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Abstract:

On June 25, 2015, the Polish parliament passed for the first time in history the law concerning treatment of infertility. It regulates the principles of performing medical services related to so-called medically assisted procreation. These services include also medical treatments that lead to the creation of a human embryo through insemination and through an in vitro medical procedure. The new law provides for the availability of medically assisted procreation not only for married couples, but also for patients living in concubinages. It provides not only for the treatment of infertility with the use of own reproductive cells of the patients but also with the use of genetic material of anonymous donors (heterologous procedures for the treatment of infertility).

The article is an attempt to present selected key issues related to the treatment of infertility adopted in the new law. Particular attention was paid to amendments in provisions of filial law, that concern the introduction of a new form of acknowledgment of paternity of a child conceived in a heterologic infertility treatment procedure. It also discusses the issue of conditions for bringing an action to establish the ineffectiveness of such recognition. The issues are presented by comparing the solutions of the law of filiation applicable before the new act on the treatment of infertility has come into force.

The publication indicates some very important threats to the interests of a child who is to be born in a heterologous procedure of artificial medical procreation. They may arise from the failure to establish paternity in relation to a man who underwent medical treatment of infertility.