

## FICPI Position on Confidentiality of Communications between Clients and their Patent Advisors

### Intervention at SCP/33, 6 to 9 December 2021

**FICPI** wishes to emphasize that clients are the beneficiaries of the protection of confidential communications between clients and their patent advisors. The advisors are simply conveyors of advice.

The proper and effective use of the IP system and the administration of justice requires complete transparency between a client and advisor. When clients can give full and frank information, advisors can give full and frank advice.

This makes the litigation process more efficient. Parties understand the risks involved in enforcing or defending their rights, or in engaging in potentially infringing activity.

Strategy may be streamlined, cases may be settled, or not commenced at all. This leads to an efficient use of the IP system and of court resources.

In the global economy of today, countries without laws preventing forcible disclosure of confidential IP advice clearly disadvantage their own citizens, particularly in cross-border disputes.

Very often, the importance of IP assets lies in other countries than the IP proprietor's own country.

Given the risks, if cross-border protection is not in place, then it is likely that the owners of intellectual property rights, risking the loss of protection, would no longer invest in and trade with the affected nations nor decide to enforce their IPRs in such nations.

Founded over 100 years ago, **FICPI** is the international representative association for IP attorneys in private practice throughout the world, with about 5,500 members in 86 countries and regions, including Europe, China, Japan, South Korea and USA.

**FICPI** aims to study all administrative or legislative reforms and all improvements to international treaties and conventions, with the object of facilitating the exercise by inventors and IP owners of their rights, of increasing their security, and of simplifying procedure or formalities.

In pursuance of this aim, **FICPI** strives to offer well balanced opinions on proposed international, regional and national legislation based on its member' experience with a great diversity of clients having a wide range of different levels of knowledge, experience and business needs of the IP system.