

## Confidentiality of Communications between Clients and their Patent Advisors ESTONIA

### National aspects

Article 6 (2) and (3) of the Estonian Patent Attorneys Act of 2001 provides guarantees of the professional activities of patent attorneys as follows:

(2) Information disclosed to a patent attorney shall be confidential. Patent attorneys and the employees of a company of patent attorneys shall not be heard as witnesses with regard to information which became known to them in the provision of legal services nor shall explanations be requested from them with regard to such information.

(3) Data media received in the course of provision of legal services shall not be confiscated from patent attorneys or the employees of a company of patent attorneys, or from a company of patent attorneys.

### Cross-border aspects

No national patent law dealing with cross-border aspects of confidentiality of communications between clients and patent attorneys.

## Opposition Systems ESTONIA

According to the article 50 of the Patents Act of Estonia, any person may file an opposition with the Board of Appeals<sup>1</sup> against a granted patent within nine months from the publication date of the notice of grant of the patent.

A patent shall be revoked on the following grounds:

- 1) the subject matter shall not be protected by a patent;
- 2) the invention lacks novelty, inventive step or industrial applicability;
- 3) the invention is not disclosed in the description of the invention in a sufficiently clear and concise manner to enable a person skilled in the art to make the invention;
- 4) the invention protected by the patent, including an invention divided from an initial patent application, does not correspond to the subject matter as disclosed in the initial patent application as filed.

## Submission of Information by Third Parties ESTONIA

According to the article 23 (6) of the Patents Act of Estonia, any observations and opinions on a patent application submitted by a third person in the course of examination shall be communicated to the applicant who may comment on them. Third persons shall not be involved in processing. Nevertheless, a relevant information contained in observations and opinions will be considered by the Patent Office *ex officio* during the examination procedure.

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<sup>1</sup> The Board of Appeal is an independent body at the Ministry of Justice.