

Confidentiality of Communication between Clients and their Patent Advisors

Türkiye

A new IP Code, which amended the previous law 5000/2003 in respect of the patent attorney profession, and the ad hoc regulation provided by the Code of Conduct and Discipline of Patent and Trademark Attorneys, entered into force in January 2017. Those provisions are set to have a major impact on the profession of patent attorneys, as they established new rules regarding responsibilities of patent and trademark attorneys, especially from a disciplinary point of view.

Under the new IP Code, all patent and trademark attorneys, irrespective of whether they were attorneys at law, are subject to, and punishable by, uniform rules of conduct in exercising their professional activity with peers, clients and the Turkish Patent and Trademark Office. Article 5 of the Code of Conduct introduced the obligation of confidentiality of communication, according to which those patent attorneys are not allowed to disclose information and secrets received from their clients. Such obligation does not in any way involve a right benefitting the clients in the sense of attorney-client privilege.