

**Abstract of the doctoral (PhD) dissertation**

entitled

*„The need to maintain patent compulsory licensing in national legal systems.*

*A comparative analysis of the legal systems of selected countries.”*

This doctoral dissertation is devoted to the legal institution of compulsory license both internationally and nationally in selected countries. Its purpose is to familiarize the mechanisms of compulsory licensing of patents in selected national legal systems and to demonstrate compliance of these mechanisms with the requirements included in the TRIPS Agreement.

A compulsory license for patents can be defined as a permission to use a patented invention without the consent of the right holder, issued by a competent state authority due to situations strictly defined by law. This is one of the legal defence mechanisms, because it limits the rights arising from patents to prevent the abuse of these rights, which could adversely affect the public interest.

This doctoral dissertation describes the international system of compulsory licensing of patents (Paris Convention, the TRIPS Agreement, as well as EU legislation) and compulsory licensing systems in selected countries. Twelve countries were selected for comparative analysis - Brazil, China, France, India, Canada, Germany, South Africa, USA, Great Britain and the EU (three examples were presented - Poland, Lithuania and Hungary). The list of legal regulations in these countries allows to compare selected national mechanisms of compulsory licensing and gives an opportunity to demonstrate that they are similar but not completely harmonized because they meet the requirements included in the TRIPS Agreement only partially. Simultaneously, the analysis of these regulations allows to conclude that there is factually a need to maintain patent compulsory licensing in national legal systems, especially at such times as a regional epidemic or a global pandemic.

**Keywords:**

compulsory license, patents, industrial property law, intellectual property law, legal system