



## EXCO MEETING, CAPE TOWN 13 & 18 APRIL 2015

COUNTRY REPORT	
TITLE:	Country report for <i>FINLAND</i>
DRAWN UP BY:	<i>ExCo delegate Paula Sailas, Board Member of SPAY Kim Finnilä</i>
TABLED TO:	FICPI delegates
PURPOSE:	For information and consideration
SNIPPET:	News from and activities of the FICPI national group in <i>Finland</i> since the Barcelona ExCo in November 2014.

### SECTION A: ACTIVITIES OF FICPI ASSOCIATION/SECTION

The information supplied in Section A will remain confidential on FICPI's website after the ExCo (will require a password).

### SECTION B: CHANGES IN LAW

Information supplied under Sections B and C will be published on FICPI's website after the ExCo and will be available to the public.

#### B1. LEGISLATION

- Please provide details of any changes to IP legislation (patent, trade mark, design and other) in your country implemented or due to be implemented since you reported last in October 2014.  
*None.*

#### B2. MAJOR CASES

- Please provide brief details of any new case law in the field of patents, trademarks, design or other IP of general interest.  
*The Market Court (main IP court in Finland since 1 September 2013) has been operating only a good year by now and thus it is too early to establish clear jurisprudence, particularly since appeal in civil matters to the Supreme Court as well as appeal in administrative matters to the Supreme Administrative Court requires leave of appeal.*

#### B3. OFFICIAL PRACTICE

- Please provide details of any changes in official patent and trade mark office practice which would be of general interest to other members.

#### B4. PROPOSALS FOR CHANGES

- Please provide details of any proposed changes in IP laws or practice and indicate if your National Association/Section is involved in providing comments to such changes.  
Would it be of assistance to have input from the CET on any proposed changes?



The MEE has set up a working group for preparing a ratification of the Unified Patent Court Agreement. However, the work is still in its initial stages. Thus, it is too early to say how the matter will develop.

The Ministry of Justice has recently launched a consultation on a [considerable] raise of court fees in order to have the court fees to correspond to at least some extent to court procedure costs. This is a new approach, also in view of Nordic practice.

## SECTION C: OTHER INFORMATION

Please provide details of any other information pertaining to your country or region that would be of general interest to FICPI members and other IP practitioners browsing FICPI's website.

### C1. QUALIFICATION AND THE RIGHT TO REPRESENT CLIENTS BEFORE A COURT

- 1.1 Please describe the qualification process for becoming a patent attorney in your country/region.

The Act on Industrial Property Attorneys entered into force on 1 July 2014.

In order to enter on a list of registered attorneys and to be able to use one or more of the titles (i) "Patent Attorney", (ii) "Trademark Attorney", or (iii) "Design Right Attorney", a passing of a general examination part and a dedicated examination part [for each of (i) – (iii)] is necessary. Passing the dedicated examination part for all of (i) – (iii) allows for the use of the title (iv) "Industrial Property Attorney".

A transitional regime valid from 1 July 2014 – 30 June 2015 allows for those who have a proven experience in each of the fields (i) – (iii) to enter the list without examination. In case one desires to use the title (iv) "Industrial Property Attorney" the above mentioned general examination part has to be passed.

- 1.2 Has the patent attorney qualification process changed in any way in the past 5 years?

Kindly see C1-1.1 above.

- 1.3 Does qualification as a patent attorney permit you any right of representation before any Court in your country?

Yes. The right of representation before the Market Court (main IP court in Finland since 1 September 2013) in administrative appeals with regard to patent applications (*ex parte*) as well as in administrative appeals with regard to oppositions in patent cases (*inter partes*) and administrative appeals with regards to nullity cases in utility models (*inter partes*).

- 1.4 If so are there any special requirements or restrictions?

No.

- 1.5 Are qualified lawyers in your country permitted to work in the patent field without any further qualification?

Yes.

If so are there any restrictions on what they may do?

No.

If so, please describe those restrictions.

- 1.6 Please describe what privilege attaches to patent attorney communications including any restrictions.



- 1.7 Please describe the qualification process for becoming a trade mark attorney in your country/region.  
[Kindly see above C1-1.1.](#)
- 1.8 Has the trade mark attorney qualification process changed in any way in the past 5 years?  
[Kindly see above C1-1.1, C1-1.2 and C1-1.7.](#)
- 1.9 Does qualification as a trade mark attorney permit you any right of representation before any Court in your country?  
[Yes. The right of representation before the Market Court \(main IP court in Finland since 1 September 2013\) in administrative appeals with regard to trademark applications \(\*ex parte\*\) as well as in administrative appeals with regard to oppositions in trademark cases \(\*inter partes\*\). If so are there any special requirements or restrictions?](#)  
[No.](#)
- 1.10 Are qualified lawyers in your country permitted to work in the trade mark field without any further qualification?  
[Yes.](#)  
 If so are there any restrictions on what they may do?  
[No.](#)  
 If so, please describe those restrictions.
- 1.11 Please describe what privilege attaches to trade mark attorney client communications including any restrictions.

## C.2 CET AND PEC SPEAKERS

- 2.1 Would your National Section/Association be interested in obtaining assistance from FICPI, through either the CET Work and Study Group or the Professional Excellence Commission (PEC), in providing speakers for seminars organized by your national group in your country?  
[Yes.](#)
- 2.2 If your group does, or in the future might, require such assistance, please identify topics that might be of interest to your members, with a view to raising FICPI's profile and providing added value from membership of FICPI in your country.  
[We have discussed arranging a workshop on the future of the profession. There might be some added value in having a PEC speaker on this issue.](#)

## C.3 TOPICS OF INTEREST

- 3.1 Please list three IP topics that are of particular interest to you and/or your national section members.
- 1) [The IP practice of the new Market Court in Finland, both vis-à-vis administrative appeals and litigation, e.g. including preliminary injunctions.](#)
  - 2) [The IP Translator case and also WIPO's discussions which involve the fundamental changes to the Madrid System for International Trademark Registration.](#)
  - 3) [The impact and possibilities in view of the expected enhanced European patent system \(Unitary Patent and Unified Patent Court\).](#)

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