

## Confidentiality of Communication between Clients and their Patent Advisors

### Czech Republic

According to Act No 417/2004 Coll., on Patent Attorneys, as amended, only registered patent attorneys are authorised to perform services of patent attorneys on the territory of the Czech Republic. The confidentiality of communication between clients and their patent attorneys is regulated in Section 36 of this Act as one of patent attorneys' duties, namely as follows:

- (1) The patent attorney is obliged to maintain confidence on all facts about which he learnt in connection with provision of the services of a patent attorney. He may be relieved from this duty only on the basis of a statement written by the client and after the client's death or dissolution by his legal successor.
- (2) The duty of confidentiality applies also to those deleted from the List or those whose performance of activity was suspended.
- (3) The patent attorney is not obliged to maintain confidentiality in relation to the person he has authorized to make the individual acts of the services of a patent attorney, in case this person is himself obliged to maintain confidentiality.
- (4) The patent attorney is not bound by the duty of confidentiality to the extent necessary for hearing at a court or another body, in case the subject of the hearing is a dispute between the patent attorney and the client or his legal successor; the patent attorney is also not bound by the duty of confidentiality in the disciplinary proceedings (Section 49). The patent attorney may not invoke the duty of confidentiality in disciplinary proceedings also against the chairman and members of the supervisory committee who inquire into the disciplinary misconduct of the patent attorney.
- (5) The duty of confidentiality similarly applies to
  - a) the persons employed in labour or another similar relation by the patent attorney or the society,
  - b) the members of bodies of the Chamber (of Patent Attorneys of the Czech Republic) and its employees, as well as to all persons who participate in the disciplinary proceedings, including the chairman and members of the supervisory committee authorized to prepare the acts for the disciplinary proceedings and for inquiry whether a disciplinary misconduct took place; this does not apply to action at a court in the mentioned cases.

Section 49 of this Act provides for disciplinary sanctions in case of violation of these obligations.

The act does not provide any provisions concerning cross-border aspects of the client patent attorney privilege.

Base on data provided by the Chamber of Patent Attorneys of the Czech Republic, there are no reported court cases concerning the client patent attorney privilege.