

Confidentiality of Communication between Clients and their Patent Advisors

Costa Rica

In Costa Rica in practice applicants, who are nationals or residents and those residing outside of Costa Rica, receive assistance from lawyers when filing their patent application. Articles 41, 42 and 43 of the Code of Legal, Moral and Ethical Duties of the Legal Professional are therefore applicable. In particular, Article 41 provides:

“Confidential information given to an attorney in the course of his or her professional duties by a client, adversarial party, or colleagues, such information resulting from conciliation or trade-related interviews as well as from third parties, shall be subject to client-attorney privilege. Similarly, the knowledge obtained in the course of employment involving private documents, documents received and the content thereof shall be subject to client-attorney privilege. It shall be forbidden to disclose the information obtained subject to client-attorney privilege with the exceptions established in the following article.”

Moreover, according to national agents, parties adhere to the principle of good faith and usually sign service agreements or work contracts containing confidentiality clauses.

The Criminal Code of Costa Rica (Law Nº 4573) stipulates that the disclosure of secrets constitutes an offence against privacy. Article 203 states the following:

“Any person who, owing to their position, occupation, job, profession or art, is aware of a secret which, if disclosed, may be prejudicial, and reveals the secret without just cause, shall be punished with imprisonment of one month to one year or a fine covering 30 to 100 days.

If the person is a public official or a professional, he or she shall additionally be barred from performing public functions and duties or an officially recognized profession for six months to two years”.