

**DECISION**  
**approving the Regulations on the Activity**  
**of the Authorized Intellectual Property Attorneys**

**No.541 of 18/07/2011**

*Official Gazette No.118-121/610 of 22/07/2011*

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For the purpose of implementing the provisions of Article 31 para (4) of the [Law No.161-XVI of 12 July 2007](#) on the Protection of Industrial Designs (Official Gazette of the Republic of Moldova, 2007, No.136-140, Art. 577), Art. 29 para (3) of the [Law No.38-XVI of 29 February 2008](#) on the Protection of Trademarks (Official Gazette of the Republic of Moldova, 2008, No.99-101, Art.362), Art.87 para (5) of the [Law No.39-XVI of 29 February 2008](#) on the Protection of Plant Varieties (Official Gazette of the Republic of Moldova, 2008, Art. 99-101, Art. 364), art.86 para (5) of the [Law No.50-XVI of 7 March 2008](#) on the Protection of Inventions (Official Gazette of the Republic of Moldova, 2008, No.117-119, Art.455) and Art.15 para (3) of the [Law No.66-XVI of 27 March 2008](#) on the Protection of Geographical Indications, Appellations of Origin and Traditional Specialties Guaranteed (Official Gazette of the Republic of Moldova, 2008, No.134-137, Art. 527), the Government

**DECIDES:**

1. The Regulations on the Activity of the Authorized Intellectual Property Attorneys is approved (to be attached).
2. This Decision shall enter into force one year after the date of its publication.

**PRIME MINISTER**

**Vladimir FILAT**

**Countersigned:**

**Deputy Prime Minister, Minister of Economy**

**Valeriu Lazăr**

**Chisinau, July 18, 2011.**

**No. 541.**

Approved  
by the Government Decision  
No.541 of 18 July 2011

**REGULATIONS**  
**on the Activity of the Authorized Intellectual Property Attorneys**

**I. GENERAL PROVISIONS**

1. The Regulations on the Activity of the Authorized Intellectual Property Attorneys (hereinafter referred to as “the Regulations”) regulates the professional activity of the authorized intellectual property attorneys (hereinafter referred to as “the authorized attorneys), in accordance with the legislation on the protection of intellectual property and other normative acts, and with the provisions of the international treaties to which the Republic of Moldova is a party.

2. The provisions of the present Regulations shall extend to:

- 1) authorized attorneys;
- 2) applicants to obtain certificates of authorized attorney;
- 3) the Commission for Attestation and Discipline of Authorized Intellectual Property Attorneys (hereinafter referred to as “the Attestation Commission”), established within the State Agency on Intellectual Property (hereinafter referred to as “AGEPI”).

*[Item 2 amended by [Gov. Dec. No.1157 of 18/10/2016](#), in force from 25/10/2016]*

3. For the purposes of the present Regulations, the principal terms used shall mean the following:

*attestation* – the procedure for assessing the level and quality of professional training in the field of intellectual property, through which the AGEPI officially recognizes the competence of the candidate;

*certificate* – authorization issued by AGEPI confirming the capacity of the person to act as an authorized attorney for all or some of the intellectual property objects;

*authorized attorney* – a natural person attested and registered in the National Register of Authorized Intellectual Property Attorneys (hereinafter referred to as “the Register”), representing the interests of natural and legal persons and providing them with the necessary assistance in the field of the protection of intellectual property.

4. The authorized attorneys’ activity consists in the representation of the natural and legal persons under the terms of the mandate contract or of another contract with analogous content (hereinafter referred to as “the contract”) and/or the power of representation (hereinafter referred to as “the power of attorney”) and the provision thereof with the necessary assistance in the field of intellectual property (trademarks, inventions, industrial designs, plant varieties, topographies of integrated circuits, appellations of origin, geographical indications, traditional specialties guaranteed).

## **II. ACQUISITION OF THE CAPACITY OF AUTHORIZED ATTORNEY**

5. A person who fulfills the following conditions may acquire the capacity of authorized attorney:

- 1) is a citizen of the Republic of Moldova;
- 2) has permanent domicile in the Republic of Moldova;
- 3) has a higher education bachelor’s degree; in the case of a person applying for the capacity of authorized attorney for the category specified in item 7 sub-item 1) of this Regulations, technical studies are required, and for the category specified in sub-item 6) in the same item – biological or agricultural studies;
- 4) has a practice of at least 3 years in the field of intellectual property or has higher education in this field or of counselor in intellectual property;

5) is not an employee of AGEPI at the time of requesting the capacity of authorized attorney;

6) knows the state language;

7) has full exercise capacity;

8) has passed the examination in front of the Attestation Commission of AGEPI.

*[Item 5 amended by [Gov. Dec. No.1157 of 18/10/2016](#), in force from 25/10/2016]*

6. Intellectual property specialists who have activated as AGEPI employees for at least 3 years and the teaching staff who have taught the subject of intellectual property protection in higher education institutions for at least 3 years may acquire the capacity of authorized attorney without passing the examination for the field of the intellectual property in which they have activated, and without paying the attestation fee, for the registration and issuance of the certificate.

*[Item 6 amended by [Gov. Dec. No.1157 of 18/10/2016](#), in force from 25/10/2016]*

7. The capacity of authorized attorney may be acquired for the following intellectual property objects:

1) inventions;

2) trademarks;

(3) geographical indications, appellations of origin and traditional specialties guaranteed;

4) industrial designs;

5) topographies of integrated circuits;

6) plant varieties.

8. In order to be admitted to the certificate obtaining and attestation examination, the applicant shall file with the AGEPI the application made on a standard form approved by AGEPI, with the annexation of the following documents:

1) the standard questionnaire approved by AGEPI;

2) the copy of the identity card;

3) a copy of the diploma on the respective studies;

4) a copy of the service record or other documents justifying the length of service;

5) a copy of the payment order for payment of the attestation, certificate registration and issuance fee.

9. In the event of occurrence of any uncertainty or doubt as to the truthfulness of the information submitted in accordance with the copies of the acts specified in item 8 of the present Regulations, the secretary of the Attestation Commission may request the presentation of these documents in their original form.

### III. ATTESTATION PROCESS

10. Attestation of applicants to obtain certificates of authorized attorney is carried out by the Attestation Commission, which is formed of at least 5 persons and whose composition is approved by the order of the AGEPI Director General. The Attestation Commission is made up of the chairman, members (high qualified specialists in intellectual property working in the AGEPI for at least 3 years), secretary, and a representative of the professional association of authorized attorneys with the largest number of members. The members of the Attestation Commission are appointed indefinitely.

The attributions of the chairman of the Attestation Commission are exercised by the Director General or by the Deputy Director General of AGEPI.

*[Item 10 amended by [Gov. Dec. No.1157 of 18/10/2016](#), in force from 25/10/2016]*

**11.** The Attestation Commission has the following tasks:

- 1) examines the documents submitted according to the provisions of item 8 of the present Regulations and decides the admission of the applicants for the attestation examination in order to obtain the certificate;
- 2) decides on attributing the capacity of authorized attorney without taking the attestation examination to the persons referred to in item 6 of this Regulations;
- 3) elaborates the subjects for the attestation examination;
- 4) checks the identity of the candidates according to the identity card;
- 5) analyzes and registers in the minutes any referral regarding the organization and conduct of the attestation examination;
- 6) checks and evaluates the results of the attestation examination;
- 7) decides on granting (not granting) the certificates;
- 8) monitors the activity of authorized intellectual property attorneys, including examines the information accumulated in the AGEPI databases on the activity of authorized attorneys;
- 9) decides to establish the limits of the activity of authorized attorneys on the basis of the statistical information held by the AGEPI according to item 35 of this Regulations;
- 10) performs other duties in accordance with the law.

*[Item 11 amended by [Gov. Dec. No.714 of 18/07/2018](#), in force from 27/07/2018]*

**12.** Chairman of the Attestation Commission:

- 1) approves the list of candidates admitted to the attestation examination;
- 2) ensures that all sets of grid tests for the attestation examination are prepared and maintained;
- 3) organizes the conduct of the attestation examination;
- 4) chairs the meetings of the Attestation Commission;
- 5) explains how to encode works;
- 6) organizes the verification of the works and the evaluation of the results of the attestation examination;
- 7) signs the standard forms for answers;
- 8) submits to the AGEPI Director General the certificate for signing.

**13.** Secretary of the Attestation Commission:

- 1) receives the applications submitted in support of the attestation examination and for obtaining the certificate;
- 2) checks and informs the applicant about the completeness and the compliance of documents submitted with the requirements of this Regulations;
- 3) draws up the list of candidates admitted to the attestation examination;
- 4) draws up the personal file for each candidate;
- 5) distributes and collects the examination grids and standard forms for answers;
- 6) draws up the minutes of the meetings of the Attestation Commission;
- 7) ensures the keeping of the Registry of records of minutes on the results of the attestation examinations;
- 8) ensures the drawing up of the certificates and verifies their accuracy;
- 9) hands over the qualification certificates;

10) transmits at the end of the year the minutes of the meetings of the Attestation Commission to the AGEPI archive;

11) is responsible for ensuring the full record of the documents related to the attestation/monitoring of the activity of the authorized attorneys, as well as for their transmission to the AGEPI archive.

**14.** The Attestation Commission is responsible for the prevention of fraudulent practices of the attestation examination, provided and sanctioned in accordance with item 21 of the present Regulations.

*[Item 14 amended by [Gov. Dec. No.714 of 18/07/2018](#), in force from 27/07/2018]*

**15.** The quorum required to hold meetings of the Attestation Commission shall be at least 2/3 of its members.

The decisions of the Attestation Commission shall be adopted by a majority of the votes of the total number of members of the Attestation Commission.

**16.** Meetings of the Attestation Commission shall be convened on the basis of the applications submitted for the obtaining of the capacity of authorized attorney, the notifications regarding the activity of the authorized attorneys, as well as for the evaluation of their activity, according to statistical information held by AGEPI pursuant to item 35 of the present Regulations.

*[Item 16 amended by [Gov. Dec. No.714 of 18/07/2018](#), in force from 27/07/2018]*

**17.** To the attestation examination shall be admitted the applicants who have presented all the necessary documents and meet the requirements set out in this Regulations. In case of subsequent detection of non-authentic data in the documents submitted for attestation or of presentation of false documents, the Attestation Commission will cancel the decision on the results of the attestation.

**18.** The conditions for organizing, promoting and evaluating the attestation examination are set out in instructions approved by the order of the Director General of AGEPI.

**19.** Attestation examinations are taken in writing. The subjects for the examination are elaborated by the members of the Attestation Commission and approved by the order of the General Director of AGEPI. The subjects for the attestation examination are placed on the AGEPI website ([www.agepi.gov.md](http://www.agepi.gov.md)), at least 30 days before the attestation date.

*[Item 19 amended by [Gov. Dec. No.1157 of 18/10/2016](#), in force from 25/10/2016]*

**20.** For the purpose of legitimation, the candidate must present an identity card. Persons without an identity card or who are late shall be considered absent and transferred to the list for the subsequent examination.

**21.** The fraud attestation examination practices shall be found by any member of the Attestation Commission and shall be sanctioned by the Chairman of the Attestation Commission by excluding the candidate from the examination. These frauds consist in the copying, the use of electronic devices capable of mediating the communication or consultation of data, substitution of the person or the work, as well as the commission of other actions in order to obtain the unwarranted promotion of the examination. If the committed actions exceed the competence of the Attestation Commission, it has the obligation to notify the competent bodies.

22. The verification of the works is performed only after the attestation examination has been completed by the members of the Attestation Commission.

23. The results of the attestation examination shall be announced within 3 working days from the date of its conduct.

*[Item 23 amended by [Gov. Dec. No.714 of 18/07/2018](#), in force from 27/07/2018]*

24. The candidate may appeal the decision of the Attestation Commission by submitting the respective requests within 7 working days of the announcement of the results. Appeals must be argued.

*[Item 24 amended by [Gov. Dec. No.714 of 18/07/2018](#), in force from 27/07/2018]*

25. The requests for appeals shall be registered by the secretary of the Attestation Commission in the Registry of records of minutes on the results of the attestation examinations.

26. The requests for appeals shall be examined by the Attestation Commission within 7 working days from the date of expiry of the deadline for submission of appeals. The Attestation Commission rechecks and notes the appealed evidence. The amendment of the appealed grade shall only be admissible if the grade given after the examination of the appeal is higher than the one initially obtained, otherwise the initially obtained grade is maintained, it being final.

*[Item 26 amended by [Gov. Dec. No.714 of 18/07/2018](#), in force from 27/07/2018]*

27. The examination of appeals shall be registered in separate minutes, signed by the members of the Attestation Commission.

28. In the case of unsatisfactory results of the attestation examination, the attestation fee shall not be refunded. The repeated taking of the examination will be carried out after payment of fee.

29. The repeated taking of the attestation examination, in case of non-accumulation of the minimum points, shall be admitted in one of the following meetings of the Attestation Commission.

If the attestation examination has not been taken twice consecutively, the candidate may apply for admission to the attestation examination only after the expiry of the 1 year period.

#### **IV. REGISTRATION OF AUTHORIZED ATTORNEYS**

30. The data on the status attributed to authorized attorneys following the attestation shall be entered in the Register and published in the Official Bulletin of Intellectual Property of the Republic of Moldova.

*[Item 30 amended by [Gov. Dec. No.1157 of 18/10/2016](#), in force from 25/10/2016]*

31. AGEPI shall keep the Registry in accordance with the legislation and normative acts on registry management.

32. An authorized attorney, entered in the Register, shall be issued a certificate in accordance with the model established by AGEPI, signed by the Chairman of the Attestation Commission and the Director General of AGEPI. The data on the status of the authorized attorney shall be registered in the certificate, according to the latest information entered in the Register.

33. If the certificate has been lost, destroyed or its data have been substantially modified, a duplicate with the payment of the prescribed fee, including the payment for the publication of the notice in this respect shall be issued at the request of the authorized attorney.

34. The authorized attorney is obliged to notify AGEPI of any change in his/her personal data entered in the Register.

## **V. MONITORING THE ACTIVITY OF THE AUTHORIZED ATTORNEYS BY AGEPI**

35. The monitoring of the activity of the authorized attorneys shall be carried out through the statistical record of the information held by AGEPI on the number of applications for the registration of intellectual property objects, including those related to the management of intellectual property rights, made through the authorized attorneys. This information will include the applications filed both on behalf of foreign and national persons and will not include data that are not related to AGEPI's activity.

36. Authorized attorneys, interested in placing the information regarding their activity on the AGEPI website, under the heading "Authorized Attorneys", are entitled, upon request and against payment, to request the placement of a banner, developed by AGEPI according to the parameters of its website, with reference to the information provided to the public (electronic address, web page and/or photo, name and surname of the attorney (name of the legal entity), legal address, contact details, other relevant information that will not exceed the format of an A4 sheet).

*[Item 36 amended by [Gov. Dec. No.1157 of 18/10/2016](#), in force from 25/10/2016]*

37. The information on newly attested authorized attorneys will be placed on the AGEPI website for a period of 3 years of activity. After the expiry of this period, the monitoring of the activity of the authorized attorneys shall be carried out in accordance with the provisions of item 35 of the present Regulations.

*[Items 38-41 abrogated by [Gov. Dec. No.714 of 18.07.2018](#), in force from 27/07/2018]*

## **VI. ACTIVITY OF THE AUTHORIZED ATTORNEYS**

42. The authorized attorney shall exercise his/her activity within the limits of the intellectual property objects specified in item 7 of the present Regulations, in respect of which he/she has passed the attestation examination. An authorized attorney who partially holds this capacity under the certificate will be able to extend his/her activity to another/intellectual property object/objects provided he/she takes the attestation examination.

*[Item 42 amended by [Gov. Dec. No.714 of 18.07.2018](#), in force from 27/07/2018]*

43. The authorized attorney may carry out his/her professional activity as an individual entrepreneur, without being considered a legal person or being considered a legal person for the provision of services in the field of intellectual property, and as an employee of an institution, organization or enterprise with any form of legal organization.

44. The authorized attorney having the status of an individual entrepreneurial shall carry out his/her activity on the basis of the contracts for provision of intellectual property services

concluded with the customers and/or on the basis of the power of attorney granted by the customers.

An authorized attorney who has engaged himself/herself to an enterprise, profiled on the provision of intellectual property services, shall activate on the basis of the contracts concluded by the enterprise and/or the powers of attorney granted by the customers.

An authorized attorney who has engaged himself/herself as a permanent or temporary worker to institutions, organizations or enterprises with other profiles shall act in accordance with his/her service obligations provided in the employment contract.

**44<sup>1</sup>.** Authorized attorneys have the right to form professional associations or to join such associations.

In the case of registration of a professional association of authorized attorneys, within 10 days from registration, the management of the association will inform AGEPI about such fact, with the presentation of data on the name, the headquarters of the management body and the number of the members of the association.

In order to record and update the information on professional associations of authorized attorneys, the management of the association will quarterly submit to the AGEPI the information on the continuation of its activity and the number of its members.

The professional association of authorized attorneys with the largest number of members will participate in the professional training of authorized attorneys, in their attestation and sanction in common with the Attestation Commission.

*[Item 44<sup>1</sup> introduced by [Gov. Dec. No.1157 of 18/10/2016](#), in force from 25/10/2016]*

**45.** The authorized attorneys shall exercise their duties in compliance with the Code of Ethics and Conduct of Authorized Intellectual Property Attorneys, in accordance with the Annex to the present Regulations.

In courts, in order to defend the rights and interests of the customer, the authorized attorney may avail himself/herself, in accordance with his/her mandate, of a lawyer or legal advisor.

*[Item 45 amended by [Gov. Dec. No.714 of 18.07.2018](#), in force from 27/07/2018]*

**45<sup>1</sup>.** The authorized attorney who has breached the obligations laid down in the contract or the norms of the Code of Ethics and Conduct of Authorized Intellectual Property Attorneys shall be liable under the law.

*[Item 45<sup>1</sup> introduced by [Gov. Dec. No.714 of 18.07.2018](#), in force from 27/07/2018]*

**46.** Attestation, registration in the Register, issuance of the certificate or duplicate, operation of the changes in the Register and advanced training of the authorized attorneys shall be performed for payment in accordance with the legislation in the field of protection of intellectual property.

**Annex  
to the Regulations on  
the Activity of the Authorized  
Intellectual Property Attorneys**

*[Annex introduced by [Gov. Dec. No.714 of 18/07/2018](#), in force from 27/07/2018]*



**CODE**  
**of Ethics and Conduct for Authorized Intellectual Property Attorneys**

**Chapter I**  
**GENERAL PROVISIONS**

1. The Code of Ethics and Conduct for Authorized Intellectual Property Attorneys (hereinafter referred to as “the Code”) regulates the fundamental principles and rules of professional conduct mandatory for the authorized intellectual property attorney (hereinafter referred to as “the authorized attorney”) both in relations with customers, with national and international authorities, with non-governmental organizations, and with other authorized attorneys.

2. The authorized attorney is the natural person attested by the Commission for Attestation and Discipline of Authorized Intellectual Property Attorneys of the State Agency on Intellectual Property (hereinafter referred to as “AGEPI”) and registered in the National Register of Authorized Intellectual Property Attorneys, who represents the interests of natural and legal persons and provides them with the necessary assistance in the field of protection of intellectual property objects.

3. The norms of this Code are intended to secure the fulfilment of the professional commitment of an authorized attorney. Failure by the authorized attorney to comply with these norms shall entail liability under the law.

4. The authorized attorney must know and strictly abide by this Code, being also responsible for the observance and application of the principles of this Code by its employees and collaborators.

5. In the exercise of his/her profession, the authorized attorney has the duty to protect his/her customers against situations in which their rights are not respected and to provide them with the necessary assistance in the process of understanding the legal provisions, avoiding conflicts and resolving them.

**Chapter II**  
**PRINCIPLES OF CONDUCT**

**Section 1**  
**Independence**

6. The authorized attorney must enjoy professional independence in his/her activity in such a way as to avoid any dependence which may prejudice the interests of his/her customer.

7. The authorized attorney must be free of any influence that might result from his/her own interests or those of third parties in relation to the commitment undertaken.

8. The professional probity shall be inclusively secured by ignoring any requests from the customer that are likely to prejudice the commitment of the authorized attorney and the rules for its realization.

9. The authorized attorney cannot accept a commitment when, due to other obligations, it is impossible to fulfil this commitment promptly or to consult the customer correctly.

**Section 2**  
**Moral Integrity and Trust**

10. The authorized attorney must demonstrate honesty, probity, fairness, correctness, sincerity and confidentiality in the relationship with his/her customer, characteristics that motivate the customer's decision to engage him/her.

11. Moral integrity consists in the behavior of the authorized attorney in such a way as not to prejudice the characteristics referred to in item 10 both in the exercise of the profession and outside of it.

12. The authorized attorney is required to abstain from assisting and consulting a customer in criminal activities.

### **Section 3**

#### **Professional Secret. Confidentiality**

13. The authorized attorney is bound to keep the confidentiality of any data, including personal data, and information that becomes known to him/her directly or indirectly from his/her customer, whether directly linked to or not by the assumed commitment. He/she cannot disclose this information both during the commitment and after its termination, except with the express consent of his/her customer.

14. The right and obligation to maintain confidentiality apply to all information acquired during the exercise of the profession and will have to be respected even after the settlement of the commitment, except in cases expressly provided for by law.

15. The authorized attorney cannot pass on to any third party any document received from his/her customer, such as documents, printed or electronic files, samples and models, without the consent of the customer.

16. The obligation of confidentiality implies an active role of the authorized attorney in ensuring that such confidentiality is preserved, including by the persons he or she employs in order to fulfil a particular commitment or to carry out his/her professional activity in general.

17. Among the customers represented jointly, the confidentiality rule does not apply unless the parties decide otherwise.

### **Section 4**

#### **Competence**

18. The authorized attorney carries out the activity entrusted to him/her on the basis of his/her professional competence.

19. The authorized attorney is not entitled to accept a commitment if he/she is certain that he/she does not have the necessary competence to deal with the matter, unless he/she cooperates with another authorized attorney or other specialist with that competence.

### **Section 5**

#### **Conflict of Interests**

20. The authorized attorney is not entitled to participate in a particular commitment if he/she has already counseled or has already represented another party in the same case with conflicting interests, or has been involved professionally or otherwise in this case, which could prejudice the customer's interest. In this case, the authorized attorney is obliged to notify the customer as soon as the circumstance becomes known to him/her.

21. The authorized attorney will abstain from dealing with the cases of all the customers involved in the commitment for which he was engaged when a conflict of interests arises, when

the professional secret runs the risk of being violated or when his/her independence takes the risk of casting doubt on it.

22. The authorized attorney cannot accept a case of a new customer when the secret of the information entrusted by an old customer runs the risk of being violated or when the customer's knowledge of the old customer's cases favors the new customer unjustifiably.

### **Section 6 Incompatibilities**

23. The authorized attorney may carry out his/her professional activity as an individual entrepreneur without being considered a legal entity or being considered a legal entity for the provision of intellectual property services and as an employee of an institution, organizations or enterprises with any form of legal organization.

24. The authorized attorney may not act as such on grounds of incompatibility established under the law, such as the status of an employee of AGEPI or the exercise of a public function.

### **Section 7 Advertising of the Authorized Attorney's Activity**

25. The authorized attorney may promote his/her professional activity, subject to the compliance with the provisions of Section 3 of this Chapter relating to professional secret, providing concrete information on the exercise of his/her profession and carrying out his/her activity with dignity and prudence. It is in particular allowed to mention the core activities, the special experience acquired in the professional environment in which he/she activates and the qualifications formally obtained.

26. In all promotional and advertising actions, regardless of their material support, including the Internet, the authorized attorney must ensure that all the elements of identification of the form of exercise of the profession in which he/she activates, according to the forms of organization of the profession established by law, are presented in a correct and complete manner so that the public is aware of all the details of the person or persons providing the respective services and there is no confusion in relation to other attorneys as well as in relation to other institutions or organizations.

27. References to files and customers are only allowed if the customer has previously expressed expressly his/her consent in this respect, except that reference(s) is (are) only related to the information available to the public.

28. Advertising and promotion must not contain any allegations that may affect the status and dignity of the profession of authorized attorney or any other free profession.

29. Regardless of the means of advertising used, all laudatory or comparative mentions with other authorized attorneys are forbidden.

## **Chapter III CUSTOMER RELATIONSHIP**

### **Section 1 Commitment and Acceptance of Commitment**

30. The authorized attorney is free to accept or not a particular commitment offered by the customer. This commitment must be in written form.

31. Unless otherwise agreed by the parties, this commitment may be in the form of an exchange of messages, whether written or electronic. From this communication must unequivocally result the understanding of the terms of the commitment by the customer and acceptance of the commitment by the authorized attorney.

32. The authorized attorney and the customer agree on the content of the commitment, in particular on the extent of the obligation of assistance to be borne by the authorized attorney, the fee he will receive, the necessary conditions of payment and other reasonable and necessary expenses.

## **Section 2**

### **Fixing the Honorarium**

33. The authorized attorney and the customer are fully free to establish the honorarium to be paid.

34. The authorized attorney informs the customer of the honorarium/honoraria and its/their structure, and the total amount of honoraria must be fair and justified.

35. The authorized attorney shall provide the customer, upon request, with details of the actions undertaken or to be undertaken in relation to the fixed honorarium.

36. When the customer fails to pay the debts related to the honoraria and expenses, the authorized attorney has the right to renounce the commitment and to withdraw, respecting a reasonable possibility of the customer to independently deal with his/her own case.

37. The authorized attorney may not offset the debts he/she claims from the customer at the expense of the funds entrusted to him to discharge the specific commitment, except with the agreement of his/her customer.

## **Section 3**

### **Interaction with the Customer**

38. The authorized attorney acts only when he/she is empowered by his/her customer, based on the commitment made by the customer and accepted by the attorney. Relationship with the customer must be official.

39. The authorized attorney shall consult the customer conscientiously and shall inform him diligently of the progress of the commitment he/she has accepted.

40. If the authorized attorney is unable to carry out his/her duties, he/she must ensure that the customer in question is in a position to independently deal with his/her case or may in due time contract another person to provide him/her with the necessary assistance to avoid causing damage to the customer.

41. Even if the customer's interest is paramount, the authorized attorney will not subordinate his/her personal and professional integrity to his/her customer.

42. The authorized attorney is not entitled to accept an unlawful proposal.

43. The authorized attorney cannot guarantee a certain result of the assumed commitment; no matter how foreseeable it is, especially when the result depends on the decision of the AGEPI, the court, another public authority or a third party.

## **Section 4**

### **Dossier of the Commitment Received**

44. For each commitment entrusted, the authorized attorney must keep a dossier that gives a clear picture of the activity he/she has carried out.

45. The authorized attorney may keep the dossier in electronic format, provided that the original individual copies are not required to be kept. The authorized attorney also has the right to convert in part or in total a dossier from non-electronic format into electronic format, by making electronic copies and by destroying the copies kept on paper, provided that the legal provisions do not contradict this procedure.

46. At the customer's request, the authorized attorney shall provide copies or extracts from the commitment dossier without incurring any additional charge that exceeds his/her own costs/expenses.

47. Upon completion of the commitment, the customer may ask the authorized attorney for a copy of the dossier that the attorney provides, except for those data, information, drawings, notes that are not directly related to the appropriate commitment or whose provision is prohibited by the obligation/obligations of the professional secret.

## **Section 5**

### **Waiver of Commitment**

48. The authorized attorney may not relinquish a file unjustifiably before the deadline if there are no reasonable reasons for doing so. However, for reasonable reasons, the authorized attorney is entitled to waive his/her commitment at any time, provided that a reasonable period of notice is observed, so that the customer may independently deal with his/her own case or may engage another authorized attorney.

49. In this case, the authorized attorney shall undertake any action that is urgent and decisive for the case of his/her customer, without making unreasonable, in some way, this behavior.

50. This obligation of maximum prudence in the event of waiving the commitment entrusted does not apply if the waiver is caused by the customer's fault or if the customer agrees to take all future actions on his behalf.

## **Chapter IV**

### **INTERACTION WITH OTHER AUTHORIZED ATTORNEYS.**

#### **COLLEGIALITY**

51. Collegiality requires trust-based relationships, in the customer's interest, to avoid unnecessary processes and any behavior likely to affect the reputation of the profession.

52. In no case will collegiality be the basis for the unreasonable contradiction with the interests of the customers. Between them, authorized attorneys will exhibit collective and respectful behavior.

53. An authorized attorney shall not refer to another authorized attorney in improper or offensive terms.

54. Professional competition must be fair. When ordering, as well as in any other form of promotion, including on the Internet, the authorized attorney will abstain from making misleading or self-deceiving statements and/or by direct criticism or allusion to the work and quality of the work of other attorneys.

55. The authorized attorney shall not exercise or favor discrimination against other authorized attorneys on grounds of age, gender, religion, political option, social affiliation, etc. If an authorized attorney intends to bring an action against another authorized attorney in connection with the violation of these rules of conduct, he/she will first attempt to resolve the dispute through direct contact with the other attorney. In the event that no agreement can be

reached, the authorized attorney will continue to hand over the case to the Commission for Attestation and Discipline of the Authorized Intellectual Property Attorneys. Unless such mediation fails, the authorized attorney may bring legal action against the other attorney.

**56.** An authorized attorney may not enter into a direct relationship with a person in respect of a particular case when knowing that such person is represented or assisted by another authorized attorney, unless he/she has the consent of his/her colleague.

## **Chapter V**

### **INTERACTION WITH THE AGEPI, THE COURTS AND OTHER AUTHORITIES**

**57.** The authorized attorney is required to show respectful behavior towards the AGEPI, the courts and any other authorities with which he/she interacts in the performance of his/her commitment.

**58.** An authorized attorney who presents himself/herself to the courts or who participates in a jurisdictional-administrative procedure must comply with the rules of conduct applicable to these procedures.

**59.** The obligation to comply with these rules does not limit the authorized attorney to object to the actions of the authorities or to exercise other procedural rights.

**60.** The authorized attorney cannot knowingly provide obviously false data and information to the authorities with which he/she interacts in the discharge of his/her commitment.

**61.** The authorized attorney is not responsible for the truthfulness of the data and information provided by the customer. At the same time, the authorized attorney shall be obliged to notify the competent authorities if such data and information are likely to prejudice the legal provisions.”