

Confidentiality of Communication between Clients and their Patent Advisors

Kazakhstan

In the Republic of Kazakhstan, a patent attorney conducts clients' affairs in matters of the legal protection of intellectual property. In general, client, if he is not a foreign person, can act himself/herself for an action before the authorized body in the field of intellectual property (the Ministry of Justice) and the Patent Office.¹

Where a patent attorney receives, from a client, information related to the execution of his/her order, such information is considered confidential. The confidentiality shall be maintained when patent attorneys performs:

- (i) advice on the protection or transfer of intellectual property rights;
- (ii) execution of work on the preparation of applications for inventions, utility models and industrial designs on behalf of the customer, principal and employer;
- (iii) interaction with the Ministry of Justice and/or the Patent Office for the protection of inventions, utility models and industrial designs, including correspondence, preparation and submission of objections to expert opinions, taking part in meetings of the expert council at the Patent Office;
- (iv) assistance in drafting, reviewing and subsequent submission for expert examination of contracts of assignment, licensing (sublicensing) contracts and additional agreements.

The patent attorney shall be registered and certified by the authorised body as a patent attorney upon successful qualification examination.² It is important to note that legislation resolves conflicts of interest. Thus, the patent attorney is obliged not to accept instructions if they can jeopardize the interests of the person to whom the patent attorney has previously rendered services.

Confidentiality in the activities of a patent attorney must also comply with the requirements of the legislation of the Republic of Kazakhstan in the field of confidential information and other secrets protected by law.

¹ Article 36-1 of the Patent Law of the Republic of Kazakhstan.

² *Ibid.*