

Congress 2004**Resolution regarding privilege**

The European Patent Lawyers Association,

- (1) considering that, in most European countries, attorneys-at-law and patent attorneys enjoy professional privilege for the efficient representation and protection of their clients,
- (2) considering that the concept of privilege is also acknowledged at Community level,
- (3) considering that privilege is desirable in that it ensures total freedom of communication between client and counsel, without which the latter cannot fulfill their roles,

RECOMMENDS that countries which do not recognize privilege adopt legislation granting privilege against compulsory disclosure of legal advice or request for legal advice by or to attorneys-at-law and patent attorneys,

CONSIDERS that the invocation of privilege is a right and that no adverse inference should be drawn from the exercise of this right,

CONSIDERS/RECOMMENDS that wherever counsel enjoy privilege in their own countries, it should be recognized and enforced also by foreign Courts.

Brussels, 8 November 2004,

The Secretary

The President

Fernand de Visscher

Kevin Mooney