



EXCO/US09/RES/002

IP advisor/client privilege

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee in Washington D.C. in June 2009, passed the following Resolution:

Recognizing that a purpose of legal professional privilege is to allow a client to have frank, honest and open communications with its Intellectual Property Advisors and to obtain opinions and advice therefrom,

Understanding that confidential communications between a client and an Intellectual Property Advisor may be subject to discovery in some jurisdictions, whether the Advisor acts inside or outside the jurisdiction and even where they are afforded privilege within the jurisdiction,

Appreciating the adverse consequences the discovery of such communications may have in litigation in those jurisdictions as well as others,

Appreciating the increasingly international character of intellectual property litigation,

With the knowledge that Intellectual Property Advisors are required to be registered to practice in some countries or regions, are required to be members of an accredited professional body in some other countries, and are not required to have any qualifications in other countries,

Reminding that FICPI has already resolved that the client of an IP Advisor should be afforded in relation to communications with that IP Advisor the protection of legal professional privilege,

Urges appropriate authorities in countries or regions or at an international level to adopt measures or recommendations:



(1) which will provide legal professional privilege in relation to communications between a client and a registered or accredited IP Advisor, whether the IP Advisor is in the same or a different country or region as the client and regardless of the jurisdiction of the litigation;

(2) which will further provide that all countries or regions will recognize such legal professional privilege in other countries and regions, and

(3) which will further provide legal professional privilege in relation to communications of IP Advisors in different countries or regions in relation to any client intellectual property matter in any one or more of their countries.