



EXCO/KR05/RES/4

Patent Attorney Services in the Internal Market"

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the World, assembled at its Executive Committee held from 1 to 3 May 2005 in Seoul, passed the following Resolution:

Acknowledging that within the Internal Market (EU) freedom of establishment in any Member State and freedom to provide services beyond the borders of the Member State of establishment are an integral part of an Internal Market strategy for services;

Recognising that there is an amended proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications [COM(2004) 317 final, 2002/00061(COD)] (Brussels, 20 April 2004);

Recognising too that there is a Proposal for a Directive of the European Parliament and of the Council on Services in the Internal Market [COM(2004)2 final/3, 2004/0001(COD)] (Brussels, 5 March 2004);

Stressing that:

- (i) an Industrial Property Right holder must have, in the area of the Internal Market, the possibility of engaging the services of a patent attorney;
- (ii) such a patent attorney should be a member of a regulated profession in his or her home country in the Internal Market;
- (iii) such a regulated profession includes members of a professional association in the home country; and
- (iv) such an Industrial Property Right holder requires protection from others who do not have membership of such a regulated profession in the field of industrial property rights;

FICPI urges therefore that a patent attorney, a member of a regulated profession as aforesaid in his or her own home Member State, shall have the right to provide such services in a host Member State in accordance with the host Member State Rules pertaining to the equivalent profession.