

## **WIPO SCP/32 – Interventions from Canada**

### **Agenda item 8 – Confidentiality of communications between clients and their patent advisors**

Thank you, Chair.

Canada would like to thank the Secretariat for its report on the sharing session on recent developments and experiences with respect to confidentiality of communications between clients and their patent advisors, as contained in document SCP/32/5. We would also like to thank those Members and observers that presented and intervened to share their recent experiences in this area, which serves as a useful indication of the increased interest of this Committee in discussing these interesting and complex issues.

In Canada's view, given the complexity of the patent system, it remains important that inventors, small businesses, and other applicants are able to trust the advisors that they rely on to help them navigate the patent system. Ensuring confidentiality of communications will improve the relationship between clients and their advisors, and reassure clients that they can rely on their advisors to protect their interests and that any information that they disclose to their advisor will not be revealed without permission. As well, by ensuring that advisors can have frank discussions with their clients, and ensuring that clients feel comfortable providing all relevant information to their advisors, agents will be more informed about their clients' situation and will be able to provide better quality patent advice, which can lead to higher quality patents.

As well, while privilege can be protected through national legislation, the patent system is global in nature. Once confidential information is released in one jurisdiction, confidentiality is lost everywhere. Without the assurance of protection of confidential information, clients may decide not to apply for patent or trade in patented products where there is a risk that such information can be released. Given the international scope of this issue, Canada therefore remains of the view that the SCP remains the appropriate forum to discuss these important issues. Canada looks forward to further exchanges of views within the SCP in this regard, including with respect to exchanges of information on Member experiences and recent developments in this area.

Thank you.