

Confidentiality of communications between clients and their patent advisers – Denmark

As of July 2018, the Danish rules on witness exclusion¹ include patent advisers as defined in 134(1) EPC on European patent advisers.

The rules imply that patent advisers are not obliged to provide evidence to the court during legal proceedings of knowledge acquired through their work.

The purpose of including patent advisers in the Danish provisions on witness exclusion is to enhance the protection of companies when faced with patent proceedings both nationally and internationally.

The inclusion of patent advisers in the rules on witness exclusion facilitates the confidentiality of communications between clients and their patent advisers in cross-border proceedings and prevents the situation where the patent adviser would be obliged to give evidence to the court because of the lack of protection of patent advisers in the Danish rules.

¹ Chapter 18 and especially Section 170 of the Danish Administration of Justice Act no. 1101 of 22 September 2016 and amended by Amendment of the Danish Administration of Justice Act no. 710 of 8 June 2018