

**STATUTES OF THE INSTITUTE OF INTELLECTUAL PROPERTY OF CAPE  
VERDE (IPICV)**

**CHAPTER I**

**Nature, headquarters and aim**

**Article 1**

**Nature**

1. The Institute of Intellectual Property of Cape Verde (IPICV) shall be a public authority, with legal personality and autonomy with regard to administrative and financial affairs and assets. It shall be both a public institution and a body governed by public law.
2. IPICV shall be governed by the provisions of the present Statutes and other legislation applicable to public institutions.
3. IPICV shall operate under the supervision of the Ministers for Industry and Culture.

**Article 2**

**Headquarters**

The headquarters of IPICV shall be located in the city of Praia. In the exercise of its activities, IPICV may open or close delegations or other forms of representation at any location within the national territory.

**Article 3**

**Aim**

1. The aim of IPICV shall be to promote, defend and protect intellectual property, both at the national and international level.
2. When working to achieve its aim IPICV shall act in accordance with the policy of modernization and strengthening of national entrepreneurial infrastructure, in order to facilitate and promote the establishment of ownership of intellectual creations and the development of a competitive and innovative national intellectual sector.

**Article 4**

**Tasks**

With a view to achieving its aim, IPICV shall be responsible for carrying out the following tasks:

- (a) implementing and inspecting compliance with the standards, directives and guidelines which govern industrial property rights, copyright and related rights, taking into account the social interest and technological, economic and cultural development of Cape Verde;
- (b) promoting the actions necessary for the granting and protection of industrial property rights, copyright and related rights and contributing to the establishment of fair competition;
- (c) contributing to the setting-out of specific intellectual property policies and assisting in the implementation of the measures arising from such policies;
- (d) presenting the Government with proposals for the improvement and development of legislation on industrial property and copyright and related rights, and ensuring the respective compliance;
- (e) presenting the Government with proposals for measures aimed at establishing and modernizing the protection of intellectual property;
- (f) advising the Government on issues relating to intellectual property in the field of the public economy;
- (g) cooperating with international bodies and institutions specializing in the field of intellectual property and of which Cape Verde is a member and ensuring that Cape Verde shall be represented in the meetings and activities of said bodies, in particular with regard to the management of conventions, treaties, agreements and regulations, through cooperation with the government body responsible for foreign affairs;
- (h) ensuring the granting and protection of industrial property rights, copyright and related rights, while seeking to strengthen fair competition and to combat usurpation, piracy and counterfeiting, cooperating with national and international bodies working in the field of intellectual property violations;
- (i) processing applications for patents, utility models, industrial designs and registration of trade marks, trade names and emblems of establishments, appellations of origin, geographical indications and logos, as well as carrying out the respective classification;
- (j) encouraging and processing registration of copyright and related rights;
- (k) maintaining up-to-date records of the rights granted and the respective amendments, thus ensuring the existence of a permanent archive of certified information and means of proof necessary for the resolution of intellectual property disputes;
- (l) publishing, under the terms established by law, acts, rulings and other elements relevant to intellectual property;
- (m) disseminating technological and intellectual information, with a view to fostering the spirit of invention and innovation. Adopting measures which encourage technology transfer and the use of patents, through the mobilization of partnerships with public and private teaching and research institutions, civil society and with fund-holders, for the purposes of technological development and

- innovation and the maximizing of access to public information deposited with IPICV;
- (n) cooperating closely with Cape Verdean professional organizations, bodies and orders within the field of intellectual property, in order to improve productivity and competitiveness in Cape Verde;
  - (o) promoting the use of intellectual property together with the academic, scientific and business communities;
  - (p) providing information on intellectual property rights protection systems, as well as on protected patent rights and the state of the art.
  - (q) fostering and promoting the creation and registration of copyright and related rights together with civil society and the public and private sectors;
  - (r) promoting the comparative study of laws governing copyright, industrial property, unfair competition, technology transfer and consumer protection, in order to foster development and harmonization in that field;
  - (s) promoting work placements in the fields of industrial property, copyright and related rights, and organizing courses, seminars and conferences in cooperation with national and international intellectual property experts;
  - (t) any tasks conferred upon it by law or regulations.

## CHAPTER II

### **Organization and functioning**

#### Section I

#### **General Structure**

#### Article 5

#### **Bodies and Services**

IPICV shall have its own bodies and services, which shall be responsible for carrying out the actions required for the achievement of the Institute's aim and the completion of its tasks.

#### Article 6

#### **Bodies**

The following shall be bodies of IPICV:

- (a) the President;
- (b) the Administrative Council;
- (c) the Advisory Committee.

## **Article 7**

### **Services**

The following services shall carry out the tasks assigned to IPICV:

- (a) the Directorate for Industrial Property;
- (b) the Directorate for Copyright and Related Rights;
- (c) the Directorate for Administrative and Financial Services;
- (d) Directorate for Information, Innovation Promotion and Protection Services.

## **Article 8**

### **Other organizational units**

- 1. IPICV shall have two departments which are necessary for the efficient functioning of the Institute.
- 2. The establishment, organization and functioning of the two departments referred to in the preceding paragraph shall be the subject of rules of procedure approved by the Administrative Council.
- 3. The services shall be organized according to the horizontal and vertical criteria of specialization of functions considered to be most appropriate for the proper performance of the tasks allotted to IPICV and the rational use of its resources.

## **Section II**

### **Organs**

#### **Subsection I**

### **President**

## **Article 9**

### **Appointment**

The President shall be appointed by order of the Prime Minister, following nomination by those Ministers responsible for supervising IPICV.

## **Article 10**

### **Competencies**

- 1. The President of IPICV shall be the single executive body and shall have exclusive competency to run the Institute, as well as to:

- (a) represent the Administrative Council;
  - (b) direct and coordinate the activities of IPICV;
  - (c) represent IPICV in and out of court;
  - (d) deal with relations with public and private, national and international institutions;
  - (e) convene and chair the meetings of the Administrative Council and to arrange for the implementation of the decisions taken at those meetings;
  - (f) sign documents, attestations and certificates relating to intellectual property rights;
  - (g) authorize the spending necessary for the functioning of IPICV up to the amount approved by the Administrative Council;
  - (h) prepare and promote the approval, application, implementation and alteration of draft forward-looking management tools, the presentation of accounts and of the rules of procedure of IPICV;
  - (i) ensure the implementation of management policies and the standards governing the functioning of IPICV;
  - (j) ensure the implementation of the deliberations of the collegiate bodies of IPICV and the decisions of the supervisory body;
  - (k) manage the human, material and financial resources of IPICV;
  - (l) take disciplinary action against IPICV staff, in accordance with the law;
  - (m) ensure the representation of IPICV within committees, working groups or other activities of national and international bodies active in the fields of industrial property, copyright and related rights;
  - (n) carry out those acts inherent in the running of IPICV;
  - (o) carry out any other tasks conferred upon him/her by the supervisory Ministers or as delegated by the Administrative Council, as well as those that, under the terms of the law and regulations, fall within his/her remit.
2. The President of IPICV shall also be responsible for:
    - (a) devising the institution's strategic development plan;
    - (b) devising the institution's commercial policy;
    - (c) devising the rules of procedure of the institution.
  3. The President may delegate his competencies to the other members of the Administrative Council.
  4. The President may, exceptionally, and for urgent and duly substantiated reasons and in cases where it is difficult to convene the Administrative Council, carry out any acts that shall be within the competency of the Council, which must, however, be ratified at the next meeting.
  5. Should he be unable to attend or absent, the President shall be replaced by a member of the Administrative Council, nominated by the Council and appointed by the supervisory Ministers.

## Subsection II

## **The Administrative Council**

### **Article 11**

#### **Administrative Council**

1. The Administrative Council shall be the coordinating body of IPICV with regard to management of administrative and financial affairs, as well as assets.
2. The Administrative Council shall be made up of the President and two other members, appointed from among a body of individuals with proven technical competence and integrity, under the terms of Article 9 of the present Statutes.

### **Article 12**

#### **Competencies**

1. The Administrative Council shall be competent to:
  - (a) approve its own rules of procedure;
  - (b) approve the management plan, supervising the financial and administrative management of IPICV;
  - (c) define the internal organization of IPICV, submitting plans for approval to establish services and units and the respective regulations to the supervisory Ministers;
  - (d) prepare and submit to the supervisory Ministers proposals contained in the annual activities and budget plan, as well as the report on activities;
  - (e) promote the preparation and approval of management accounts and submit them to the Court of Auditors, within the legal time period;
  - (f) authorize the spending provided for in the IPICV budget and ensure the collection of revenue;
  - (g) decide on the granting, renewal and revocation of trade marks, patents, utility models and registrations of industrial property rights, copyright and related rights, and alterations thereto;
  - (h) submit, for the approval or authorization of the supervisory bodies, the minutes and documents which, under the terms of the law and these statutes, must be submitted;
  - (i) oversee the activities of the institution;
  - (j) discuss borrowing and the issuing of bonds by the institution, under the terms of the law;
  - (k) approve the institution's strategic plan;
  - (l) approve the institution's commercial policy;
  - (m) establish working groups or frameworks for projects aimed at carrying out activities which cannot be undertaken by a single organizational

- unit on its own and establish their mandate, composition and way of functioning;
- (n) inspect compliance with the legal precepts governing the institution;
  - (o) contract third parties to provide services and prepare studies, as well as carry out purchase and supply for IPICV, with a view to the Institute carrying out its tasks correctly, and oversee the execution of those contracts, in accordance with the legislation in force;
  - (p) set the fees and charges payable for the services provided by IPICV;
  - (q) exercise any other functions and carry out any other acts necessary for the completion of the tasks of IPICV, which are not within the competency of the other bodies.
2. The Administrative Council shall also be responsible for submitting the following for assessment and final decision by the supervisory bodies:
- (a) the interim management tools approved each year by the Council;
  - (b) the IPICV's salary scale;
  - (c) the IPICV Staff Regulations and list of staff members;
  - (d) the establishment of delegations and other forms of representation of the institution in Cape Verde.
3. The Administrative Council may delegate the competencies provided for in the indents of paragraph 1 to any one of its members, along with the power to sub-delegate.

## Article 13

### **Functioning of the Administrative Council**

1. The Administrative Council shall meet for ordinary sessions once a month, and for extraordinary sessions whenever it is convened by the President, acting on his own initiative or at the request of a Council member.
2. In order for the deliberations of the Administrative Council to be valid, the majority of its members must be present.
3. All IPICV staff members may take part in the meetings of the Administrative Council, without voting rights, as may anyone else, even if not employed by IPICV, on the condition that the President has no objection, bearing in mind the items on the working agenda.

## Subsection III

## Article 14

### **Advisory Committee**

1. The Advisory Committee shall be a body of an advisory nature which shall be the competent authority, in general, regarding assessment of the activities carried out by IPICV and provision of advice in that respect.

2. The Advisory Committee shall be chaired by the President of IPICV and shall also be made up of at least four individuals recognized for their achievements in the fields of art, economics, science and technology in Cape Verde, in particular with regard to intellectual property.
3. The individuals referred to in the preceding paragraph shall be appointed by the supervisory Ministers.

#### Article 15

### **Competencies of the Advisory Committee**

The Advisory Committee shall be competent to:

- (a) analyze the implementation of intellectual property administration and management policies within the scope of the decisions of the State and to propose actions to the supervising Ministers that will ensure the correct implementation of those policies;
- (b) examine the annual and multi-annual activity plans and programs, as well as the respective implementation reports, issuing the corresponding opinions;
- (c) issue an opinion on the establishment or abolition of structures within IPICV;
- (d) issue opinions on any matters relating to management of financial affairs and assets which might be submitted for its attention;
- (e) issue an opinion on the approval of the rules of procedure of IPICV;
- (f) issue opinions on other matters inherent in the execution of the tasks and the functioning of IPICV.

#### Article 16

### **Functioning of the Advisory Committee**

The Advisory Committee shall meet every six months for ordinary sessions, and for extraordinary sessions whenever it is convened by the President acting on his own initiative or at the request of at least one third of the Committee's members.

#### Subsection IV

### **Common provisions**

#### Article 17

### **Mandate**

The duration of the mandate of the officers of the bodies of IPICV shall be 3 (three) years, and shall be renewable.

#### Article 18



## **Minutes**

Minutes of all the meetings of the bodies of IPICV shall be recorded in a book kept for that specific purpose and, following approval, shall be signed by all of those who took part in those meetings.

### **Section III**

## **Services**

### **Subsection I**

## **Directorate for Industrial Property**

### **Article 19**

## **Competencies**

The Directorate for Industrial Property shall act within the field of private industrial property rights, with the aim of ensuring national and international protection, through the granting and protection of trade marks, awards, appellations of origin, trade names and emblems of establishments, logos, designs, patents, utility models, supplementary protection certificates and topographies of semi-conductor products, and shall have competency, in particular, to:

- (a) ensure the receipt, deposit, when it arises, and transmission of requests for national and international registration of the various forms of industrial property;
- (b) carry out the formal and in-depth examination of requests for protection of the various forms of industrial property, assessing compliance with the legislation and the established criteria;
- (c) carry out the acts relating to the granting, refusal, maintenance, alteration and lapse of industrial property rights and to make the corresponding entries in the records;
- (d) prepare attestations, certificates, titles and other documents that serve as proof of registration;
- (e) cooperate with the competent bodies in carrying out preventive or repressive actions with regard to industrial property violations and unfair competition; prepare opinions and reports and provide the necessary information;
- (f) prepare information for publication in the Industrial Property Journal;
- (g) study technical proposals for projects, agreements and treaties relating to the various forms of industrial property and give them due consideration, issuing an opinion with regard thereto;

- (h) develop strategies and policies with regard to cooperation, financing, development and promotion of industrial property.

## Subsection II

### **Directorate for Copyright and Related Rights**

#### Article 20

#### **Competencies**

The Directorate for Copyright Services shall act within the scope of copyright and related rights, with the aim of ensuring the protection and exploitation of the copyright and related rights, and shall be responsible, in particular, for:

- (a) ensuring the national registration of works, computer programs, databases and related rights;
- (b) verifying the authorship of works, computer programs, databases and related rights;
- (c) carrying out acts relating to the protection of moral rights and equity claims, copyright and related rights;
- (d) guaranteeing the exploitation of registered works, computer programs, databases and related rights and the payment of authors, performers, producers of phonograms and videograms and broadcasting organizations for their services;
- (e) preparing certified copies, certificates and titles, as well as other documents serving as proof of registration;
- (f) cooperating with the competent bodies in the execution of preventive or repressive actions related to infringements of copyright and related rights, preparing opinions and reports and providing any necessary information;
- (g) organizing and regularly updating systems providing information on registered copyright and related rights;
- (h) examining, monitoring and assisting in the use of registered Cape Verdean works, computer programs, databases and related rights;
- (i) ensuring the protection and exploitation of Cape Verdean works, computer programs, databases and related rights, all of which competencies may be delegated to any institution considered to be appropriate;
- (j) studying technical proposals for draft documents, agreements and treaties concerning the field of copyright and related rights, issuing the competent opinions due with regard thereto;
- (k) developing cooperation, funding, development and promotion strategies and policies for copyright and related rights.

## Subsection III

### **Directorate for Administrative and Financial Services**

## Article 21

### **Competencies**

The Directorate for Administrative and Financial Services shall be responsible for promoting the study and implementation of measures designed to improve the functioning of IPICV with the aim of ensuring the management, organization and administration of human and financial resources, as well as assets. In particular, the Directorate shall be responsible for:

- (a) promoting the preparation of staff management tools and indicators;
- (b) carrying out the administrative procedures related to staff recruitment and movements, as well as those acts inherent in the corresponding legal framework;
- (c) studying and proposing staff training and motivational measures;
- (d) proposing and providing support for the implementation of measures concerning the organization and simplification of working procedures and methods;
- (e) promoting staff training and education actions;
- (f) organizing and maintaining the staff register and ensuring that registration and monitoring are carried out thoroughly;
- (g) ensuring the receipt, registration, classification, distribution and dispatch of correspondence;
- (h) promoting the systematic improvement of budgetary management, implementing cost-control techniques and participating in IPICV's budget preparation process;
- (i) preparing draft budgets and ensuring that they are implemented;
- (j) verifying, classifying and processing documents concerning revenue and expenditure and carrying out the corresponding accounting;
- (k) preparing financial management tools and indicators while observing public accounting principles;
- (l) ensuring the movement of cash flows and balancing the books on a monthly basis;
- (m) ensuring the management of IPICV's assets and maintaining an inventory of movable and immovable property.

## Subsection IV

### **Directorate for Information, Innovation Promotion and Protection Services**

## Article 22

### **Competencies**

The IPICV Directorate for Information, Innovation Promotion and Protection Services shall be responsible for: disseminating and promoting opportunities in terms of industrial

property, copyright and related rights together with economic, artistic, cultural, intellectual and academic agents; protecting the various rights covered by registration; organizing, processing and maintaining technical information pertaining to those sectors. In particular, the Directorate shall be responsible for:

- (a) organizing and maintaining a specialized library on industrial property, copyright and related rights and ensuring public access to the IPICV's archives;
- (b) dealing with and promoting the selective dissemination of technological information contained in patents and other documents relating to industrial property;
- (c) promoting the creation of technological information centers for firms and carrying out awareness-raising concerning the industrial property system in order to foster creativity and innovation regarding production and marketing processes;
- (d) editing IPICV publications and carrying out microfilming and reprographic work, as well as promoting the publication of the Industrial Property Journal;
- (e) guaranteeing IPICV's public relations and providing information to users;
- (f) maintaining up-to-date information on new information technologies, making proposals concerning the procurement of IT equipment and products;
- (g) promoting the development and improvement of software and other IT applications appropriate for the IPICV's areas of action, in particular with regard to bibliographical and management information concerning patent, mark, registration and deposit processes;
- (h) maintaining IT equipment allocated to IPICV, in accordance with the relevant technical standards;
- (i) carrying out the safety, verification and maintenance procedures necessary for the proper functioning of existing applications and ensuring the correction of anomalies or malfunctions;
- (j) providing user support and managing the distribution of resources and the IPICV IT network in line with the needs of the various services;
- (k) promoting participation in national and international information networks with a view to the establishment and use of an industrial property database;
- (l) deciding, on behalf of the bodies of IPICV, on an interpretation of industrial property standards, copyright and related rights, as well as the legal framework in general, proposing internal standards and guidelines on the application and observance of the legislation in force;
- (m) encouraging observance of the Constitution and other legislation applicable to IPICV;
- (n) cooperating with the competent institutions in the fight against counterfeiting, piracy and corruption;
- (o) receiving requests, information, claims and suggestions and analyzing and processing in a suitable fashion and, when necessary, forwarding, such communications to the competent bodies and institutions for due consideration.

## CHAPTER III

### **Oversight**

#### Article 23

### **Oversight**

1. The government ministers responsible for the fields of industry and culture shall also provide oversight concerning IPICV and shall hereafter be referred to as the Oversight Bodies.
2. The Oversight Bodies shall be responsible for:
  - (a) providing guidance in terms of IPICV activities, setting out targets, objectives, strategies and policy/administrative criteria, providing a sectoral and global framework for IPICV within the public administration;
  - (b) approving the regulations of IPICV;
  - (c) approving IPICV's management planning tools and the documents presenting the accounts prior to their transmission to the Court of Auditors;
  - (d) approving the staff regulations, the posts, careers and salaries scheme, the pay scale and IPICV staffing levels;
  - (e) proposing to the Prime Minister and endorsing nominees for positions in IPICV's management bodies;
  - (f) appointing the heads of IPICV;
  - (g) requesting and obtaining necessary or appropriate information on the execution of IPICV programs and budgets and on the implementation of the respective assignments;
  - (h) authorizing borrowing, when permitted by law;
  - (i) authorizing the acceptance of donations, bequests, and/or legacies which have been contested or which shall be subject to charges;
  - (j) authorizing the acquisition, encumbrance and alienation of immovable and movable assets subject to the registration of IPICV's private assets;
  - (k) suspending, or revoking, under the terms of the law, those acts of the specific bodies of IPICV, which violate the law or which may be considered to be fundamentally inappropriate or inconvenient in terms of the public interest;
  - (l) replacing the bodies of IPICV, on behalf and in the interests of IPICV, in order to make up for negligence or inaction on the part of those bodies, in cases in which those bodies are legally bound to act;
  - (m) monitoring and inspecting the functioning of IPICV;
  - (n) ordering inquiries, investigations or inspections of IPICV;
  - (o) setting the remunerations of the President and the two members of the Administrative Council;

- (p) any other duties entrusted to them by law or by the statutes.

## CHAPTER IV

### **Administrative, Financial and Asset Management**

#### Section I

#### Administrative and Financial Management

#### Article 24

##### **Principles**

IPICV shall be duty-bound to observe the following principles when carrying out administrative and financial management functions:

- (a) management by objectives, designed to promote action at all levels;
- (b) results-based budgetary control, taking into account the necessary basis for the measurement of its services' productivity;
- (c) an integrated information management system, taking into account the movement of information necessary for the preparation and proper implementation of programs;
- (d) the observance of legal regulations.

#### Article 25

##### **Management tools**

1. IPICV shall use the following management tools:
  - (a) annual and multi-annual activity and financial plans;
  - (b) annual budgets;
  - (c) financial expenditure plans;
  - (d) annual activity and accounting reports.
2. The accounting activities of IPICV must include an analytical component that guarantees appropriate and permanent budgetary control and easy verification of the relationship existing between asset values and financial values and the corresponding accounting elements, as well as the measurement of the share of each individual organizational unit in the cost structure of each service.
3. In order to meet the needs provided for in the above paragraph, IPICV

shall implement the current accounting plan for public institutes, adapted to the specific circumstances of IPICV, basically using it as a management tool.

#### Article 26

##### **Assets**

The assets of IPICV shall be made up of the entirety of its goods, rights and duties.

#### Article 27

##### **Revenue**

The following items shall constitute the revenue of IPICV:

- (a) the proceeds of fees collected as a result of the deposit and registration of the various forms of intellectual property, in particular patents, utility models, industrial designs, marks, trade names and emblems of establishments, logos, appellations of origin, geographical indications and awards, as well as other sums of money that may be paid to IPICV.
- (b) the proceeds of fees collected as a result of the registration of works and a percentage, to be set through a joint directive of the government Ministers responsible for oversight, of the proceeds of the economic exploitation of the works registered.
- (c) the proceeds of the sale of services and publications;
- (d) other sums arising from disposal of assets;
- (e) State budget allocations;
- (f) allocations, contributions and subsidies granted to IPICV by any public or private bodies, be they national or foreign;
- (g) donations and subsidies originating from individuals or collectives, be they national or foreign;
- (h) any other revenue allocated by law, contract or any other act.

#### Article 28

##### **Expenditure**

The following items shall constitute expenditure of IPICV:

- (a) operating costs;
- (b) procurement, maintenance and other costs inherent in the exercise of IPICV's functions;
- (c) any other necessary costs related to the carrying-out of IPICV's activities.

#### Article 29

### **Implementation of funds and reserves**

1. The following minimum reserves, use of which shall be subject to approval by the Administrative Council and to ratification by the Oversight Bodies, have been established to channel income:
  - (a) the Research Fund;
  - (b) the Investment Fund;
  - (c) the Fund for Annual Contributions to Regional and International Organizations.
2. A specific account has been set up for IPICV's funds to be deposited at the Bank of Cape Verde, movements of these funds being subject to the terms of the law and requiring the joint signatures of the President of the Administrative Council and the Administrative and Financial Director of IPICV, or those of their respective acting replacements.

### **Section II**

### **Inspection and Presentation of Accounts**

#### **Article 30**

#### **Liability to Inspection**

1. IPICV shall be liable to inspection by the Court of Auditors.
2. IPICV shall be liable to other inspections and the presentation of accounts in the forms, under the terms and within the time periods legally established for public institutes.
3. The financial activities of IPICV shall be liable to inspection by the Inspectorate General of Finances.
4. The administrative, economic, financial and asset management of IPICV shall all be liable to independent external audit, following a decision of the Oversight Bodies and/or of the government Ministers responsible for the fields of Public Administration and Finances.

#### **Article 31**

#### **Referral**

The administrative and financial management of IPICV shall be governed by the laws on public accounting.

### **CHAPTER V**

#### **Staff**



## Article 32

### **Legal Regime and Staff**

1. The staff of IPICV shall, in general, be governed by the regulations applicable to individual employment contracts and, in particular, by the provisions of the respective staff regulations.
2. The IPICV staff establishment plan, as well as the respective Regulations, shall be approved through a joint directive of the government Ministers responsible for the fields of Industry, Culture, Finances and Public Administration.

## Article 33

### **Mobility**

1. The officials of the central public administration, public institutes and local autonomous authorities, as well as the workers of public firms, may be called on to perform duties within IPICV, on secondment or on temporary assignment, their original posts and the rights acquired in those posts being guaranteed and all the time spent in the service of IPICV being taken into account when calculating length of service at their bodies of origin.
2. The staff of IPICV may be called on to perform duties for the State within other public institutes or local autonomous authorities, as well as in public firms, on secondment or on temporary assignment, their original posts and the rights acquired in those posts being guaranteed and the period during which they performed duties within those bodies being taken into account when calculating length of service at IPICV.
3. Officials employed by the State, public institutes or local autonomous authorities who perform duties within IPICV under the terms of paragraph (1) shall continue to be governed by their own disciplinary regime, it, however, being the duty of the Administrative Council to exercise the corresponding disciplinary power during their period of service within IPICV.

## Article 34

### **Confidentiality**

1. The members of the bodies of IPICV, the respective staff and those individuals or bodies, public or private, that provide those bodies with any services, be it on a permanent or occasional basis, shall be subject to professional confidentiality regarding any information to which they may be party during the performance of their duties or while providing the abovementioned services. They may not, for any reason whatsoever, disclose,

- or use, for personal benefit or for the benefit of others, directly or through a third party, such information.
2. Professional confidentiality must be maintained even when the individuals or bodies subject to that regime under the terms of the previous paragraph no longer provide services for IPICV.
  3. Without prejudice to the resulting civil and criminal liability, the infringement of the duty of confidentiality established under the present Article, when committed by a member or staff member of one of the bodies of IPICV, shall result in disciplinary measures corresponding to the seriousness of the infringement being taken against the offender. Such measures may include dismissal and the rescinding of employment contracts and, in cases involving infringements committed by individuals or bodies linked to IPICV by a provision of service contract, the Administrative Council shall have the right to rescind the corresponding contract unilaterally and immediately.

Ministers *Fátima Maria Carvalho Fialho - Fernanda Maria de Brito Leitão*  
*Marques Vera-Cruz Pinto*