



## **RESOLUTION 4**

### **QUALIFICATION OF PROFESSIONAL REPRESENTATIVES, AND PRACTICE ACROSS NATIONAL BORDERS**

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession of more than 70 countries and especially of all European Community Member States, assembled at its World Congress held in Berlin, Germany from June 2 to June 6, 2003, passed the following Resolution :

**Considering** that patents for invention, trade and service marks and registered and unregistered designs for example, (hereinafter IP rights), have become strategic issues for the development and competitiveness of the economies of all countries of the world;

**Considering** that IP rights are generally each of great economic importance to the right holder;

**Taking into account** that the protection of innovation and of marks has become increasingly important for enterprises, at national, regional and international levels;

**Considering** that the increasing complexity of IP protection and validity evaluation of IP rights requires the availability for enterprises of professional advice in all countries of the world;

**Taking into consideration** the lack of international harmonisation of IP legislation in both formal and substantive matters as well as in enforcement procedures;

**Considering** the importance of languages in the preparation of applications, interpretation of the scope of protection, and thus, enforcement of IP rights;

**Taking into account** the interface of IP law with legislation in other areas for a proper creation, maintenance, evaluation and enforcement of IP rights in each jurisdiction;

**FICPI resolves :**

- 1) That the existence of qualified professional representatives in all countries of the world should be a strategic goal for governments to make available to local industry quality professional advice for the understanding and management of IP issues;



- 2) That consistent with previous resolutions made in Cannes in 1988 and Helsinki in 1999 and while taking into account transitional provisions governing professional representatives who are already qualified to represent clients, professional representatives should be required to pass a qualifying examination on national, regional and international law in the relevant field of IP rights before being admitted to practice in that field in a particular country;
- 3) That if legislation for cross-border provision of services is enacted, that legislation should guarantee that a professional representative qualified in one country, before being accepted to practice as a free professional in another country (host country), should be required to satisfy such additional requirements as may be deemed necessary by the host country including where deemed appropriate sufficient knowledge of the language of the host country, to provide quality advice to clients in that host country;
- 4) That a qualified professional representative should operate under a protected title recognised as such in any particular country;
- 5) That a client should enjoy client attorney/agent professional privilege in connection with any direct or indirect communication with a professional representative in his own country or another; and
- 6) That due to reasons of public interest, associations of free professionals in each country should establish sets of rules on ethical conduct, continuing education and cover for professional liability to be complied with by free professional representatives in that country.