

Sweden

Under the system introduced in 2010 in Swedish law, a patent agent authorized by the Patent Agents Board (a governmental agency), and his or her assistants are obliged to keep any information gathered within their professional activity confidential, and are correspondingly exempted from the duty to give evidence in court proceedings as far as the information in question concerns “patent affairs”. This scheme, set out in the Patent Agents Authorization Act and the Code of Judicial Procedure, constitutes the basis of the legal privilege system for patent agents in Sweden.

An unauthorized patent agent is not bound by this scheme and can therefore not be exempted from duty of giving evidence. However, such a patent agent may be subject to confidentiality based on contractual liability. On a national level, an authorized patent agent who does not adhere to the principle of confidentiality may be warned, or even have his or her authorization revoked.