



Report Q199

Client Attorney Privilege

Names and Functions of Committee Members

Chair	Steven Garland	(Canada)
Co-Chair	Michael Dowling Wouter Pors Luiz H.O. do Amaral James Tumbridge	(Australia) (Netherlands) (Brazil) (United Kingdom)
Secretary	Andri Hess	(Switzerland)
Members	Argentina - Jorge Otamendi, Australia – Michael Dowling, Austria – Helmut Sonn, Belarus _ Olga Kouznetsova, Belgium – Florent Gevers, Brazil – Luiz Henrique O. do Amaral, Bulgaria – Valentina Nesheva, Canada – Steven Garland/John Bochnovic, Chile – Cristóbal Porzio, China – Richard Li YI, Columbia – Jan Carlos Suarez, Croatia – Zeljko Topic, Czechoslovakia – Michal Havlik, Denmark – Ejvind Christiansen, Ecuador – Francisco Perez, Egypt – Ahmed Abou Ali, Estonia – Urmas Kauler, Finland – Marja-Leena Mansala, France – Jacques Bauvir, Georgia, Shalva Gvaramadze, Germany – Detlef von Ahsen, Greece - Helen Papaconstantinou, Hungary, Jozef K. Talas, Iceland – Gunnar Örn Hardarson, India – Pravin Anand, Indonesia – Cita Citraninda Noerhadi, Ireland – Shane Smyth, Israel – Tal Band, Italy – Olga Capasso, Japan - Yuzuku Okabe/Shoichi Okuyama, Korea – Seong-Ki Kim, Latvia – Gatis Merzvinškis, Lithuania – Marius J. Jason, Malaysia – Chew Phye Keat, Mexico – Martin Michaus, The Netherlands – Wouter Pors, New Zealand – Tim Jackson, Nigeria – Justin Chuma Anosike, Norway – Amund Brede Svendsen, Pakistan – Yawar Irfan Khan, Philippines – Rogelio Nicandro, Poland – Marek Lazewski, Portugal – João Pereira da Cruz, Romania – Raluca Vasilescu, Russia – Aleksey V. Zalesov, Montenegro – Dr. Popovic, Singapore – Morris John, South Africa – Russell Bagnall, Spain – Luis de Larramendi, Sweden – Margareta Linderöth, Switzerland – Andri Hess, Thailand – Chavalit Uttasart, Turkey – M.N. Aydin Deris, Ukraine – Antonina Pakharenko-Anderson, United Kingdom – David Musker/James Tumbridge, USA – David Hill, Venezuela – Maria Milagros Nebreda	
Responsible Reporter	Sara Ulfsdotter	(Sweden)

Summary of the Activities of the Committee

In general, the Committee continues to pursue the goal of a multilateral treaty on the protection against forced disclosure of confidential communications between IP owners and their IP advisors.

It is to be recalled that as a result of the AIPPI/AIPLA/FICPI Colloquium on Privilege held in June of 2013 in Paris, a Joint Proposal was developed for a multilateral agreement on the protection of privileged communications.

In January 2014, Michael Dowling and Steven Garland attended the WIPO SCP meeting in Geneva where again submissions were made on AIPPI's behalf in support of the work of the SCP committee in considering possible remedies to the now identified problems that exist in some nations, and internationally (cross-border situations). A report on Messrs Dowling and Garland's attendance at the meeting, and a copy of the submissions made on AIPPI's behalf, was previously provided to the Bureau.

Additionally, at that meeting Messrs Dowling and Garland were also invited to attend a meeting of certain Group B+ delegations (Switzerland, Sweden, UK, USA, Japan, Korea,) that were considering the AIPPI/AIPLA/FICPI Joint Proposal. At the meeting it became clear that these delegations were considering moving forward to the larger Group B+ delegations with a proposal for a multilateral agreement based on the AIPPI/AIPLA/FICPI Joint Proposal. A detailed memo on this meeting was previously provided to the Bureau.

The Swedish, Swiss, and UK delegations of the Group B+ countries have in fact now prepared a draft proposal for a multilateral agreement based on the AIPPI/AIPLA/FICPI Joint Proposal. The Group B+ proposal is to be the subject of discussion at a Group B+ meeting on September 23, 2014 in Geneva as part of the larger WIPO General Assembly. AIPPI has been invited to attend that meeting. Presently, Steven Garland, Jeff Lewis (AIPLA), a representative of Eli Lilly & Company, and one other possible in-house IP practitioner will attend the meeting on behalf of AIPPI. Steven Garland will also be attending the WIPO General Assembly meeting on behalf of AIPPI.

Presently, Steven Garland is preparing a memo to go to all Q199 members and certain NG Presidents to ask for their assistance in briefing the Group B+ national delegations in advance of the Group B+ meeting.

Additionally, Wouter Pors has been participating in discussions on the rules to be adopted in respect of the Unified Patent Court, and in particular on possible provisions that will deal with privilege of communications between IP owners and relevant IP advisors. This work is ongoing.

It is also anticipated that a member of the Q199 Committee will attend the next SCP meeting in November in Geneva as the privilege issue remains on the SCP agenda.

Finally, a meeting of the Q199 Committee will be held at the 2014 AIPPI Congress in Toronto.