



JAPAN PATENT ATTORNEYS ASSOCIATION

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Mr. Francis Gurry
Director General
World Intellectual Property Organization
34, Chemin des Colombettes
CH -1211- Geneva 20
Switzerland

Re : JPAA Submission to WIPO regarding comments on the SCP topic

The issue of “Confidentiality of Communications between Clients and their Patent Advisors” appeared in the “List of Issues” in the course of 12th session of the SCP. Thereafter, this issue has been discussed for three years from the 13th session to the 17th session. In the course of the discussion, we, the Japan Patent Attorneys Association (JPAA) have emphasized the importance of this issue and called for its developments.

JPAA submitted our “Position Paper” to the Secretariat on January 6th, 2010. In the Position Paper, we stated that lack of international or mutual recognition of privilege causes clients, including IP owners and third parties in each and every country, to face a risk of losing confidentiality in communication with IP advisors. This would be significantly detrimental to the interests of clients, the quality of IP rights, and any costs associated therewith. This issue is very important regardless of whether the countries involved are developed or developing.

Since this issue has very international aspects as we stated above, certain international agreement between member states irrespective of kind of law would be necessary. From this viewpoint, we would like to strongly support the opinion



submitted by Switzerland in the 17th session that a “minimum standard” on cross border aspects of this issue should be determined.

We would greatly appreciate our opinion and suggestion being reflected in the 18th session.

Sincerely yours

Shoichi Okuyama
President of the JPAA