



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART V

PATENT AGENTS AND TRADE MARK AGENTS

Patent agents

280 Privilege for communications with patent agents.

- (1) This section applies to [^{F1}—
- (a)] communications as to any matter relating to the protection of any invention, design, technical information, [^{F2}or trade mark], or as to any matter involving passing off [^{F3}, and
 - (b) documents, material or information relating to any matter mentioned in paragraph (a).]

[^{F4}(2) Where a patent attorney acts for a client in relation to a matter mentioned in subsection (1), any communication, document, material or information to which this section applies is privileged from disclosure in like manner as if the patent attorney had at all material times been acting as the client's solicitor.]

- (3) In subsection (2) “patent [^{F5}attorney]” means—
- (a) a registered patent [^{F5}attorney] or a person who is on the European list,
 - (b) a partnership entitled to describe itself as a firm of patent [^{F6}attorneys] or as a firm carrying on the business of a European patent attorney, [^{F7} . . .
 - [^{F8}(ba) an unincorporated body (other than a partnership) entitled to describe itself as a patent attorney, or]
 - (c) a body corporate entitled to describe itself as a patent [^{F5}attorney] or as a company carrying on the business of a European patent attorney.

(4) [^{F9}

*Changes to legislation: There are currently no known outstanding effects for the
Copyright, Designs and Patents Act 1988, Section 280. (See end of Document for details)*

Textual Amendments

- F1** Words in s. 280(1) renumbered as s. 280(1)(a) (1.1.2010) by virtue of [Legal Services Act 2007 \(c. 29\)](#), [ss. 208\(1\), 211](#), [Sch. 21 para. 77\(a\)](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F2** Words in s. 280(1) substituted (31.10.1994) by 1994 c. 26, s. 106(1), [Sch. 4 para. 8\(3\)](#); S.I. 1994/2550, [art. 2](#)
- F3** S. 280(1)(b) and preceding word inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 208\(1\), 211](#), [Sch. 21 para. 77\(b\)](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F4** S. 280(2) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 208\(1\), 211](#), [Sch. 21 para. 77\(c\)](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F5** Words in s. 280(3) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 280\(1\), 211](#), [Sch. 21 para. 77\(d\)\(i\)](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F6** Word in s. 280(3) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 208\(1\), 211](#), [Sch. 21 para. 77\(d\)\(ii\)](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F7** Word in s. 280(3)(b) repealed (1.10.2011) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 210, 211](#), [Sch. 23](#) (with [ss. 29, 192, 193](#)); S.I. 2011/2196, [art. 2\(1\)\(h\)\(iii\)](#)
- F8** S. 280(3)(ba) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 185\(6\), 211](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, [art. 2\(f\)\(i\)](#) (with art. 9)
- F9** S. 280(4) omitted (1.1.2010) and repealed (1.10.2011) by virtue of [Legal Services Act 2007 \(c. 29\)](#), [ss. 208\(1\), 210, 211](#), [Sch. 21 para 77\(e\)](#), [Sch. 23](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9); S.I. 2011/2196, [art. 2\(1\)\(h\)\(iii\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 280.