

## Confidentiality of Communication between Clients and their Patent Advisors

### Ethiopia

In Ethiopia, a client-patent advisor privilege applies to lawyers but not to Intellectual Property (IP) advisors unless the IP advisors are also lawyers and provide legal advice. Although the Constitution (Ethiopian Federal Democratic Republic Constitution No.1995) appears to suggest the implicit creation of the recognition of a right to privilege as provided in different provisions of its part.

Article 37 of the Constitution establishes the Right of Access to Justice; Article 21(2) recognizes the right to assistance of counsel and Article 26 creates the general right to privacy, which includes the right not to have the privacy of communications infringed.

Thus, right of access to a legal advisor, which includes the right to consult with such an advisor privately and confidentially, is enshrined in the Constitution.

On the other hand, although Inventions, Minor Inventions and Industrial Design Proclamation No.123/1995 governs the applications for Patents, Utility Models and Industrial Designs and other related matters with respect to intellectual property rights, provisions dealing with client- patent advisors relationship haven't been provided for in the Proclamation. Thus, whenever clients are represented by patent advisors in court proceedings, their relationship is governed by the Federal Advocacy Service Licensing and Administration Proclamation No.1249/2021.

Article 23(1) of the Proclamation stipulates that any advocate or law firm is obliged to make, in writing, the advocacy service contract which he or it makes with his client except legal advice given for a short period of time. Thus, contract of advocacy Service and Related Obligations are required to be in writing.

Of course, prohibition of disclosure of confidentiality have not been specifically and clearly addressed in the Proclamation. However, reading Article 24(1) in conjunction with Article 55(3) gives clear indication that Confidentiality of communications between clients and their advocates is a legal obligation to be maintained.