

Confidentiality of Communication between Clients and their Patent Advisors

Austria

In Austria, Article 17 paragraph 2 of the Law on Patent Attorneys (*Patentanwaltsgesetz*) contains the following provision regarding confidentiality:

“Art. 1 (1) The patent attorney shall be obliged to act conscientiously in the representations taken over and to safeguard the interests of his party with zeal and loyalty. He is authorized to present openly all that he deems useful under the law for the representation of his party and to use all means of attack and defense in every way that does not contradict his mandate, his conscience and the laws.

“(2) In particular, he shall be bound to secrecy with regard to the matters entrusted to him in his capacity as patent attorney and may also refuse to testify as a witness before the courts and administrative authorities with regard to such matters.¹

“(3) The provision of para. 2 shall apply *mutatis mutandis* also to patent attorney trainees and other employees of the patent attorney.”

¹ This provision will be amended and supplemented by the following sentence: “The same applies to the shareholders and members of the supervisory bodies of a patent attorney company provided for by law or the articles of association.” (Amendment is not yet in force as of April 26, 2019).