

China

The Chinese law does not contain specific provisions on the client-patent attorney privilege. However, there are provisions in the Chinese law concerning the confidentiality obligations and responsibilities of agencies, patent agents and lawyers. Article 19 of the Chinese Patent Law provides that “a patent agency shall comply with laws and administrative regulations, and handle patent applications and other patent affairs as entrusted by a client. The agency is obliged to keep information regarding the contents of the client’s creations and inventions confidential, unless the patent application has been published or announced.” Article 25 of the Regulations on Patent Commissioning provides that a patent agent, who discloses the content of a client’s invention, shall receive a warning or shall get his “Patent Agent Qualification Certificate” revoked.

Article 38 of the Law on Lawyers provides that “a lawyer shall keep confidential the secrets of the state and commercial secrets that he comes to know during his legal practice and shall not divulge the private affairs of the parties concerned. A lawyer shall keep confidential all things and information that he comes to know during his legal practice and which his client or another person does not want other people to know, with the exception of the facts and information about a crime which his client or another person prepares to commit or is committing endangering the state or public security or seriously endangering another person’s personal safety or safety of property.”