



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Helsinki, Finland, 13-17 June 1999

“The Profession of Patent Attorney within the area of the Internal Market”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Helsinki, Finland, 13-17 June 1999, passed the following Resolution:

Noting that the EPO has established a centralised and harmonised patent granting procedure in Europe and that a uniform standard of qualification to practice before the EPO has been established by way of practice and examination,

Noting that such examination is restricted to matters under the jurisdiction of the EPO, namely granting and opposition procedures, and that for those matters only there is freedom to provide services and of the right of establishment and therefore there is no requirement for EU legislation,

Recognising that the qualification of patent attorney in many countries within the area of the Internal Market requires proven expertise beyond those matters currently examined for practice before the EPO,

Recognising that any qualification process for the profession of patent attorney should be open to any national of the European Community regardless of country of residence within the area of the Internal Market,

Recognising that any person qualified to practice the profession of patent attorney within a particular jurisdiction within the area of the Internal Market should be able to represent clients in that jurisdiction regardless of residency within the area of the Internal Market,

Recognising that the underlying principle of the right of establishment as specified under the Diploma Recognition Directive 89/48/EEC within the area of the Internal Market is applicable to patent attorneys,

Welcoming the recognition by the European Commission and European Industry of the necessity of a well and properly qualified profession of patent attorney within the area of the Internal Market,

Recognising that that qualified profession is practised by persons who have a combination of legal and technical expertise,

Recognising that under the subsidiarity rules of the Maastricht Treaty the right of Member States to set rules governing national procedures is preserved, **therefore resolves that:**

1. "Patent Attorney" means any person who is a national of a Member State and who is authorised to pursue his or her professional activities under one of the following professional titles:

| <u>Member State</u> | <u>Professional Title</u> |
|---------------------|-----------------------------------|
| BELGIUM | Conseil en Propriété Industrielle |
| DENMARK * | (Patentagent) |
| GERMANY | Patentanwalt |
| GREECE * | - - - |



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|----------------|--|
| SPAIN | Agente de la Propiedad Industrial |
| FRANCE | Conseil en Propriété Industrielle |
| IRELAND | Registered Patent Agent |
| ITALY | Consulente in Proprietà Industrielle |
| LUXEMBOURG | Conseil en Propriété Industrielle |
| NETHERLANDS | Octrooigemachtigde |
| AUSTRIA | Patentanwalt |
| PORTUGAL | Agente Oficial da Propriedad Industrial |
| FINLAND | Suomen Patenttiasiamiesyhdistyksen Jäsen |
| SWEDEN * | (Patentombud och Varumärkesombud) |
| UNITED KINGDOM | Patent Agent and Patent Attorney |

2. National qualifications by examination in a Member State for patent attorneys should be maintained, should be introduced where such national qualifications do not exist in a Member State, and should require entry in a national list;
3. Such national qualifications should be structured to attain a level of proficiency broader than that currently required to be demonstrated for qualification to practice before the EPO or OHIM;
4. Any curriculum for a national qualifying examination should encompass as a minimum all facets of intellectual property law presently found in national qualifications of Member States.
5. Mutual recognition of qualification in different jurisdictions should be encouraged by establishment of common standards and curricula in the different jurisdictions within the area of the Internal Market;
6. A Patent Attorney properly qualified by a national qualification should enjoy full professional privilege;
7. The professional title should be a legally protected title in each Member State;
8. For those Member States where no national qualifying examination for the profession of Patent Attorney currently exists and thus no officially recognised title currently exists, until such is established those persons who are nationals of the Member State and who are members of the National Association of Patent Attorneys and whose members fulfil minimum qualification requirements should be entitled to use their adopted national professional title for exercising the provision of services in other Member States; and
9. Services provided by Patent Attorneys in other Member States should be governed by a Directive similar to Directive No. 77/249/EEC concerning services of lawyers; and

Urges the European Commission to remove barriers to legal representation by Patent Attorneys in intellectual property matters before Courts of competent jurisdiction to satisfy the needs of European Industry, particularly SMEs, in litigation under the future community-wide patent and thus to fulfil the principle of competition between competent professionals in the area of the Internal Market.

* *at present, no professional title*