

Portugal

National aspects

There is no specific legislation on confidentiality of communications between clients and their patent advisors in Portugal. However, patent attorneys who are members of ACPI (Portuguese Association of Industrial Property Consultants) are bound by ethical rules of the association and of the relevant technical international federation (FICPI). The patent attorneys who are also attorneys at law are as well subject to the rules established by their own professional bar that recognizes the obligation of confidentiality in communications with customers. Although there are no legally prescribed penalties in such cases, the duties of confidentiality are generally safeguarded in the national territory.

Cross-border aspects

At the international level, the disparities within the various jurisdiction and the lack of international regulation on the issue of confidentiality is considered disturbing since the information contained in patent documents usually takes a cross-border character which would require that non-disclosure rules should have a transverse nature among several countries.