



World Intellectual Property Organization
International Bureau
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REQUEST FOR UPDATED INFORMATION; RESPONSE BY FINLAND

Mr. Francis Gurry, Director General of the World Intellectual Property Organization (WIPO) has addressed a letter to the Member States and Regional Patent Offices requesting information on patent-related topics.

The Ministry of Economic Affairs and Employment of Finland would like to submit the following information:

Court cases with respect to client – patent advisor privilege including limitations or difficulties encountered

In Finland, there have been no court cases with respect to client – patent advisor privilege issues. Further, patent attorneys have not reported particular difficulties recently. A new Act on Authorised Industrial Property Attorneys with specific secrecy provisions came into force in 2014 (see below).

Opposition systems and other administrative revocation and invalidation mechanisms (**update**)

The information regarding opposition system in Finland (contained on page 22 of the document SCP/18/4) is requested to be updated as follows:

68. *An opposition fee must be paid.*

69. *According to the Finnish Patent and Registration Office, the yearly number of oppositions filed has varied between 12–31 during the last ten years.⁵⁰*

Also the Annex with further statistical data on opposition, which is referred to in footnote 50, should be replaced with new statistics (tables (a) and (b) are requested to be consolidated):

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Oppositions filed	30	31	21	21	26	23	13	21	29	12	20
Oppositions rejected	9	9	7	10	17	18	11	10	7	4	11
Patents maintained as amended	5	8	4	3	3	6	6	5	7	5	6
Patents revoked	17	11	26	12	11	9	10	13	12	13	11

Laws and practices regarding the scope of client attorney privilege and its applicability to patent advisors (**update**)

The text on the Finnish laws and practices as regards the client – attorney privilege (http://www.wipo.int/export/sites/www/scp/en/confidentiality_advisors_clients/docs/03_finland.pdf) is requested to be replaced with the following updated information:

Finland's national IPR strategy of 2009 involves a broad range of proposals for action, including a proposal for drafting new legislation on industrial property attorneys. The Act on Authorised Industrial Property Attorneys (22/2014) came into force on July 1, 2014.

The purpose of the new act is to ensure a high standard of IPR services by introducing an approval procedure for attorneys (agents) handling industrial property assignments. Passing a qualifying examination is one of the qualification requirements laid down in the act. The authorisation also requires the applicant to meet other eligibility criteria. The certification is granted for five years at a time and will be renewed if the applicant continues to meet the eligibility criteria and has maintained his or her professional competence.

While authorisation is not a prerequisite for handling industrial property assignments in Finland, the use of the professional Finnish language titles protected by law - "patenttiasiamies" (patent attorney), "tavaramerkkiasiamies" (trade mark attorney), "mallioikeusasiamies" (design attorney) and "teollisoikeusasiamies" (industrial property attorney) - are reserved for authorised attorneys only. Also the secrecy regulation only concern authorised attorneys.

Section 9 of the act provides for secrecy obligation: "An authorised attorney or their assistant shall not without permission disclose a private, family, business or professional secret of their client's that has become known to them while performing their duties. Also, an authorised attorney or their assistant shall not without permission disclose any other information about their client that has become known to them while performing their duties."

The secrecy provisions are similar in their factual content to the provisions currently applied to advocates (Section 5c of the Advocates Act, 496/1958). In principle, the obligation of secrecy would apply to all confidential information, both written and oral, exchanged between the client and the attorney.

Persons guilty of a violation of secrecy laid down in Section 9 of the act shall be sentenced under the Criminal Code (39/1889).

The new act has clarified the legal situation in Finland since the previous Act on Patent Attorneys (552/1967; repealed) did not contain specific secrecy provisions.

An unofficial translation of the new act is available at: <http://www.finlex.fi/fi/laki/kaannokset/2014/20140022>