



## Code of Professional Conduct of the Hong Kong Institute of Patent Attorneys Ltd.

This Code is to govern the conduct and other activities of the members, as may be amended from time to time.

In this Code, the following definitions are applicable:

"**Institute**" - means the Hong Kong Institute of Patent Attorneys;

"**Member**" - means a full member of this Institute;

"**Council**" - means the Executive Council of the Institute;

"**Client**" - means any natural person or legal entity who takes advice or asks services of a Member;

"**Disciplinary Committee**" - means the Committee listed in Article 5 of the **Disciplinary Regulation**.

### 1. General

- a) The general requirements for Members are laid down in the **Disciplinary Regulation**.
- b) The general principles of professional conduct are laid down in this Code, which reflects the present views of the Council. A Member is not released by this Code from his own responsibility to comply with the Rules of Professional Conduct set out in the **Disciplinary Regulation** in Articles 1, 2 and 3.
- c) The basic task of a Member is to serve as a reliable adviser to persons interested in patent matters. He should act as an independent counsellor by serving the interests of his clients in an unbiased manner without regard to his personal feelings or interests.
- d) A Member shall take measures to safeguard his client's interests in the event he would be prevented from exercising his profession.
- e) Good fellowship among Members is a necessity for preserving the reputation of the profession and should be exercised irrespective of personal feelings.
- f) Each Member should know of the Code and cannot plead ignorance of it.

g) A breach of this Code cannot be justified by referring to instructions from a client.

## 2. Advertisements

a) Advertising is generally permitted provided that it is true and objective and conforms with basic principles such as integrity and compliance with professional secrecy.

b) The following are exceptions to permitted advertising:

1) the identification of a client without the express authorisation of that client;

2) the mention of the name of another professional entity unless there is a written cooperation agreement between the Member and that entity;

3) the advertisement, announcement or publishing of offers to buy, sell or negotiate industrial property rights, except upon the instructions of a client.

## 3. Relations with the Public

a) A Member shall uphold the public reputation of the Institute, of its Members and of the practice of Patent Attorney and Patent Agent.

b) A Member shall not give any indication on office premises, stationery or otherwise which is misleading to the public.

c) [deleted]

d) A Member shall not permit without adequate supervision professional activities related to the patent service under his name or the name of his association by a person who is not a Member.

e) As far as the exercise of his profession is concerned, a Member is responsible for the acts of non member assistants.

## 4. Relations with Clients

a) A Member shall at all times give adequate care and attention and apply the necessary expertise to work entrusted to him by clients. A Member shall keep clients informed of the status of their cases.

b) In principle, a Member does not need to serve the interests of a client in matters not connected with professional work entrusted to him by the client.

c) A Member may demand advance payments from a client.

d) In addition to the requirements of Article 3(2) of the **Disciplinary Regulation**, a Member shall decline an order which is in conflict with his own interests.

e) A Member must not acquire a financial interest in any industrial right in such

circumstances as to give rise to a conflict between professional duty and interest.

f) Supplementary to Articles 2 and 3 of the **Disciplinary Regulation**, a Member shall not take any action against a particular matter which is being handled or has been handled by the Member or another person in his office, unless the client in the matter agrees to this action or unless the Member has no cognizance of the matter and is no longer in a position to take cognizance of it. The Member is not permitted to make use in the action of information obtained during the time the matter was previously handled, unless the information is public.

g) A Member is automatically released from his secrecy obligation according to Article 2 of the **Disciplinary Regulation** if the secret information becomes published.

## **5. Relationship with other Members**

a) A Member must observe good fellowship towards other Members, and this includes courtesy and the fact that a Member may not speak of another Member in discourteous or offensive terms. Grievances in respect of another Member should first be discussed in private with the other Member, either directly or through a third Member, and then if necessary through the official channels prescribed by the Institute and in the **Disciplinary Regulation**.

b) Since a prime interest of the Institute is to maintain a unified profession, no Member shall exercise or promote discrimination between Members, for example on grounds of language or nationality.

c) A Member shall avoid any exchange of views about a specific case, which he knows or suspects is or was being handled by another Member, with the client of the case, unless the client declares his wishes to have an independent view or to change his representative. The Member may inform the other Member only if the client agrees.

d) Where a Member is instructed by a client to take over the handling of a case from another Member, the Member so instructed is free to accept such instruction but then shall ensure that the other Member is informed. Such other Member shall without delay, loan or transfer all documents necessary for the handling of the case or provide copies at reasonable expense to the new representative.

## **6. Relationship with the Patents Registry and other official bodies**

In all dealings with the Patents Registry, other official bodies and the public, a Member shall act courteously, and shall do everything possible to uphold the good reputation of this Institute and its Members.

## **7. Relationship with the Institute**

a) Members must keep the Institute informed of their address to which correspondence and other information from the Institute are to be sent. Changes of address must be notified to the Secretary without delay.

- b) Members must pay, in accordance with arrangements laid down and notified by the Council, the annual subscription required. If a Member fails to pay the subscription as required by the arrangements, the matter may be referred by the Treasurer to the Disciplinary Committee.
- c) No Member may, unless authorised by the President or the Council of the Institute, make any written or oral communication on behalf of the Institute.
- d) A Member has the right to seek through the President of the Institute an opinion on the permissibility, under this Code, of any act the Member proposes to do or sanction. Such opinion shall not be binding on the Disciplinary Committee.
- e) Except as provided in paragraph 5a), breaches of the Code should be brought to the notice of the Disciplinary Committee in writing.