

## Finland

### *The origin of the secrecy obligation*

Finland's national IPR strategy of 2009 involves a broad range of proposals for action, including a proposal for drafting new legislation on industrial property attorneys. The Act on Authorized Industrial Property Attorneys (22/2014) came into force on July 1, 2014.

The purpose of the new act is to ensure a high standard of IPR services by introducing an approval procedure for attorneys (agents) handling industrial property assignments. Passing a qualifying examination is one of the qualification requirements laid down in the act. The authorization also requires the applicant to meet other eligibility criteria. The certification is granted for five years at a time and will be renewed if the applicant continues to meet the eligibility criteria and has maintained his or her professional competence.

### *Professionals bound by the secrecy*

While authorization is not a prerequisite for handling industrial property assignments in Finland, the use of the professional Finnish language titles protected by law - "patentiasiamies" (patent attorney), "tavaramerkkiasiamies" (trade mark attorney), "mallioikeusasiamies" (design attorney) and "teollisoikeusasiamies" (industrial property attorney) - are reserved for authorized attorneys only. Also, the secrecy regulation only concern authorized attorneys.

### *The scope of the secrecy obligation*

Section 9 of the Act on Authorized Industrial Property Attorneys provides for secrecy obligation of patent attorneys: "An authorized attorney or their assistant shall not without permission disclose a private, family, business or professional secret of their clients that has become known to them while performing their duties. Also, an authorized attorney or their assistant shall not without permission disclose any other information about their client that has become known to them while performing their duties."

The secrecy provisions are similar in their factual content to the provisions currently applied to advocates (Section 5c of the Advocates Act, 496/1958). In principle, the obligation of secrecy would apply to all confidential information, both written and oral, exchanged between the client and the attorney.

### *Penalties for breach of secrecy*

Persons guilty of a violation of secrecy, laid down in Section 9 of the Act on Authorized Industrial Property Attorneys, shall be sentenced under the Criminal Code (39/1889).

An unofficial translation of the Act on Authorized Industrial Property Attorneys is available at: <http://www.finlex.fi/fi/laki/kaannokset/2014/20140022>