

**INSTRUCTION NO. 11/2022**  
**OF THE DIRECTOR OF THE FRYDERYK CHOPIN INSTITUTE**  
dated 13 March 2022  
on the protection of Fryderyk Chopin's name and image

Pursuant to Article 17 of the Act of 25 October 1991 on organizing and conducting cultural activity (consolidated text Dz.U. of 2020, item 194, as amended) and § 7 section 2 of the Articles of Association of the Fryderyk Chopin Institute it is ordered as follows:

§ 1

The Regulations on the Protection of Fryderyk Chopin's Name and Image constituting Appendix 1 to the Instruction no. 5/2014 of the Director of the Fryderyk Chopin Institute of 27 March 2014 shall be amended as follows:

1) § 2 section 1 shall read as follows:

"1. The Chopin designation should only be used in a manner that does not discredit the heritage of Fryderyk Chopin and in compliance with the requirements contained in the granted license or consent."

2) in § 4 section 1, the following sentence shall be deleted:

"Application for conclusion of a license agreement constitutes appendix no. 1 to these Regulations."

3) § 4 section 3 shall read as follows:

"3. The license may be granted for a definite or indefinite period of time."

4) § 4 section 4 shall read as follows:

"4. The entity using the Chopin designation expresses its consent for a periodical analysis and control of the manner of its use."

5) § 6 section 1 shall read as follows:

"1. The Director may establish the Chapter for the purpose of assessing the applications directed to the Chapter by the Director of the Institute."

6) § 6 section 4 shall read as follows:

"4. Membership in the Chapter is voluntary."

7) Appendix no. 1 to the Regulation shall be deleted.

§ 2

1. The consolidated text of the Regulations on the Protection of Fryderyk Chopin's Name and Image constitutes an appendix to this instruction.
2. The instruction shall enter into force upon its execution.

## **REGULATIONS ON THE PROTECTION OF FRYDERYK CHOPIN'S NAME AND IMAGE**

### **§1**

Any references in these Regulations to:

- 1) Institute - shall mean the Fryderyk Chopin Institute,
- 2) Chopin designation - shall mean the name and/or image of Fryderyk Chopin, and to the extent in which the Institute holds the protective rights or trademark registration rights constituting the name and/or image of Fryderyk Chopin, also exclusive rights,
- 3) Regulations - shall mean these Regulations on the Protection of Fryderyk Chopin's Name and Image
- 4) Chapter - shall mean the Chapter for the Protection of Chopin's Name and Image,
- 5) region - shall mean, respectively, an area the size of a province or a country,
- 6) trans-regional reach - shall mean the impact of the endeavor exceeding the administrative area corresponding to the size of a province.

### **§ 2**

1. The Chopin designation should only be used in a manner that does not discredit the heritage of Fryderyk Chopin and in compliance with the requirements contained in the granted license or consent.
2. The purpose of the Institute is to create a situation where the Chopin designation is associated solely with the highest quality endeavors, in particular the highest quality endeavors within the broadly defined sphere of culture.
3. In accordance with the desired purpose, the Institute recognizes association of the Chopin designation with at least one of the following areas:
  - 1) artistic music of national nature,
  - 2) Polish national and folk culture
  - 3) patriotic symbolism,
  - 4) European high culture,
  - 5) piano music and artistic mastery,
  - 6) popularization of Poland through art, also applied arts,
  - 7) high ethical and/or artistic value,
  - 8) mastery or the highest quality in a given field.

§ 3

1. Usage of the Chopin designation, within the scope in which it constitutes a trademark registered or reported to the Institute, requires acquisition of a license from the Institute.
2. Anyone can apply for the acquisition of a license from the Institute to use the Chopin designation, referred to in section 1 of this paragraph, or obtaining consent of the Institute to use the Chopin designation, within the areas specified in § 2 section 3, in accordance with the principles set out in § 4.
3. The license fees obtained by the Institute are allocated to cover the costs of protection of the Chopin designation and for promotional purposes of the person, name, image and work of Fryderyk Chopin.

§4

1. The application for granting a license or consent should meet at least one of the following conditions and concerns:
  - 1) endeavors of scientific or didactic nature directly associated with the life, work or heritage of Fryderyk Chopin.
  - 2) granting of an honorary patronage to the music educational institutions and concert venues; in such a case when the application is being processed the premise whether too large of a number of such institutions in a specific region would not lead to a devaluation of the patronage shall be taken into account.
  - 3) artistic endeavor considered a part of high culture, referring to the cultural circle of Fryderyk Chopin.
  - 4) educational and/or tourist endeavor of trans-regional significance referred at least one of the areas referred to in § 2 section 3,
  - 5) exclusive products or services relating to at least one of the areas specified in § 2 section 3.
2. In justified cases the application may concern an endeavor of a nature referred to in section 1 points 1-5 of this paragraph, provided that it is related to at least one of the areas specified in § 2 section 3 and is characterized by trans-regional reach.
3. The license may be granted for a definite or indefinite period,
4. The entity using the Chopin designation expresses its consent for periodical analysis and control on the manner of its use.

§ 5

1. Applications for the granting of a license or consent shall be examined by the Director of the Institute.
2. The Institute does not charge fees for examination of the application.
3. In cases raising doubts or requiring consultations, the Director of the Institute may submit the application for assessment to the Chapter for the Protection of Chopin's Name and Image.
4. In the case of a positive assessment of the application for the granting of a license the Institute submits the offer of conclusion of a license agreement to the requestor.
5. In the case of a positive assessment of the application for granting of consent the Institute submits information thereof to the requestor. The granted consent may be withdrawn by the Institute in the case of a breach of the provisions of the regulations or the conditions upon which the consent was granted by the entity which was granted said consent.

§ 6

1. The Director may establish the Chapter for the purpose of assessment of applications directed to the Chapter by the Director of the Institute.
2. The Chapter consists of 5-7 members appointed and dismissed by the Director of the Institute for a 4-year term. Independent experts, in particular within the field of: law, marketing, culture, management (business) and Chopinology, are appointed to the Chapter.
3. The Director of the Institute is the member and chairman of the Chapter.
4. Membership in the Chapter is honorary.
5. Decisions on whether an application or case requires the assessment of the Chapter shall be made by the Director of the Institute.
6. The Chapter assesses by the majority of the votes of present and voting members of the Chapter. The Director of the Institute does not participate in the voting.
7. Members of the Chapter shall undertake to report to the chairman of the Chapter reasons for exclusion from the voting before said voting in the case where the result of the voting could in any manner impact his/her situation or the situation of an entity or person in which he/she maintains in a legal, personal, or social relationship or could lead to a conflict of interest in another way. The chairman of the Chapter makes decisions on excluding a member of the Chapter from voting.
8. When issuing opinions the members of the Chapter are governed by principles included in the regulations.
9. The Director of the Institute shall not be bound by opinions of the Chapter.
10. The meetings of the Chapter take place at the registered office of the Institute, as appropriate, and are convened by the Director of the Institute.
11. Detailed principles of operation of the Chapter may be defined by the Regulations of the Chapter by the Director of the Institute.