



➤ National Quality Charter of patent  
and trademark attorney firms



 acpi Association des Conseils  
en Propriété Industrielle

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To meet the requirements of civil society for greater transparency and professional ethics, the **Association des Conseils en Propriété Industrielle (ACPI - the French Association of Patent and Trademark Attorney Firms)** invited the **directors of Patent Attorney Firms** it represents to reassert the profession's ethical values, adopting a renewed vision and a resolutely ambitious approach based on excellence.

The **National quality charter of patent and trademark attorney firms** outlines the role of **patent and trademark attorney firms** with respect to companies, public and private research organisations and innovators, and **focuses on the qualitative objectives** of a profession deeply involved in the creation of value related to innovation, thereby driving continued expansion of the circle of ideas available.

The **National quality charter of patent and trademark attorney firms** complements the **provisions applicable to the profession**, defined by regulations (in particular the French Intellectual Property Code), the French Patent & Trademark Attorneys Institute (CNCPI), the International Federation of Intellectual Property Attorneys (FICPI) and, of course, the ACPI which defined a framework for the profession and which has represented France with the World Intellectual Property Organisation (WIPO) since 1884.

The **National quality charter** defines the **practices, behaviour and commitments** of the **patent and trademark attorney firms** which accept its rules.



### **commitments to provide**

- **Strategic**
- **Transnational and**
- **100 % responsible consultancy**



## Strategic expertise

**P**atent and trademark attorney firms include lawyers and engineers, graduates from universities and the *grandes écoles*, including numerous PhDs, in other words highly qualified contacts, who act as experts on the subject and who provide technical, legal and economic consultancy services.

Due to unique nature of the profession, patent and trademark attorney firms work hand in hand with company managers, creators, researchers, engineers, marketing managers, lawyers and finance specialists, who they federate around the theme of innovation, acting as coordinator.

The profession provides multiple and transverse services: watch, audit on the strength and value of the IP portfolio, property rights protection strategy, creation and negotiation of contracts governing exploitation of intellectual property rights, offensive or defensive strategy in case of disputes, etc. These missions require an excellent knowledge of IP contract law, procedures for obtaining patent titles, as well as office practices and litigation.

In addition, patent and trademark attorney firms propose an economic and financial approach to IP including, in particular, watch, financial assessment and economic intelligence services.

PTA firms protect the history of their clients' IP rights. ●

## Commitment of PTA firms: guarantee high performance



**T**he firms, through their directors, undertake to recruit highly qualified professionals, capable of advising experienced company and institute managers, researchers, engineers and lawyers.

They undertake to increase and maintain the skills of the patent and trademark attorneys and of the paralegal staff through training actions, to organise the transfer of their know-how and to improve their teams in compliance with the profession's fundamental values.

PTA firms undertake to conduct, *pro bono*, awareness actions with the economic operators, to advise their clients proactively and give them customised advice depending, in particular, on the specific features of their sectors of activity, in France and abroad.

They undertake to implement a value-adding protection strategy, to propose economic models including intellectual property and to take into account the specific features of IP taxation.

In the event of disputes, the PTA firms agree to recommend to their clients a strategy adapted to their specific situations, informing them of the costs and delays inherent to each solution. They check and analyse the titles of the opposing party, provide support during prelitigations, conduct negotiations, draft transactions, and, where applicable, propose recourse to arbitration.

They represent their clients independently in administrative litigations. On the legal side, they compile the technical and legal data of the file, select officers of the law, including IP attorneys, and thereby direct the litigation with respect to the client's legal, strategic and economic situation. ●



## International approach

Industrial property is by nature an international activity. Since 1884, the ACPI has represented France with the World Intellectual Property Organisation (WIPO). The Paris Convention bears witness to the profession's commitment. Over the years, the ACPI has continued to cooperate with its foreign counterparts.

Whenever there is a proposal to change the regulations, it puts forward suggestions to improve the protection level, especially in the framework of the International Federation of Intellectual Property Attorneys (FICPI) which conveys proposals to the international bodies.

It is recognised as being a body with considerable influence.

At the same time, the ACPI strives to cooperate constructively with the community courts regarding trademarks and designs and helps set up the Unified Patent Court (UPC).

The directors of the firms must therefore reflect on the organisations to be set up in order to meet the parties' consultancy and representation requirements in case of transnational disputes. ●

## Commitment of PTA firms: guarantee transnational skills



The firms, through their directors, undertake to promote a practical knowledge of international IP agreements as well as a multicultural and multilingual environment.

They undertake to contribute to the studies conducted by the ACPI, which makes proposals for changes in international IP law to the FICPI in order to meet their clients' requirements and strategies.

They therefore undertake to list the special cases requiring discussions not limited to France alone, to take the matter before the ruling bodies of the French association, to contribute actively to the collective work carried out by the association and, where applicable, to represent the ACPI with the FICPI. Generally, they undertake to adopt a proactive attitude favouring protective and harmonised European law.

The firms undertake to simplify transnational exchanges, through a network of contacts selected for the quality of their practice and with respect to the compatibility of their values with those shared by the ACPI and the FICPI.

They undertake to direct the prelitigations and litigations of their clients in order to protect their strategic and economic interests, while considering the risks and practices of each country.

They undertake to set up the organisation required to support their clients before the courts concerned, especially the UPC. ●



## Values, guarantees and a responsible environment

The profession of patent and trademark attorney is regulated and subject to rules of professional ethics, sanctioned in case of non-respect. Its fundamental values include integrity, honour, delicacy and respect of professional secrecy. Incompatibilities enacted by the law, prohibition of conflicts of interest, professional liability insurance, financial guarantee allocated to reimbursement of funds, bills or securities received, etc., are exclusively for the benefit of the client.

The profession has no monopoly and accepts competition, which is stimulating.

The directors of the firms are practicing professionals. They are the majority shareholders of their firms. Their capacity as liberal profession helps to retain their independence.

They contribute to the balance between defence of intellectual property and respect of the public domain: they act as much for the owner of the rights as for the presumed counterfeiter or opponent. ●

## Commitment of PTA firms: provide 100 % responsible advice



The firms, through their directors, undertake to provide impartial professional opinions in complete transparency: they meet their clients' need for information, are available for awareness sessions, take care to clarify the price structure practices with respect to the services provided and to explain the IP procedures and law to their clients for a better understanding and fluidity of TPA-client relations.

The firms undertake to make their administrative procedures secure (reduction and control of the associated risks), to make sure to obtain titles useful to the clients' strategies, to extend the obligation of confidentiality to all employees who have access to the files, throughout the duration of the work contract and after the end of the contract.

They undertake to be reactive, adapt in case of emergency, use secure delay management tools, report the results obtained, measure client satisfaction throughout the service, and examine every opportunity to improve the service.

The directors of the firms undertake to set up governance based on the values of the profession which combines an entrepreneurial and liberal spirit.

They undertake to respect all persons, with no discrimination, act fairly, guarantee social diversity and fight against inequality.

The directors undertake to comply strictly with legal obligations regarding hygiene and safety at work and consider the impact of their actions on the community, people and activities. They undertake to set up a Corporate Social Responsibility approach and, environmentally, print only those documents which are essential, use ecological supplies, sort and recycle waste, and prevent fires. ●



## Who are the PTAs?

**T**o work as patent and trademark attorney, a Master 1 degree in private law, a Master 1 scientific degree or an engineering diploma represent minimum qualifications.

This initial training is generally completed by a specialised training programme at the Centre d'Etudes Internationales de la Propriété Intellectuelle (CEIPI - the Centre for international intellectual property studies) in Strasbourg.

A Master 2 degree, in some subjects, is also sufficient to become a patent and trademark attorney.

In both cases, 3 years' experience in a PTA firm or an IP department are required, as well as the qualification issued by the National Institute of Intellectual Property (INPI) to practice fully as patent and trademark attorney. In addition, a perfect knowledge of English (German, Spanish and Chinese are also often spoken) is necessary, bearing in mind that the profession is resolutely international and also involves, for the engineers, European qualification examinations, known to be difficult.●

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