

HUNGARY

The origin of the privilege and/or secrecy obligation

Hungarian law expressly provides for confidentiality of communications between clients and their patent advisors, explicitly including documents. Article 15 of Act XXXII of 1995 on patent attorneys (PAA), which came into force April 1, 2013, contains the relevant provisions.

Professionals bound by the privilege and/or secrecy

The secrecy obligation extends to individual patent attorneys and their employees, patent attorneys' office and their employees, patent attorneys' partnership and their employees, Hungarian Chamber of Patent Attorneys and its officers and employees. [Article 15 (4) of PAA]

The privilege also extends to lawyers.

The scope of the privilege/secrecy obligation

A patent attorney – in the absence of a provision of law to the contrary – shall be under secrecy obligation with respect to all facts and data that come to his knowledge in connection with his activity as patent attorney; this obligation shall remain even after the termination of his activity as patent attorney. [Article 15 (1) of PAA]

The secrecy obligation shall extend to those documents of patent attorney that contain facts and data subject to patent attorney secrecy. In the course of the administrative examination at the patent attorney, the patent attorney shall not disclose the documents and data concerning his client, but he cannot obstruct the procedure of the authority. [Article 15 (2) of PAA]

Exceptions and limitations to the privilege /secrecy obligation

The client and his successor in title may grant exemption from the secrecy obligation. [Article 15 (3) of PAA]

Penalties for breach of secrecy

Patent attorneys commit a disciplinary offence, if in the course of their patent attorney activity they wrongfully violate their obligations laid down in legal rules or in the Code of Ethics. [Article 22 (1) a) of PAA]

The disciplinary sanctions that may be imposed on patent attorneys committing a disciplinary offence shall be: reprimand, severe censure, fine and/or exclusion from the Chamber. [Article 22 (2) of PAA]

Qualifications of patent attorneys

Patent attorneys shall hold a university or master degree in engineering, information technology, or a similar degree in the field of health care or natural sciences, in particular a medical, veterinary, biologist, chemist, pharmacist, mathematician or physicist degree. [Article 2 (2) c) of PAA]

Patent attorneys shall also have an advanced level industrial property protection qualification. [Article 4 (1) b) of PAA]