



Resolution of the Executive Committee, Edinburgh, United Kingdom 5-9 October 1981

“Limited Liability”

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 Edinburgh, United Kingdom, 5-9 October 1981, passed the following resolution:

The increasing complexity of Patent law and particularly the supranational application procedures have increased the risk of loss of rights by failure to comply with procedural steps to such an extent that even with the greatest care, there is a statistical probability that an error leading to such a loss of rights will occur.

Since additionally, in supranational application proceedings, loss of rights can occur in numerous countries as a result of a single error, patent attorneys see the risk of negligence claims being brought to be increased to a substantial degree, both in terms of the number and size of such claims. This can lead to bankruptcy of the attorneys or attorneys' association concerned and to diminished recruitment to the profession of patent attorney, in addition to which unlimited liability can hardly be covered by insurance with premiums which can be borne.

FICPI is accordingly very interested that the patent profession maintains its efforts to the standards demanded by its clients and developed over many decades and that any damage arising to the good cooperation with patent offices, clients and colleagues be avoided. FICPI would also like to avoid any trend arising because of these liability questions to a preference for national patent systems involving less risk.

FICPI believes that these aims at a national and international level can be achieved by a limitation of the liability of the patent attorney to a reasonably high level which provides the necessary security for the client and can be borne by the patent attorney, and can be covered by insurance,

FICPI therefore resolves as follows:

1. The national governments are urged to introduce legislation to limit the liability of patent attorneys to a level which, while sufficiently high, is nevertheless fixed and which can accordingly be covered by insurance.
2.
 - a) FICPI welcomes the interest of WIPO in the problems of professional liability for patent attorneys which are increased by the existence of supranational patent systems.
 - b) WIPO is asked to initiate a study into the possibility of limiting the liability of patent attorneys on an international level.