



Resolution of the Executive Committee, Vancouver, Canada 12-16 June 2000

Resolution A: “Privilege”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee and World Congress held in Vancouver, Canada, 12-16 June 2000, passed the following Resolution:

Recognising the need for a client to have frank, honest and open communication with its Intellectual Property Advisors and to obtain opinions and advice therefrom,

Understanding that communications between an Intellectual Property Advisor and a client, even when confidential, may be subject to discovery in some jurisdictions,

Given that these communications may be with an Intellectual Property Practitioner located outside those jurisdictions,

Appreciating the possible consequences that the discovery of such communications may have in litigation in those countries,

Appreciating the international character of some intellectual property litigation,

With the knowledge that Intellectual Property Practitioners are required to be registered to practise in some countries or regions, members of an accredited professional association in some other countries and are not required to have any qualifications in other countries,

Appreciating that for the filing of an application for protection at a Regional Office, a client will prefer to engage a practitioner where legal professional privilege will apply rather than a practitioner in a country where that privilege does not apply,

Believing that the effect this has on the provision of services in that region is inequitable,

Resolves that the client of an Intellectual Property Practitioner should be afforded in relation to communications with that practitioner the protection of legal professional privilege,

Urges appropriate authorities in countries or regions which do not now afford such protection to amend their laws as necessary to provide legal professional privilege in relation to communications between a client and a registered Intellectual Property Practitioner or practitioners who are members of an accredited professional association, and that all countries should recognize the legal professional privilege that exists in other countries,

And urges appropriate authorities in countries and regions to amend their laws to establish an appropriate system of recognition of qualified intellectual property practitioners.