. The Patent Office may ask for a proof of the identity of the exposed article with that which has been registered and a proof of the date and place of exposure in a manner which shall be fixed by an order of the Minister of Industry and Commerce. The six months period (2) does not extend the six months period fixed in the last sub-division of the present article; if the trade mark was exposed before the original foreign registration, serving as principle of the priority right, the Patent Office may grant the priority right from the date of the exposure of the article.

4) Any person who correctly lodged an application for the registration of a trade mark in a country belonging to the International Union for the Protection of Industrial Rights, or his legal successor, may benefit (with the reservation of rights of third parties) from the priority right justified by the foreign registration, provided that the application for the registration of a trade mark is lodged with the Patent Office within 6 months from the date of the original foreign registration; should the last day of that period not be a working day at the Patent Office, on the nearest working day at that Office.

Art. 183. 1) The registration of a trade mark shall be cancelled if the conditions of Articles 174, 177, 178, 179 and 181 are not fulfilled.

2) The owner of a trade mark which has been cancelled, who is or who should have been aware of its invalidity, shall be liable for all losses caused to other persons through his fault.

3) The owner of a registration which is invalid under Art. 179, must pay the legal owner the profits made during the last 3 years.

Art. 184. The right to the exclusive use of a trade mark shall elapse:

a) if the fee for the current ten years be unpaid for over 3 months,

b) if the owner of the trade mark surrender his rights in writing or by protocol to the Patent Office,

c) if the right ceased at one time to exist and if this circumstance was officially ascertained by the Patent Office.

SECTION II.

Property and other rights to a trade mark.

Art. 185. A trade mark is the object of property and of other essential rights attached only to the undertaking for which it was registered or for which it was created (Art. 180) and may only be transferred to other parties together with the undertaking by means of a general or special succession.

Art. 186. 1) The transfer of the rights must be entered in the register, in particular the creation, the transfer and the amortisation of rights of former exploiters, if the original rights were entered in the register (Art. 180 p. 4) and furthermore all changes of the name of the undertaking.

2) The purchaser of an undertaking to which the rights to a registered trade mark are attached may not claim rights against third parties in his own name before the entry of the transfer of the ownership in the register of trade marks. The entry shall be made by virtue of an official or private deed showing the title of purchase, on which the signature of the former owner must be duly legalised by a notary or by a Court of Justice. Until the new purchaser applies for the entry, all official notices regarding his rights shall be delivered to the former owner or his heirs, but all legal consequences arising therefrom shall be borne by the new purchaser.

Art. 187. 1) Claims in regard to the ownership and essential rights to a trade mark (also the rights of former users) shall be noted (entry of the claim) in the register of trade marks, at the request of the person who lodged the claim.

2) Entries in connection with these claims bear the result that decisions taken in the claims are legally effective also as regards persons who shall obtain any rights to or in such trade mark subsequent to the entry is made.

SECTION III.

Protection of exclusive property of registered trade mark.

Art. 188. 1) Any person who shall illegally use a registered trade mark in trade or industry or who, in another manner contrary to law or morality, wrongs the holder of the registered trade mark, and any person who shall illegally use a trade mark registered for similar goods in favour of another undertaking, if only on circulars, forms, advertisements, etc., or any person who shall illegally mark goods with the name of another undertaking, shall be prohibited from so doing, shall refund the profits made during the last 3 years and, moreover, if his action was premeditated or due to carelessness shall also compensate the rightful owner for all losses caused to him and give him satisfaction for damages of a personal nature by publication of the verdict, by a corresponding public declaration and, in case of a premeditated infringement — by the payment of a penalty.

Instead of the above mentioned payments the person wronged may claim the payment of a bulk sum not exceedinge Zl. 15 000; the exact amount shall be fixed by the Court in its discretion.

2) Claims for infringement of rights from registered trade marks shall be subject to limitation after 3 years in each individual case of illegal action.

Art. 189. 1) If a person accused of the infringment mentioned in the preceding article objects that the registration does not exist legally, the Court may stop the legal proceedings until the decision of the claim on this subject by the Patent Office and will fix the final term on which the claim should be lodged with the Patent Office. Should the claim not be lodged on that date or not be supported, or, finally, should the Patent Office decide that the registration legally existed on the date of the lodging of the claim in Court, the Court will resume the legal procedure on being advised of this.

2) Both in the case of the interruption of the procedure foreseen by the present article as well as in other cases during the course of the legal proceedings relating to the infringment of the registered trade mark, the Court may, by temporary dispositions issue an order prohibiting the accused from asserting the exclusiveness of the registered trade mark, order the warehousing of implements serving for the manufacture of the trade marks, stocks of prepared marks, goods bearing trade marks, the removal of marks from goods, etc.

Art. 190. 1) Any person who, in carrying out an industry or trade, shall knowingly infringe the rights of a registered of a trade mark holder, or shall appropriate the right to the registration of a trade mark, shall be punished by a fine up to Zl. 75 000 or by imprisonment up to 6 months, or by a fine and imprisonment jointly.

2) Prosecution may be entered by a public suit.

3) The Penal Court may also decide questions based on Articles 188, 189 and 191.

Art. 191. At the request of the injured party the apparatus used exclusivelly for counterfeiting the mark or for the marking of goods, as well as the completed stocks of marks shall either be transferred to the injured party in payment of compensation or shall be destroyed at the expense of the infringer. Marks illegally placed on goods shall be removed at the demand of the injured person or at that of the public prosecutor, even if this results in the destruction of the goods.

SECTION IV.

Protection of freedom in trade and industry.

Art. 192. 1) Any person may lodge a claim at the Patent Office (Claims Department) demanding the cancellation of the registration of a trade mark in view of the non-fulfilment of the conditions specified in Articles 174 and 177 from the very beginning or because the conditions of the existence of the right under Art. 177 have ceased to exist. The Attorney-General of the Polish Republic may, at the request of the competent Ministry, where public interests are concerned, lodge a claim independently. The provisions of this sub-division regarding the possibility of entering a claim by any person shall not be applicable in cases when the registered trade mark transgresses the right of one individual only (Art. 177 p. 1 b).

2) Any person may lodge a claim at the Patent Office (Claims Department) demanding the ascertainment of the fact that the trade mark which he intends to use or uses in his enterprise is not comprised (Art. 181) within the scope of a mark registered by an undertaking producing or selling goods of the same kind.

SECTION V.

Functions and competence of the authorities.

A. Registration of trade marks and other functions of the Registration Department of the Patent Office.

Art. 193. 1) In order to register a trade mark, application must be made to the Patent Office (Registration Department) in writing.

2) For each mark a separate application shall be required; a reservation may, however, be made as to non-essential variations.

3) The date of receipt of the application by the Patent Office shall be deemed to be the date of the application.

Art. 194. 1) The application must contain: — a petition for the registration of the trade mark; at least 10 copies of an exact drawing of the mark; the name and address and place of residence of the applicant; applicants residing abroad must appoint a lawyer or attorney residing in Poland to act as their representative and authorise him to at least receive all correspondence from the authorities and persons interested, and in particular to receive the claims prescribed in this law; a description of the nature of the enterprise and of its sphere of action, the name of the undertaking and a statement as to whether it is a commercial or an industrial enterprise, the adresses of the head and branch office; a statement of the kind of goods for which the trade mark is registered; mention of the class or classes, in accordance with the classification of goods by the Minister of Industry and Commerce.

2) The applicant should make a payment for the application. In case of non-payment within a period fixed by the Patent Office the application shall be deemed to be void.

3) Should the trade mark contain names of persons, coats of arms or portraits, permission from the persons concerned must be produced. In particular, permits of Public Bodies such as State, district, parish and other authorities, whose coat of arms or other insigna are used on the trade mark must be produced, or the permit mentioned in Art. 177 p. 1 f.

4) Furthermore the applicant must subject himself to the detailed regulations issued by the Patent Office as to the applications and enclosures.

Art. 195. 1) For the registration of the trade mark of a foreign undertaking, which has no address in Poland, a document should be presented certifying that the trade mark is registered in the country of origin.

2) Any person wishing to benefit, in conformity with p. 4 of Art. 182, from priority rights on the basis of a foreign application, shall, within 6 months from the date of the foreign application present an application to the Patent Office for the registration of the trade mark and, simultaneously or additionally, but not later than 3 months from the date of the presentation of

the application, present a request for the granting of priority rights. The original application should be marked in a definite manner, in particular by giving the date and the country where it was made and/or any other data required to recognise the identity of the application. Furthermore it is necessary to present to the Patent Office, within a period fixed by the latter, not less, however, than three months from the date of the application, a copy of the foreign registration (together with a copy of the mark) the identity of which with the original has been confirmed by the competent foreign authority; no further legalisation shall be required. Instead of a copy of the foreign registration the applicant may lodge a certificate from the competent foreign authority, confirming, together with the mark, the date of the original registration, the person of the applicant, the undertaking and the kind of goods. Should the applicant lodge with the Patent Office a proof of the registration of the trade mark containing the date of the registration, a separate copy of the original registration or of the above mentioned certificate shall not be necessary.

Art. 196. 1) The Registration Department shall examine the application to ascertain if it is in the form prescribed in Articles 194 and 195.

2) Should the application not correspond to the provisions of Arts. 194 and 195 p. 1, the Registration Department shall require the applicant to remove the inaccuracies.

Should the applicant not remove the inaccu- racies within a period fixed by the Department, the application shall be considered as having been withdrawn.

3) In case of non-compliance by persons desiring to benefit from priority rights (Art. 182 p. 4) with the provisions of Art. 195 p. 2, the Registration Department shall refuse the grant of priority rights.

Art. 197. The President of the Patent Office has the right, within the limits of the present order, to issue detailed instructions relating to the examination of trade marks presented for registration and the duration of the periods fixed by the Patent Office.

Art. 198. 1) The Patent Office (Registration Department) shall ascertain that there is no objection under Articles 174 and 177 in respect of the registration of the trade mark presented.

2) Should the Registration Department find that the conditions of Articles 174 and 177 have not been fulfilled and are of such a nature that they cannot be complied with by the making of non-essential modifications, — it shall refuse the application. In a contrary case the petitioner shall be required to remove the inaccuracies within a time fixed by the Registration Department.

3) Should the Registration Department find, on examining the application, that a similar or identical trade mark has previously been registered by another undertaking and for the same kind of goods (Art. 179, 181) it shall refuse the registration.

4) Should the Registration Department find, on examining the application, that an identical trade mark has been applied for or registered, or was registered by another undertaking for the same kind of goods, and should there be no evident reasons for refusing the application by reason of Arts. 177,

179 or 181, the applicant shall be informed accordingly and also those persons whose trade marks are already registered or presented for registration or have been registered within the preceding 3 years; after hearing the first party, and the second — should he present himself within the fixed term — the Registration Department shall either register the trade mark or refnse to do so, as the case may be.

Art. 199. 1) If the examination is satisfactory and fulfils the conditions of Arts. 174 and 177, the Registration Department shall require the applicant to deposit a stereotype and to pay the fee for 10 years and the fee for the classes of goods (Art. 213 p. 2) as well as the cost of the publication of a notice regarding the mark in the Journal of the Patent Office, after which the registration shall be effected and the protective certificate issued.

2) The non-payment of the expenses specified in the preceding paragraph within a period of 3 months, shall be considered as a withdrawal of the application.

3) The depositing of a stereotype shall not be obligatory when the trade mark is a word, unless it is characterised by a special manner of writing.

4) The registration of the trade mark shall be published in the Journal of the Patent Office, giving all the essential characteristics, and particularly rights of priority, a copy of the mark and the colours in which it was registered.

5) The trade mark and/or its picture should be printed, stuck on or attached to the certificate.

6) The date of the certificate shall be the date of the registration and of the grant of the exclusive right.

Art. 200. 1) The applicant may appeal against the refusal to grant the registration as well as against a decision requiring him to amend mistakes and/or amplify the missing data in the application, by lodging an appeal within 2 months with the Appeals Department.

2) The grant of a registration for a portion of the trade mark or its limitation to certain kinds of goods only, and the refusal of priority rights implies the partial refusal of the application.

Art. 201. 1) All matters within the competence of the Patent Office which are not reserved to other Departments, shall be dealt with by the Registration Department.

2) In particular the Registration Department shall deal with the cancellation of trade marks from registers owing to the non-payment of the fee or to surrender by the owner, and with the registration of transfer of ownership and other such rights.

Art. 202. Appeals against decisions of the Registration Department under Art. 201 may be lodged with the Appeals Department within 2 months.

B. Cancellation of the registration of a trade mark.

Art. 203. 1) A claim for the cancellation of the registration of a trade mark shall contain a clearly worded petition, a concise explanation of the matter and a statement of proofs. Unlegalised copies of the documents mentioned in the claim may also be attached thereto. The originals or duly legalised copies shall be presented when a proof from these documents is required.

2) A claim shall be accompanied by as many copies as there are defendants.

Art. 204. 1) On ascertaining that the formal conditions of the claim are in order the Patent Office (Claims Department) shall transmit the claim to the defendant, allowing a period of at least 30 days for lodging a written defence. A claim which is lacking in formal conditions shall be rejected by order of the Claims Department. The plaintiff may appeal to the Appeals Department against such a decision within 2 weeks; the Appeals Department shall decide on the appeal in camera, without fixing a hearing.

2) The defence in writing shall be accompanied by as many copies as there are plaintiffs. The provisions of Art. 203 p. 1 should be applied respectively with regard to the documentes to which the summons refer.

Art. 205. 1) On receipt of the defence or after the expiration of the period allowed for lodging the defence, the Claims Department shall arrange an oral hearing and shall first of all send a copy of the defence to the plaintiff.

2) The oral hearing shall be public.

3) The non-attendance of the parties at the oral hearing shall not stay the proceedings.

4) The Claims Department may also consider circumstances which were not mentioned by the parties and may include proofs not submitted by them.

5) The Claims Department may invite and hear both sworn or unsworn witnesses and experts; the Department may also request the Courts of Justice to the hear witnesses and experts.

6) Minutes of the proceedings shall be taken, containing a concise statement of the pleadings of both parties and the nature of their proof.

7) The decision, which should also contain an order as to payment of the costs of the proceedings, will be issued by the Claims Department in witing.

Art. 206. At the request of the defendant, the Claims Department shall require a plaintiff who resides or has a place of residence abroad and does not own real property in Poland, to lodge security for the payment of the costs of the proceedings, under threat of discontinuing them, unless international conventions or reciprocal arrangements render such an order impossible.

Art. 207. The lodging of a claim for the cancellation of the right to a trade mark as well as the decision regarding the cancellation itself, shall be noted in the register and, furthermore, the decision shall be published in the Journal of the Patent Office.

Art. 208. Appeals against decisions of the Claims Department may be lodged by the parties themselves or by the Attorney-General with the Appeals Department, within 2 months.

Art. 209. 1) The provisions of Articles 203—206 shall apply respectively to the procedure of appeal; the parties may quote new facts and give fresh proofs in the procedure appeal.

2) The provisions of Articles 203—209 p. 1 shall also apply to decisions under Art. 192 and to the amortisation of rights to Union trade marks under Art. 222 of the present law.

C. Appeal to the Highest Administrative Tribunal.

Art. 210. The Attorney-General of the Polish Republic, in connection with matters of public interest mentioned in this law, may lodge an appeal

against the resolutions and decisions of the Patent Office, if they are subject to appeal to the Highest Administrative Tribunal in accordance with the law of 3rd August 1922 (decree of the President of the Polish Republic of 26th June 1926, Journal of Laws No. 68 of 1926, item 400).

D. Competence of the Courts.

Art. 211. 1) Disputes in regard to rights and private-legal claims relating to registered trade marks come within the competence of the Courts, in particular:

a) Claims in regard to the ownership of a registered trade mark and other rights under a trade mark or to rigths under a trade mark (Art. 185); also claims relating to the existence or otherwise of rights of prior users (Art. 180), with the exception of claims mentioned in Art. 192.

b) Claims in regard to the restitution of profits (compensation) resulting from the cancellation or amortisation of the registration of trade marks.

c) Claims in regard to infringement of property and other rights to a trade mark and to rights under a trade mark (Arts. 188, 189 and 191).

2) Disputes in connection with rights and private-legal claims mentioned in p. 1 above shall be settled by Courts competent to deal with commercial cases.

3) When fixing the local competence of Courts, depending on the place of residence of the person summoned, it is necessary, if the holder of the trade mark resides abroad, to take into account in fixing the competent Court, the place of residence of his attorney in Poland (Arts. 194).

Art. 212. District Courts shall be competent to decide on acts mentioned in Art. 190.

SECTION VI.

Charges.

Art. 213. 1) A sum of Zl. 20 shall be paid on application for the registr tion of a trade mark.

2) In addition, upon receipt of the decision of the Patent Office granting the registration of the trade mark, the applicant shall pay, in addition to a sum representing the cost of the publication of the registration in the Journal of the Patent Office, the sum of Zl. 60.— for the protection of every trade mark for a period of 10 years and of Zl. 15.— for each class of goods.

3) Associations (Art. 221) shall pay double these amounts.

Art. 214. 1) Fees due for the further protection of trade marks and those for the various classes of goods must be paid every ten years in advance, counting from the date of the certicate.

2) The fee may, however, be paid during 3 months following the term of payment, but a fine of 5%, 10% and 15% of the sum due shall be imposed for payments during the first, second and third months respectively.

Art. 215. The Registration Department shall impose the payment of a sum of Zl. 20.— for the entry of alterations on the register connected with

essential and exploiters' rights; of Zl. 30.— for appeals against the decisions of the Registration Department and of Zl. 60.— for requests and claims lodged with the Claims Department as well as for appeals against the decisions of this Department.

Art. 216. The above payments (Art. 213—215) may not be remitted and no delays can be granted.

Art. 217. The manner for the payment of the classes foreseen in the present section shall be fixed by the Minister of Industry and Commerce in conjunction with the Minister of Finance.

SECTION VII.

Trade marks of Associations.

Art. 218. Associations of merchants, being legal bodies within the Republic of Poland, may apply for the registration of trade marks so as to ensure to their members the exclusive right of marking goods, originating from their enterprises, with one mark.

Art. 219. The regulations of Part III of this law shall be applied, with the necessary alterations, to these trade marks, except where otherwise provided by Section VII.

Art. 220. 1) The Association shall be the owner of a trade mark; the members of the Association shall enjoy the right of using the trade mark so long as they belong to the Association. The Association may not transfer the rights in the trade mark to other parties and these rights shall expire in case of the liquidation of the Association.

2) The Association alone shall be empowered to prosecute for infringements.

Art. 221. 1) When applying for the registration of a trade mark at the Patent Office the Association need not mention the names of any undertakings, but shall merely submit to the Registration Department a copy of its statutes and give the list of the persons authorised to represent it. All changes in the list of representatives and the provisions of the statutes must be notified to the Registration Department.

2) The trade marks of Associations shall be entered on a special register.

Art. 222. Any person, as well as the Attorney-General of the Republic of Poland, acting in the public interest, may lodge a claim with the Claims Department demanding the cancellation of the right of an Association to a trade mark, if the Association or its members commit abuses which lead to the deception of consumers.

Art. 223. 1) Associations of merchants in countries belonging to the International Union for the Protection of Industrial Rights may enjoy the rights prescribed by this law, if they are legal bodies according to the laws ruling in their respective countries.

2) Associations of merchants in other foreign countries may enjoy the rights prescribed by this law if, according to their native laws, they are legal bodies and if the country of which they are citizens grants reciprocity to Polish legal bodies in connection with the protection of trade marks of Association.

SECTION VIII.

Transitory and international regulations.

Art. 224. 1) Rights resulting from the registration of trade marks which had legal force in Russia, Germany and Austria at the time of the incorporation of parts of these States in the territory of the Republic of Poland, as well as rights resulting from the registration of trade marks re-established or renewed in these States by international treaties and agreements, shall remain in force in the incorporated districts, under the conditions prescribed by the laws under which they existed in the countries of origin, as well as under international treaties and agreements.

2) The duration of these rights binding in Poland (district rights) shall not be longer than that in the country in which they were established or renewed by the payment of the charge for one normal period, if that sum was paid before the incorporation of the district in question to Poland.

3) The cancellation of the registration in one of these countries shall, in principle, result in the cancellation of the district rights in Poland. In addition, claims may be lodged with the Patent Office for the cancellation of the district right under the regulations in force in the country of origin.

Art. 225. 1) In order to ascertain the district rights on the document issued by the Patent Office (district protective certificate), the owner of these rights shall register them at the Registration Department of the Patent Office and shall Idgedocuments certifying the existence of the original registration. On finding that the conditions of the previous article are fulfilled, the Registration Department shall register the district rigtht in a separate register of district rights and shall issue a district protective certificate to the applicant.

2) The publication of the registration of the district rights shall be made at the express desire of the applicant and after the ledging by him of the necessary sum to cover the expenses of publication.

3) Decisions in connection with the existence of district rights in virtue of the preceding article, shall be taken exclusively by the Patent Office.

4) A person benefiting from district rights may demand protection against infringements (Arts. 188, 189, 190 and 191) only on the basis of a district protective certificate.

Art. 226. 1) Although the owner of a district right has obtained the right for the whole of Poland, his district registration shall remain in force only until the period fixed in Art. 224.

2) Should another person obtain the right to the same trade mark for the whole of Poland, its exploitation shall be permitted in the district in which that mark has legal power, but only after the expiration of the former right to the district mark (Art. 224).

Art. 227. 1) Should several owners of identical district marks which have legal power in different districts demand the extension of the protection to the whole of Poland on the strength of their district rights, their applications shall be granted, with the proviso that the rights shall be without effect in their mutual relations.

2) This restriction must be entered on the register.

3) At the request of the parties interested or at that of the Attorney-General of the Republic of Poland, the Patent Office shall cause the owners, even under a threat of a total cancellation of the rights, to amend their trade marks in such a manner as to show without fail that the goods in question originate from different factories. The Registration Department, and in case of appeal, the Appeals Department, shall decide whether the amendments are sufficient.

Art. 228. The restoration or renewal of rights from registrations and registered trade marks under international threaties and agreements does not restrict the rights of third parties who used the trade mark when and where the rigth from the registration was not in force. Such rights shall be taken into consideration in the same manner as those of prior users (Art. 180).

Art. 229. The present law does not in any way restrict rights of priority based on international treaties and agreements.

Art. 230. 1) Until the unification of the regulations for criminal actions in Poland.

a) On the territories on which the Penal Code of the year 1871 is in force the penalty of more than six weeks' detention shall be replaced by imprisonment.

b) For offences under Art. 190 it is not allowed:

1) to institute criminal proceedings after three years from the committal of the acts,

2) to promulgate a sentence after six years from the committal of the acts,

3) to enforce a sentence if ten years have expired since it became effective.

2) The periods of prescription mentioned under 1, 2 and 3 above, do not include the period in which, owing to the provisions of the criminal law proceedings could neither be initiated nor substained or the sentence enforced.

Art. 231. In cases when a request demanding the payment of fees for the ten years' period of protection and for the classes of goods took place before the coming into force of the present order, the Patent Office cannot ask for additional payment to raise the amount to the level of the charges fixed in Art. 213.

PART IV.

Patent Office of the Republic of Poland. Counsellors.

Final regulations.

Art. 232. The Patent Office of the Republic of Poland shall be under the direct authority of the Minister of Industry and Commerce. The seat of the Patent Office shall be at Warsaw and its competence shall extend throughout the whole territory of the Republic. The Office shall use a seal with the inscription „Patent Office of the Republic of Poland" (Urząd Patentowy Rzeczypospolitej Polskiej).

Art. 233. 1) The Patent Office consists of the following members: permanent members (President of the Patent Office, chiefs of Departments and permanent counsellors) and temporary members: (temporary counsellors and judges of District Courts and of Courts of Appeal at Warsaw). The counsellors are divided into legal and technical counsellors, according to their professional education.

2) The President of the Patent Office is appointed by the President of the Polish Republic on the recommendation of the Council of Ministers, presented by the Minister of Industry and Commerce. Chiefs of Departments and permanent counsellors, as well as temporary counsellors are appointed by the Minister of Industry and Commerce on the recommendation of the President of the Patent Office. Judges are appointed by the competent Courts.

3) The Patent Office is divided into the following Departments; Presidential, Registration, Claims, Appeals and Control Department for the Execution of Inventions.

Art. 234. 1) The President represents the Patent Office externally, directs and is responsible for its activities. He is also chairman of the Appeals Department. The head of a Department shall represent the President, should the latter not be in a position to fulfil his duties. The President shall decide in regard to the right of priority among the several heads of Departments for the purpose of representing him and, should such a decision not be taken, seniority shall go by length of service. Other members of the Patent Office may represent the President in his individual activities, according to his choice.

2) Heads of Departments direct the activities of the Departments and participate, together with the counsellors, in the carrying out and deciding of official questions. Temporary counsellors and Judges participate in the decision of requests, claims and appeals and receive renumeration for their services.

Art. 235. 1) Decisions taken by the Registration Department and by the Control Department for the Execution of Inventions are taken by agreement between two counsellors. If no agreement is arrived at, the third member of the Office appointed previously for this purpose, shall have the casting vote.

2) The Minister of Industry and Commerce may authorise individual counsellors in the Registration Department to take independent decisions.

3) Decisions in the Claims Department are taken by majority of votes in groups consisting of 3 members, one of whom should be a judge of the District Court.

4) Decisions in the Appeals Department are taken, in case of appeals against decisions of the Registration and Control Department for the Execution of Inventions, by a majority of votes in groups consisting of 3 members, and decisions in connection with appeals against the decisions of the Claims Department — by a majority of votes in groups consisting of five members. The groups are headed by the President of the Patent Office or by his deputy; one of the members should be a judge of the Court of Appeal. In individual cases, the President of the Patent Office may appoint, according to his discretion, a group of 5 members.

5) Members of the Patent Office who have decided in one Department cannot again vote in another Department on one and the same case.

6) The composition of Departments and of groups depends on the President of the Patent Office.

7) Resolutions and decisions issued by the Departments should be accompanied by the findings.

Art. 236. 1) The provisions of the Code for Civil Proceedings binding in the district of the residence of the Patent Office shall be applicable, with corresponding alterations, in connection with the exclusion of members of Departments and of the deciding groups, when inviting and examining the parties, witnesses and experts and for the maintenance of order at the meetings of the office.

2) Fines imposed in these cases shall be inforced administratively.

Art. 237. 1) The Patent Office shall issue a publication called „Journal of the Patent Office" and shall keep the registers.

2) The entries in the registers shall be made as a result of Departmental decisions.

3) The registers shall be open to public inspection. Persons interested may obtain extracts from the registers on payment of Zl. 15.— per extract.

Art. 238. 1) The terms and periods fixed in this law, the last day of which fails on a Sunday or holiday, shall be extended to the first week-day following them.

2) The Patent Office shall receive applications during the yearly six weeks' holidays to be fixed by the Minister of Industry and Commerce, but shall deal only with matters which cannot be delayed.

Art. 239. Interested parties may appear before the Patent Office either in person or through representatives. The parties may be represented by lawyers or patent agents only.

PART V.

Patent agents.

Art. 240. 1) Patent agents are appointed by the Minister of Industry and Commerce on the recommendation of the President of the Patent Office.

2) Patent agents, after their appointment and taking oath at the Patent Office according to a formula confirmed by the Minister of Industry and Commerce in conjunction with the Minister of Justice, are entered into the official list of patent agents, in consequence of which they are granted the permit to perform professional duties. The entryinto the list is subjected to the payment of Zl. 25,— and shall be published in the Journal of the Patent Office.

Art. 241. 1) Only a Polish citizen of over 21 years of age, who resids permanently in Poland, enjoys full citisenship rights and has an adequate education, may become a patent agent.

2) A person possessing an adequate education implies a person

a) who is a graduate of an academical technical school and able to present proofs of having accomplished at least two years' practice in connection with patents, designs and trade marks and shall furthermore pass an examination at the Patent Office;

b) who is a graduate of the Juridical section of one of the Universities in Poland and passed an University examination in juridical studies, or obtained a nostrification of the corresponding foreign diploma, in conformity with the regulations in force and who has fulfilled the functions of a referee for at least six years at the Patent Office of the Republic of Poland.

3) An order of the Minister of Industry and Commerce shall specify in detail the subjects of the examinations. The examination commission shall be appointed by the President of the Patent Office.

Art. 242. 1) The President of the Patent Office may appoint for a petitioner presenting an invention for patenting or a design for registration, and presenting a proof of poverty, a patent agent who shall give hin temporary professional assistance free of charge.

2) The patent agent is bound to take the representation of an applicant and has the right to claim compensation after the moment when the considerations which caused the complimentary representation shall cease to exist.

Art. 243. 1) The Patent agents are subjected to the disciplinary authority of a separate „Disciplinary Commission" attached to the Patent Office of the Republic of Poland. This commission is composed of 5 members appointed by the President of the Patent Office.

2) The following gentlemen should enter into the composition of the Commission: 2 patent agents and one Judge of the District Court at Warsaw appointed by the latter.

3) Should the necessity arrive of hearing witnesses or experts under oath, the Disciplinary Commission may apply to the competent Penal Court with the request that the latter should hear them under oath.

4) Should a penal procedure be initiated against the patent agent besides a disciplinary procedure, the Minister of Industry and Commerce may, on the recommendation of the President of the Patent Office, suspend the patent agent in the performance of professional duties.

5) The Commission is competent to enforce the following penalties:

a) admonitions,
b) reprimands,
c) fine up to Zl. 1000,
d) suspension from duties up to 1 year,
e) elimination from the list of patent agents.

6) The accused has the right to appeal against the decisions of the Disciplinary Commission within 30 days to the Supreme Court, who shall take decisons in the manner foreseen for disciplinary procedure aganist lawyers.

7) In case of the suspension of a patent agent from his professional duties, elimination from the list, or death, the President of the Patent Office shall appoint a temporary deputy, who shall inform immediately the persons interested of the above.

PART VI.

Final regulations.

Art. 244. The Minister of Industry and Commerce in conjunction with the Minister of Justice and of Finance is vested with the execution of the present order.

Art. 245. 1) The present order shall come into force for the whole territory of Poland within one month from its publication. On the day of the publication of the present order the following orders shall become nul and void on the whole territory of Poland: order of 5th February 1924, regarding protection of inventiont, designs and trade marks (Journal of Laws No. 31, item 306); law of 19th December 1924, regarding changes in payments foreeeen in the order of 5th February 1924, regarding protection of inventions, designs and trade marks (Journal of Laws No. 5, item 41, year 1925) and the decree of the President of the Polish Republic of 24th June 1927, amending certain provisions of the order of 5th February 1924, regarding protection of inventions, designs and trade marks (Journal of Laws No. 61, item 537).

2) The present order does not modify the provisions of the law of 2nd August 1926, relating to the combating of dishonest competition (Journal of Laws No. 96, item 559) and of the decree of the President of the Polish Republic of 17th September 1927, amending the law of 2nd August 1926 (Journal of Laws No. 84, item 749).

Patent, Design and Trade Mark Law.

Index.