



November 20, 2013

The Honorable James Moore, P.C., M.P.
Minister of Industry
235 Queen Street
Ottawa, ON
Canada
K1A 0H5
Via email: minister.industry@ic.gc.ca

Dear Minister Moore:

In the response to the “Intellectual Property Regime in Canada” report of the Standing Committee on Industry, Science and Technology, the Government of Canada decided to consult on the merits and means of protecting confidential communications between IP owners and their Canadian IP attorneys and agents. IPO strongly supports protecting the confidentiality of such communications and privilege from forced disclosure in legal proceedings.

IPO is a trade association representing companies and individuals in all industries and fields of technology who own or are interested in intellectual property rights. IPO’s membership includes more than 200 companies and more than 12,500 individuals involved in the association either through their companies or as inventors, authors, executives, or law firm members.

Many of IPO’s member companies establish intellectual property rights in multiple countries. In doing so, they communicate with local IP agents to obtain advice relative to the IP laws in those countries. The lack of protection of confidentiality in those communications in Canada presents a risk to those IP owners not only in Canada, but also in other countries such as the U.S. where the communications might not be protected from production in U.S. litigation on the basis of the lack of protection in Canada. This is a serious problem as it discourages open discussions between clients and those Canadian IP agents, which may affect the ability of those clients to receive the best advice possible

IPO supports efforts to clarify laws regarding privilege in communications in IP matters. In particular, the protections and obligations of the attorney-client privilege should apply with the same force and effect to confidential communications between patent and trademark attorneys, whether or not qualified as attorneys at law, and their clients. This protection should extend to agents admitted or licensed to practice before their local or regional patent and trademark offices and should apply regardless of whether the substance of the communication involves legal or technical subject matter, provided it is within the area in which they are licensed to practice. Such protections and obligations help promote complete and open communication between clients and agents/attorneys, which is critical for the effective operation of the legal system.

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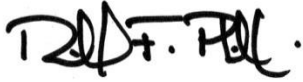
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INTELLECTUAL PROPERTY OWNERS ASSOCIATION

We thank you for considering IPO's position and would welcome any further dialogue or opportunity to provide additional information to assist your efforts on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "R.F. PHILLIPS". The letters are stylized and connected, with a period at the end.

Richard F. Phillips
President