



REGERINGSKANSLIET

Memorandum

2011-09-07

Ministry of Enterprise,
Energy and Communications

World Intellectual Property
Organization 34, chemin des
Colombettes
1211 Geneva 20
Switzerland

WIPO Circular C.7999 of June 28, 2011

In answer to the request of the above mentioned circular, we are pleased to provide you with information regarding the legal situation of the Confidentiality of Communications between Clients and Patent Advisors in Sweden.

Under Swedish law, a patent agent authorized by the Patent Agents Board (an governmental agency), and his or hers assistants are obliged to keep any information gathered within their professional activity confidential, and are correspondingly exempted from the duty to give evidence in court proceedings as far as the information in question concerns "patent affairs". This scheme, set out in the Patent Agents Authorization Act and the Code of Judicial Procedure, constitutes the basis of the legal privilege system for patent agents in Sweden,

An unauthorized patent agent is not bound by this scheme and can therefore not be exempted from duty of giving evidence. However, such a patent agent may be subject to confidentiality based on contractual liability.

On a national level, an authorized patent agent who does not adhere to the principle of confidentiality may be warned, or even have his or her authorization revoked.

This system was introduced in 2010 and it is too early to evaluate whether any problems in relation to cross-border aspects are to arise from it. However, by introducing such a system, the patent agent profession is now a regulated profession in Sweden. Consequently the principle of reciprocity under the Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications is applicable within the scope of that directive.

Yours sincerely,

Anki Bystedt
Deputy Director General