

Opening Remarks: Mr. Francis Gurry, Deputy Director General, WIPO

I wish you all a very warm welcome to this conference on Client Privilege in Intellectual Property Professional Advice. We at the World Intellectual Property Organization (WIPO) are very delighted to be cooperating with AIPPI, the International Association for the Protection of Intellectual Property, on this Conference. The relationship between WIPO and AIPPI goes back over 100 years. It has been a very close and good relationship over that period. AIPPI has always served as a very important international source of technical expertise for the work of WIPO. We are very delighted to see that continuing today and tomorrow with the specific issue of client privilege. We are also very grateful to AIPPI for having identified client privilege as an issue which has an importance in practice. It is a very good illustration of how an outside body embracing a wealth of experience and technical expertise can contribute to alerting WIPO of emerging issues of daily practical concern.

Privilege, as you all are very much aware, is a special envelope that is placed around communications between an attorney and its client in respect of potential, pending or actual litigation. That envelope seals those communications from disclosure in subsequent litigation. The purpose of this special protection against disclosure in litigation is to make the litigation system and the justice system function in a much more effective manner. It does so by encouraging frankness and candor between a client and its attorney in respect of communications in order to ensure that all pertinent issues emerge and to enable any litigation that may ensue to be more effective. National systems for privilege are very well established, but the intensification of international commerce has raised a number of questions concerning the interaction of those national systems. In particular, if there is multijurisdictional litigation in process or contemplated, the question arises as to whether what is privileged in one jurisdiction is recognized as such in another jurisdiction. That, of course, is a classic international question.

We are very delighted, therefore, that WIPO is cooperating in the organization of this conference and delighted that AIPPI has raised this international question for

exploration. It is *par excellence* a technical intellectual property issue. It is not a politically contentious one but, for that reason, it does not have a very high political profile. One of our tasks is to draw the attention of policy makers to the importance of this practical, technical issue. The International Bureau of WIPO has mentioned the question in a survey of issues relating to international patent law that it has prepared for the Standing Committee on the Law of Patents of WIPO, which will meet in June. That survey of issues will constitute the working document for the meeting of the Standing Committee. Naturally, there are many other issues that are dealt with in the survey, but we have referenced the question of privilege for the attention of our Member States. This Conference, and the papers that have been prepared for it, will constitute a very valuable input to our Member States' consideration of the question.

Let me thank, in particular, Mr. Ron Myrick, the President of AIPPI, to whom I am about to hand the floor for his very close personal involvement in the holding of the conference. Through Mr. Myrick, let me also thank the Bureau of AIPPI for their cooperation with us. Let me extend also a very warm welcome and special thanks to our speakers who have prepared excellent papers. We are very grateful to you for your input into the discussion of this issue. Finally, allow me to thank everyone who has come to participate in this conference. We are very grateful for your presence here.