

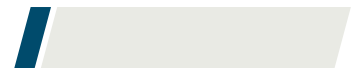


Oifig Maoine Intleachtúla na hÉireann
Intellectual Property Office of Ireland

Intellectual Property Office Of Ireland Annual Report 2020



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Foreword

I have the honour to submit my Annual Report to the Minister for Enterprise, Trade and Employment for the year ended 31 December 2020 so that it can be laid before each House of the Oireachtas in accordance with Section 103 of the Patents Act, 1992.

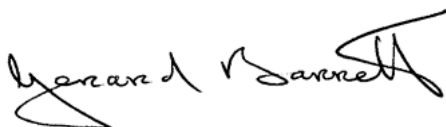
My Report is in respect of the execution of my statutory functions under the Patents Act, 1992 (as amended), the Trade Marks Act, 1996 (as amended), the Industrial Designs Act, 2001, the Copyright and Related Rights Act, 2000, the various Statutory Rules and Regulations made under these Acts; and the European Communities (Supplementary Protection Certificate) Regulations. Decisions under these Acts, Rules and Regulations rest with me in my statutory capacity, subject to certain rights of appeal to the High Court. My Report also includes a report on the KDB Certification Scheme as required by Section 18 of the Knowledge Development Box (Certification of Inventions) Act, 2017.

In addition to its core business of administering the relevant legislation concerned with the processing of applications for intellectual property rights (patents, supplementary protection certificates (SPCs), trademarks and industrial designs), and maintaining the electronic registers and databases of these rights, the Intellectual Property Office of Ireland (IPOI) performs a number of operational and regulatory functions including:

- Administering proceedings before the Controller in relation to IP rights including hearings on oppositions to trade mark registrations.
- Maintaining the registers of patent and trade mark attorneys authorised to operate in the State.
- Administering the registration and compliance reporting by copyright licensing bodies/collective management organisations as well as the resolution of disputes regarding royalty amounts payable to those bodies arising mainly in the area of public performance of sound recordings.
- Contributing to policy and legislative development on IP rights.
- Providing assistance and information on intellectual property rights.

My report provides more detailed information on how the Office discharged its various statutory and regulatory functions and ancillary activities and is supported by a range of business statistics.

I would like to acknowledge the considerable work effort and contribution of the staff of the Office during 2020 and their continuing commitment to delivering an efficient and effective service in what are very uncertain and unusual times. Like other government offices the IPOI has been faced with the challenges of the COVID-19 pandemic and through the commitment of all staff and the support of ICT Unit it was possible to rollout IT equipment and peripherals with the result that from March onwards, the majority of staff were able to work from home while ensuring minimal disruption to our core services to business.



Gerard Barrett
Controller of Intellectual Property



IPOI Functions, Mission and Objectives

The Intellectual Property Office of Ireland (IPOI) (formerly known as the Patents Office) is an independent statutory office under the aegis of the Department of Enterprise, Trade and Employment with responsibility for the grant and registration of intellectual property rights (IPRs) in Ireland, specifically patent, trade mark and industrial design rights. The IPOI is staffed by 47 civil servants who are assigned by the Minister for Enterprise, Trade and Employment.

The central mission of the IPOI is:

“To provide an efficient and effective system of intellectual property protection that encourages technological development and promotes enterprise”.

This is to be achieved through the protection of intellectual property rights within an effective legal framework which encourages innovation in Ireland and facilitates the proactive dissemination of relevant knowledge about IPRs and the IP system.

In 2020 the Office published a new Strategy Statement for the period 2020 to 2022. This statement sets out key priorities aligned with four strategic objectives which the Office will be working towards over the next three years: (1) operational excellence, (2) customer service excellence, (3) an effective IP legal framework and (4) effective promotion of awareness and understanding of IP rights.

The following commentary and accompanying business statistics considers the activities of the Office in delivering these four objectives during 2020 and also has regard to the impact of the COVID-19 pandemic on the Office and its services. It also includes some observations on IP trends and the IP landscape which emerged during the year.

Objective 1: Operational Excellence

During 2020, intellectual property offices around the world had to take steps to address the consequences of the COVID-19 pandemic and the impact that restrictions, lockdowns and stay-at-home orders had on IP practitioners, IP rightsholders and their own operations. Given the significant economic consequences of restrictions, the IPOI like many other organisations, needed to rethink ways of working in light of the considerable operational challenges posed by the pandemic.

The IPOI remained fully operational in 2020, despite the societal and economic impacts of the worldwide Covid-19 pandemic. I am pleased to say that the Office's pursuit of a digital agenda and the provision of online services proved to be worthwhile. While the IPOI premises remained

closed to the public, there was no cessation in services provided by the Office throughout the year. The IPOI was fortunate in that the bulk of its services and communication with applicants can be delivered electronically and online. Beginning in March 2020, all Office staff were equipped with a laptop and mobile phone which enabled them to work remotely from home and to continue to support all online services.



IPOI closed to visitors from 14 March 2020

Prior to the pandemic, the introduction of e-filing had facilitated a reduction in the number of applications filed on paper and a consequent reduction in post filing activities carried out on paper. During 2020, remote working further accelerated the use of electronic files and documents and the use of email communications. The Office is still not completely paperless but all applications for IP rights can be processed electronically from application to grant/registration. The administration system has also been configured to allow for the electronic processing and recordal of most post grant/registration activities.

The Office has a sophisticated e-filing system in place operating 24/7 which allows for the online filing of all patent, supplementary protection certificate, trade mark and design applications. During 2020, the vast majority of all applications for IP rights were filed online via the Office's website. (Patents & SPCs 91%, TMs 97%, Designs 64%). Almost 100% of the Office's statutory fees are now paid electronically either online or by electronic fund transfer(EFT) showing a willingness on the part of customers to utilise the secure payments systems. For customers who can't avail of the online payments facility, the Office also uses a credit card terminal (CCT) to further facilitate secure payment of fees over the telephone. In addition, and at the request of IP attorneys, the Office continued to make a secure Dropbox facility available to facilitate electronic secure encrypted submission of digital IP documents. In 2020, 25 companies availed of the Dropbox facility. These services remained unaffected by the pandemic.

As of 31 December 2020, the Office had 47 authorised posts, the same as in 2019. However, when career breaks, work-sharing and other family friendly working arrangements are taken into account, the Office operated with a staffing level of 43.38 full time equivalents during

2020. There was one vacant Executive Officer post. Automation of procedures and innovative improvements to internal business processing combined with an experienced staff complement has allowed the Office to continue to successfully meet the demands for high levels of public service without increasing staff resources and without compromising operational effectiveness.

The Office is committed to ensuring that all staff performance is appraised regularly. The Performance Management Development System (PMDS) affords staff the opportunity to set individual goals, to initiate and deliver change and continue to improve work practices in order to deliver an efficient and high-quality service. In accordance with the PMDS system, a Training Development Plan was drafted which took into account the various training needs which staff had identified in their personal development plans for 2020. During 2020, staff were able to virtually attend a range of information sessions and training held via Webex or Zoom on a variety of topics as well as issues relating to wellbeing, mental and physical health.

The Patents Act provides that the staffing of the Office is the responsibility of the Minister for Enterprise, Trade and Employment. I have therefore alerted the Department of Enterprise, Trade and Employment to the need to plan for the impact on the Office of the departure on promotion and retirement of most of the senior management team which is expected to occur towards the end of 2021.

Objective 2: Customer Service Excellence

The impact of the pandemic and the introduction of restrictions in March 2020 as part of the Government's plan to combat the spread of COVID 19, meant that the IPOI had to quickly adapt its services and processes. By the end of March, 92% of IPOI staff were working from home. The move to home working was facilitated by the ICT Unit and a reduction in paper-based processing which has been achieved in recent years, enabled staff to operate remotely using laptops and mobile phones linked to the Office's systems. In addition, IPOI staff working remotely continued to maintain both online and e-services including electronic fee payments and both email and telephone enquiries throughout 2020. The processing of applications for intellectual property rights as well as other activities related to maintaining those rights continued without any significant interruption of service. Customers were requested to use online services and communicate with us digitally to minimise delays. Notwithstanding the challenges arising from the pandemic and remote working, information section staff dealt with over 4,500 emails representing a 50% increase over the corresponding 2019 figure. Information section staff also continued to provide a full telephone service to customers and dealt with approximately 3,800 telephone enquiries in 2020.

Throughout 2020, the IPOI worked closely with its stakeholders and their support, proposals and constructive feedback was and continues to be extremely beneficial. This support will be essential in order to deal with organisational, demand and service challenges which are likely to arise in 2021.

Following the introduction of restrictions in March 2020, the Office recognised that significant challenges were being faced by businesses, rights holders and IP professionals. Therefore, the

days between 13 March and 2 June 2020 were deemed to be “excluded days” for all purposes under the Acts and Rules. Utilising the “excluded day” provision in the Rules recognised that the normal course of business had been interrupted and allowed most deadlines and payment due dates for applications for all IP rights and transactions associated with those rights which fell on an “excluded day” to be extended. After the ending of the period of excluded days on 2 June, the IPOI recognised that some businesses were still being impacted by the pandemic restrictions. The Office adopted as flexible an approach as possible in terms of extending time periods and I indicated that I would exercise my discretionary powers to consider requests for extensions of time as favourably as possible, on a case-by-case basis.

The Office is committed to constantly reviewing its administrative procedures and delivering a responsive quality service in line with performance targets. To this end, and following consultation with stakeholders, the Office produced a new “Customer Service Action Plan 2020-2022”. The plan sets out 20 customer service targets establishing optimum time limits for carrying out various internal and external customer related tasks. These are detailed in the “Performance Targets” section of the report. During 2020, and despite the impact of the pandemic, the majority of customer service targets were met to a satisfactory level with 90% being the average rate of achievement.

Objective 3: An effective IP legal framework

The regulation of intellectual property rights is a vital part of the legislative framework that promotes and encourages innovation. The legislation under which the Office operates affords applicants and proprietors the right to be heard in particular circumstances and before any discretionary powers set out in the Acts and Rules are exercised adversely. Pandemic restrictions imposed challenges in the delivery of both ex-parte and inter-partes hearings which would have traditionally been conducted in person and face-to-face. During 2020, the Office held 10 ex-parte and 3 inter-partes hearings concerning trade marks, 2 ex-parte hearings in connection with applications for supplementary protection certificates and 2 ex-parte hearings related to applications to restore patents. Where possible, with due regard to security and fair procedures and with the agreement of the parties, all hearings held after 14 March were moved to virtual online platforms.

After decades of pursuing a single patent system covering all of Europe, there was some expectation that progress on the Unitary Patent Package could be intensified during 2020. The Unitary Patent (UP) package provides for a future system for patent protection in up to 25 EU Member States and patents with unitary effect will not have to be validated in every single state. A Unified Patent Court (UPC) will have exclusive competence in respect of Unitary Patents (and after a transitional period, traditional European patents) and it will be possible to commence a single action for infringement covering all signatory Member States.

However, progress received a setback on 24 March 2020 when the UK Government announced that it would “not be seeking the UK’s continued participation in the Unitary Patent and Unified Patent Court.....because participating in a court that applies EU law and is bound by

the CJEU would be inconsistent with the government's aims of becoming an independent self-governing nation". Before it can enter into force, the UPCA needs to be ratified by 13 of the 25 participating EU member states, including Germany, France and Italy, (with Italy replacing the UK). France and Italy have already ratified the agreement. However, German ratification had been delayed by a series of constitutional legal challenges in the German Federal Constitutional Court. Consequently, it is expected that the Unitary Patent system will not come into effect until 2022 at the earliest. Before Ireland can join the UPC Agreement, a constitutional referendum is necessary as the Agreement involves the transfer of jurisdiction for certain patent litigation from the Irish Courts to the Unified Patent Court.

IPOI staff represent Ireland at a number of international fora and in so doing ensure this Office's position on Intellectual Property matters is articulated, known and defended. Senior management represent Ireland on the Administrative Council of the EPO and its various ancillary Committees, and on the Management Board and Budget Committee of the EUIPO. Office staff, who are experts in their particular fields, sit on several EPO and EUIPO technical and liaison committees, as well as on Project Working Groups driving European convergence and harmonisation initiatives at the EUIPO.

Participation at an international level facilitates dialogue on the content and structure of co-operation and convergence programmes between those organisations and other national IP Offices in Europe, which in turn enables the Office to further enhance and develop its legal and regulatory practices, procedures and customer services in line with best international practice.

Objective 4: Effective promotion of awareness and understanding of IP rights.

Assisting small and micro-enterprises, small business start-ups, individual entrepreneurs, innovators and students to understand the IP system, obtain information on IPRs (Intellectual Property Rights) and understand how IP can help them create value from their ideas and strengthen their business, is an important element of the Office's work. During 2020, due to COVID-19 restrictions, Office staff could not participate in the usual range of information events and seminars where they would normally have a physical presence. As far as possible, staff participated in virtual events including the BT Young Scientist & Technology Expo in 2020 and the Transition Year show. The Office also took part in a live broadcast on 'Production & Intellectual Property' hosted by the Student Enterprise Programme. In addition to participating in a number of online seminars organised by Local Enterprise Offices, the Office held 21 IP virtual clinics which gave an opportunity to the public, inventors, entrepreneurs and business people to discuss their IP application on a one-to-one basis with Office staff.

The Office also has bilateral co-operation programmes with the EPO and the EUIPO under which it receives assistance towards participation in various IP awareness raising events, specialist IP training, ICT projects to facilitate IP data exchanges and the harmonising of practices and procedures. In addition to providing online free-of-charge access to its registers, databases and Official Journal, the Office also provides online access to various customer friendly search tools such as TMView, DesignView, Espacenet and the Federated Patent Register. The hosting environment for TM and Design eFiling and eServices websites was upgraded successfully in 2020. The development was carried out by utilising expert assistance provided by the EUIPO.

Intellectual Property Trends and Indicators

In 2019 the main drivers in the Irish economy were increased consumer spending and exports supported by strong domestic demand and by the activities of multinational companies operating in the country. During 2019, uncertainties over Brexit also led to a slowdown in some sectors, such as services and manufacturing. However, an EU-UK Trade and Cooperation Agreement (TCA) averted the threat of a no-deal WTO Brexit and meant that significant disruption to economic and intellectual property related activity, which would have accompanied a no-deal Brexit, was avoided.

Since the start of the pandemic, the scale of its impact on the Irish economy has fluctuated in line with the path of the virus and the severity of the restrictions and containment measures. The pandemic's impact on the domestic economy was severe, with the domestically-oriented sectors contracting by around 10 percent in 2020 and covid-adjusted unemployment increasing to 25 percent. Nevertheless, comprehensive policy support and, especially, strong performance of some of some key multinational exports in the pharmaceuticals, computer services and business services sectors helped limit the economic impact of the pandemic and as a result GDP grew by 3.4% in 2020¹.

Furthermore, as can be seen from the following paragraphs, and the IP business statistics, the expected negative impact of the pandemic on the acquisition and maintenance of IP rights by Irish companies at home and abroad did not materialise, in part because of the sustainability of IP applications from these sectors.

Patents

National patent applications

The overall total number of national patent applications filed in 2020 showed an increase of over 34% on 2019 (from 217 to 292). Within that overall figure, national short term patent filings received during 2020 also increased significantly on the 2019 total (from 124 to 163) as did the number of long-term patent applications (from 93 to 129). Some of the increases in national patent filings can be associated with pandemic related inventions whether it be for medical devices, types of face mask, protective clothing or sanitising products.

Supplementary Protection Certificates (SPCs)

Supplementary Protection Certificates (SPCs) extend patent protection for medicinal and plant protection products by up to 5 years, to account for delays in obtaining regulatory approval in the early years when bringing the product from patented status to marketability. Manufacturers take account of SPC rights to secure an extension of their market exclusivity in order to recoup the costs of investments in research and development. Applications for Supplementary Protection Certificates (SPCs) totalled 62 in 2020, the same as in 2019 and remain an indicator of the positive relationship between an extended period of protection for medicines and the level of pharmaceutical research and development.

1. Policy Responses to COVID19 (imf.org)

European Patents designating Ireland

Despite the coronavirus pandemic, patent applications at the European Patent Office in 2020 remained stable overall, at 180,250 (down just -0.7% on 2019). European patent applications which designate Ireland are entered on the Irish Patent Register following publication of grant at the EPO and have the same legal status as if they had been granted by the Office.

In what has been a challenging year across all of Europe, any growth in patent applications would be remarkable, so companies from Finland, France and Italy stand out here with applications from Irish companies also showing a modest increase on 2019. The EPO reported that companies based in most of the other leading European economies filed fewer European patent applications, with the most notable declines from Germany, Spain, the United Kingdom and the Netherlands.

Developments in the number of European Patent applications from Ireland since 2015.

	2015	2016	2016/ 2015	2017	2017/ 2016	2018	2018/ 2017	2019	2019/ 2018	2020	2020/ 2019
EP applications from Irish resident companies ¹	614	727	18.4%	660	-9.2%	826	25.2%	882	6.8%	970	10.0%

Source: EPO Patent Index 2020 data for Ireland.

1. European patent applications include direct European applications and international (PCT) applications that entered the European phase during the reporting period. The geographic origin of an application accords with the country of residence of the first applicant listed on the application form (first-named applicant principle).

In my 2019 report, I noted that despite the impact of the pandemic on the economy, some sectors such as health care, medical technology, life sciences/pharmaceuticals and e-commerce were likely to benefit. The EPO's Patent Index for 2020 published in March 2021 validated that view and noted that in a year when European Patent applications in many technical fields declined, applications in medical technologies, pharmaceuticals and computer technology all showed increases. European patent applications from Irish companies also showed increases in these sectors.

Top 5 technology fields for EP applications by Irish resident companies.

TECHNOLOGY FIELD ¹	2019	2020	2020/2019
Medical technology	175	190	8.6%
Pharmaceuticals	69	98	42.0%
Computer technology	97	97	0.0%
Electrical machinery, apparatus, energy	85	61	-28.2%
Biotechnology	41	39	-4.9%

Source: EPO Patent Index 2020 data for Ireland.

1 The definition of the fields is based on the WIPO IPC technology concordance. The table is available at: http://www.wipo.int/export/sites/www/ipstats/en/statistics/patents/xls/ipc_technology.xls

Overall European patent applications filed by Irish resident companies increased by 10% in 2020 (2019/2018 +6.8%). A total of 970 applications filed by those companies in 2020 meant that Ireland is ranked in 10th place in terms of European patent applications per million of inhabitants.

Irish resident patent filings at selected International Patent Offices

	2016	2017	2018	2019	2020
PCT ¹	441	489	628	640	759
EPO ²	727	660	826	878	970
USA ³	1,408	1,487	1,612	1,118	n/a
UK ⁴	298	320	353	361	n/a

Sources: WIPO Statistics Database, EPO Statistics Database, UKIPO Facts & Figures & USPTO FY 2019 and 2020 Performance and Accountability Reports (PAR)

1 PCT applications (International Phase) filed by Irish residents by filing date.

2 Analysis based on European patent applications filed with EPO.

3 Filings refer to filings of Utility Patents also known as patents for inventions.

4 UKIPO Facts and Figures Table 2.1b 2020 UK figure is not available provisional.

Filing statistics are based on residence of first-named applicant. Historical filing figures shown in previous years may vary from year to year as a result of the updating of database by the relevant patent authorities.

PCT applications filed by Irish resident companies also increased by 19% on 2019 suggesting that the pandemic did not have a significant impact on international applications by IP intensive Irish industries.

Trade Marks and Designs

The number of national trade mark applications filed had been rising steadily over the past few years due to continuing growth in the economy. Remarkably, the expected negative impact of the pandemic on national trade mark applications did not materialise in 2020 and the number of applications received showed a slight increase over the 2019 figure (from 2,290 to 2,370).

Industrial design applications received by the Office has been unpredictable and has fluctuated in recent years. The number of individual national design filings increased by 36% (from 182 in 2019 to 248 in 2020).

European Union Trade Marks (EUTMs) and Registered Community Designs (RCDs)

Some applicants choose to apply for a European Union Trade Mark (EUTM) rather than gaining a specific Irish registration because they wish to obtain trade mark protection in the EU and an EUTM registration covers all 28 EU countries. Notwithstanding the pandemic, filings of EUTM applications by Irish resident applicants in 2020 remained strong increasing from 1,151 applications in 2019 to 1,315 applications in 2020. Community Design applications filed by Irish resident applicants also increased by 40% on 2019 (from 435 to 611).

EUTM and RCD applications by Irish resident applicants

	2018	2019	2020
EUTM applications	1,193	1,151	1,315
EUTM registrations	976	1,074	1,096
RCD applications	435	435	611
RCD registrations published	472	427	601

Source: EUIPO Statistics in EUTMs & Statistics of Community Designs.

International Trade Marks

The Madrid Protocol is an international system of trademark registration which offers a trade mark owner the possibility to obtain trade mark protection in several countries by filing a single application. The Madrid system, which is administered by WIPO, offers a smart business solution for any company seeking to protect and manage its trade marks in international markets (usually outside the EU). The extent to which it is used by Irish resident companies can provide a useful indicator of their intent to break into foreign markets and to create new markets for existing and new product ranges. The Madrid system currently has 106 members covering 122 countries, representing more than 80% of world trade. Member countries include China, Singapore, Brazil and the USA, for example.

International Applications & Registrations via Madrid System for TM holders resident in Ireland

	2018	2019	2020
Madrid Applications where country of holder is Ireland (by filing date)	186	192	274
Number of International Registrations where country of holder is Ireland	161	201	232
Designations in registrations where country of holder is Ireland	1,134	1,986	2,113
Subsequent Designations where country of holder is Ireland	169	198	379

Source: WIPO IP Statistics (Madrid System Statistics (wipo.int))

WIPO recorded 232 international registrations for holders of trade marks domiciled in Ireland in 2020 up 15% on 2019. These registrations include 2,113 designations of other Madrid members in which the holders sought to extend protection for their trade marks. A total of 379 additional Madrid members were subsequently designated in already existing international registrations from Ireland, in order to extend their original geographic scope of protection to additional Madrid member countries or jurisdictions.

Other indicators

The WIPO Global Innovation Index (GII) ranks world economies according to their innovation capabilities. These consist of roughly 80 indicators, grouped into innovation inputs and outputs. Ireland ranks 15th among the 131 economies featured in the GI 2020. Ireland ranks 14th among the 49 high-income group economies and 9th among the 39 economies in Europe. The index also recorded that Ireland performed better in innovation outputs (ranked 11th) than innovation inputs (ranked 20th) in 2020.

During 2020, in Europe and across the world, industries started to ramp up innovation in response to COVID-19 and this became the start of significant growth in the life sciences and technology fields. This growth appears to have been mirrored in Ireland where IP activity focused on companies in the life sciences, health/ medical technologies and innovative communication-based technologies. Generally, these tended to be IP intensive export orientated companies.

2020 also saw many Irish companies pivot to develop innovative solutions for COVID-19 related issues in areas such as contact tracing, traveller safety, Medtech and hygiene transparency. Ireland is ranked as one of the top five global MedTech hubs, and many companies in that sector were able to ramp up production in order to meet increasing demands worldwide for nebulisers, ventilators and other treatment and protection equipment. An OECD report published in May 2020 indicated that global exports of COVID-19 related goods tended to be concentrated in a few, mostly OECD, countries with over 86% of global exports from just 20 countries. The top 5 global exporters, which together account for 49% of COVID-19 related trade, are Germany, the United States, Switzerland, China and Ireland.¹

Speaking in December 2020 at the publication of the World Intellectual Property Indicators Report, WIPO's Director General, Darren Tang said: "The pandemic has accelerated long-building trends by fostering the adoption of new technologies and accelerating the digitalisation of everyday life. Because IP is so connected to technology, innovation and digitalisation, IP will become even more important to a greater number of countries in the post-COVID world."² Continued innovation in computer services and medicinal and pharmaceutical products has brought sectoral specialisation advantage for Ireland. The continued strong performance of these export areas is likely to influence the path of Irish GDP in 2021 and post pandemic.



1. OECD Policy Responses to Coronavirus (COVID-19) Trade interdependencies in Covid-19 goods. 05 May 2020

2. World Intellectual Property Indicators Report: (wipo.int)

Brexit

The United Kingdom departed the European Union on 31 January 2020, with the Withdrawal Agreement providing for a transition period until the end of 2020. Following intensive negotiations, the EU and the UK agreed a new future relationship agreement which came into effect on 1 January 2021. From that date EU rules and regulations, including those related to Intellectual Property (IP), ceased to apply to the UK.

EU Trade Marks and Designs

Accordingly, from 1 January 2021 EU trade marks (EUTMs) and Community Designs (both registered and unregistered) will no longer have effect in the UK. However, the UK will automatically create a comparable UK trade mark for every registered EUTM, at no charge. The same will apply for Registered Community Designs (RCDs). Businesses, organisations or individuals that on 31 December 2020 have pending applications for an EUTM or RCD will be allowed a period of nine months within which to apply for the same protections in the UK and will be permitted to retain the date of the EU application.

Patents and Supplementary Protection Certificates

Patents will to a great extent continue as before - patents covering the UK will continue to be granted both by the UK Intellectual Property Office (UKIPO) and the European Patent Office (EPO). European patents will be largely unaffected. However, Brexit has impacted on the introduction of the single pan-EU Unitary Patent (UP) covering most of the EU and the creation of the Unified Patent Court (UPC) to hear and determine patent disputes on an EU-wide basis. The UK ratified the UPC Agreement in April 2018 but in early 2020 confirmed that it would not seek to be involved in the regime and it withdrew from the UPC and the UP agreements.

No substantive changes to the UK Supplementary Protection Certificate (SPC) system have been announced. However, the interpretation of the UK SPC legislation will no longer be subject to the decisions of the CJEU. The Withdrawal Agreement ensures that applications for SPCs in the UK which are pending at the end of the transition period will be examined under the current framework. However, for new UK SPC applications filed from 1 January 2021, applicants will require, as they did under the EU regime, a UK patent granted by the EPO or the UKIPO, and a marketing authorisation (MA) valid in the UK. UK MAs will come in three different varieties having different territorial scopes across the UK. This complexity is due to the Northern Ireland Protocol to the Withdrawal agreement which provides for Northern Ireland's continued alignment with the EU in relation to medicinal products post-Brexit. This means there will be three types of MAs that apply within the UK:

- MAs for Northern Ireland (NI) granted as part of the European Medicines Agency (EMA) centralised procedure,
- GB MAs valid in Great Britain only (i.e., England, Scotland and Wales), granted by the UK's Medicines and Healthcare products Regulatory Agency (MHRA),
- and UK MAs valid across the whole UK (e.g., MAs which are existing EMA authorisations that continue to be recognised as being fully valid in the UK).

Patent and Trade Mark attorneys

Brexit will impact UK-based patent and trade mark attorneys on the Irish registers of Patent and Trade Mark Agents as well as those UK-based attorneys providing patent and trade mark agent services on a cross border basis. From 1 January 2021 UK agents on the Irish registers who do not reside in an EEA State or have a place of business in an EEA state will cease to meet the eligibility requirements to be entitled to act before the Controller. In addition, post Brexit, the EUIPO will regard UK agents as being from a third country and as such, any non-EEA UK-based agents on the Irish registers, will lose representation rights before the EUIPO.

Discussions took place between the IPOI and representatives of the Intellectual Property Regulation Board (IPReg) which is the independent regulatory body for the Patent Attorney and Trade Mark Attorney professions in the UK and representatives from the UK Patent Examination Board (PEB). The aim was to confirm the continued recognition of professional patent and trade mark attorney qualifications obtained in the United Kingdom following Brexit when the UK would become a third country for the purposes of Directive 2005/36/EC on the mutual recognition of professional qualifications.

UK address for service

Applicants for new Irish patents, trade marks and designs who may have provided a UK address for service will have to provide an address for service within the EEA. Also, for applications pending on 1 January 2021, the Controller cannot correspond with an agent or an address for service within the UK. However, some flexibility will be allowed to facilitate rights holders to address this issue.

In preparation for these changes the Office embarked upon a campaign to raise awareness of the implications of BREXIT. All relevant information was provided on the IPOI website.

Official Journal

The fortnightly journal is published on the IPOI's website in PDF and searchable versions. Each journal issue has a searchable index, along with information on actions relating to patent, trade mark and design applications and registrations. For example, it is possible to view details of accepted trade marks and registered designs in any journal. The journal contains details of patents applied for, published, granted and lapsed, including patents granted under the European Patent Convention designating Ireland. The journal also contains information such as official notices, details of methods of payment of statutory fees and Office opening hours. The online journal has an interactive facility which allows users access to the Register extract for any particular patent, trade mark or design by clicking on a hyperlink within that journal.

International Co-operation

The Office participates in co-operation activities with its international counterparts, the EUIPO and the EPO on a number of projects, to promote harmonisation across national IP offices, and make things easier for users of the patent, trade mark and design systems.

EUIPO



The suite of Cooperation Projects that were launched in line with the objectives of the EUIPO Strategic Plan 2020, and to which the Irish Office successfully contributed, were for the most part completed by June 2020. The EUIPO launched a new Strategic Plan 2025 in September which included an element related to co-operation with National Offices and which facilitated a new co-operation agreement between the EUIPO and IPOI.

The benefits of this collaboration were clearly evident during the COVID-19 pandemic. The Office was able to continue delivering a full range of e-services to applicants with the assistance of tools developed and deployed with the assistance of EUIPO. The Office also continued to receive support from the EUIPO to maintain its flagship tools TMview and Design View. In addition, under a bilateral agreement with EUIPO, the Office availed of assistance towards the cost of a range of awareness raising events where information on the Community Trade Mark and Community Design Systems was disseminated.

The co-operation agreement with the EUIPO also facilitates convergence of practice between the EUIPO and National Offices. The key objective is to reach common ground in areas where IP offices have different practices. This complements the work being done to create common IT tools under the Cooperation Fund. Staff of the Office once more actively participated in various Working Groups established to support the aims of convergence of practice.

The Office also participated in and made a number of presentations to a Webinar on the EU partnership with Africa on Intellectual Property Rights in November 2020 and to a Conference on Intellectual Property organised by the EUIPO and their partners in African IP Offices in December 2020.

WIPO



The Office continued to fulfil its commitments in the area of intellectual property protection arising from Ireland's membership of WIPO and the various multilateral treaties which it administers and in respect of which Ireland is a contracting state.

The Patent Cooperation Treaty (PCT) is one such treaty and is used by applicants to file a single patent application in order to obtain patent protection for an invention in a large number of

countries. The PCT allows a State which is party to a regional patent system two forms of designation, namely national and regional. As Ireland is party to the European Patent Convention (EPC), the European Patent Office (EPO) is the applicable regional Office and until 2020 an Irish national designation was not possible. In 2019 amendments to the Patents Act 1992, provided that “an international application for a patent designating the State shall be deemed to be an application for a European patent designating the state and shall, subject to section 127A, also be capable of being treated as an application for a patent under Part II.” These provisions allow PCT applicants more flexibility to decide to obtain patent protection in Ireland in circumstances where continuing with international or wider European patent protection may not make economic or business sense. The amendment came into effect in December 2019 and was very much welcomed by Irish patent attorneys. One application utilising the Section 127A provision was received in 2019 and two applications in 2020.



EPO

Representatives of the Office were involved in activities of the bodies of the European Patent Organisation. Almost all the meetings held in 2020 were held virtually due to the COVID- 19 pandemic. Staff from the Office participated in meetings of the Administrative Council, Budget and Finance Committee, Technical Co-operation and Support Committee and Patent Law Committee. I attended 5 meetings of the Board of the Administrative Council and before my term as Deputy Chair of the Budget and Finance Committee ended, I had the honour to Chair the 125th meeting of the Budget & Finance Committee.

In 2020, the EPO Boards of Appeal conducted oral proceedings in two different formats, namely with the parties attending either in person or by video conference. However, in response to the pandemic, from May 2020 to January 2021, oral proceedings were held by video conference in over 260 appeal cases. Initially, they were held by video conference only if all parties to the proceedings agreed. This enabled the parties and the members of the Board to become accustomed to oral proceedings being conducted in the new format. The use of videoconferencing in appeals proceedings necessitated the introduction of an amendment to the Rules of Procedure of the Boards of Appeal which provided that a Board may decide to hold oral proceedings pursuant to Article 116 EPC by video conference if the Board considers it appropriate to do so, either upon request by a party or of its own motion. The new provision will be reviewed before the end of 2022.

The implementation of the EPO's Strategic Plan 2023 is continuing with new bi-lateral co-operation agreements with Member State national offices expected to be in place by quarter 3 of 2021. The Strategic Plan also allowed work to commence on the convergence of certain practices of the EPO and the National Offices of the Member States. This resulted in agreement being reached on common practices related to the unity of invention and on the designation of inventor, neither of which necessitated a change to Irish patent law.

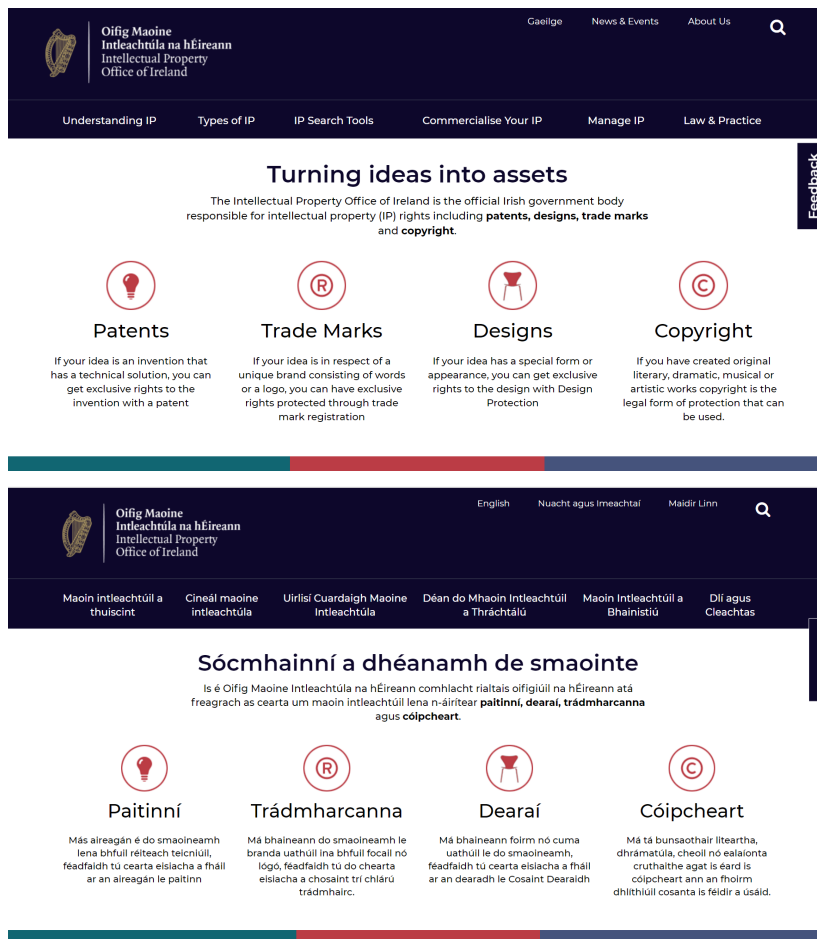
Website and Social Media

The website which was completely overhauled in 2019 in conjunction with the renaming of the Office provides a general introduction to intellectual property and specific information about how to protect your ideas as well as including a section on IP for business. The imposition of pandemic related restrictions in 2020 and the consequential inability to facilitate in-person visits to the Office or outreach activities meant that the IPOI website and Facebook page became central to delivering key information to the public in relation to the IPOI's services. The website continued to provide access to an efficient range of online interactive search and fee payment services on a 24/7 basis. Online services include online fee payments, e-filing of trade mark and design applications, viewing and searching of patent, trade mark and design registers and databases; the registers of copyright licensing bodies and the registers of patent and trade mark agents. Material published on the website includes previous year's annual reports, a range of IP information booklets, the Office's current statement of strategy and customer service action plan and all primary and secondary legislation governing the functions of the Office.

The number of visits to the website remained strong with over 224,593 visits in 2020. As in previous years the interactive online register search pages continue to remain the most popular with approximately 228,000 visits in 2020.

During 2020, work commenced on translating the website content to Irish. This work will be completed in 2021.

New website home pages www.ipoi.gov.ie

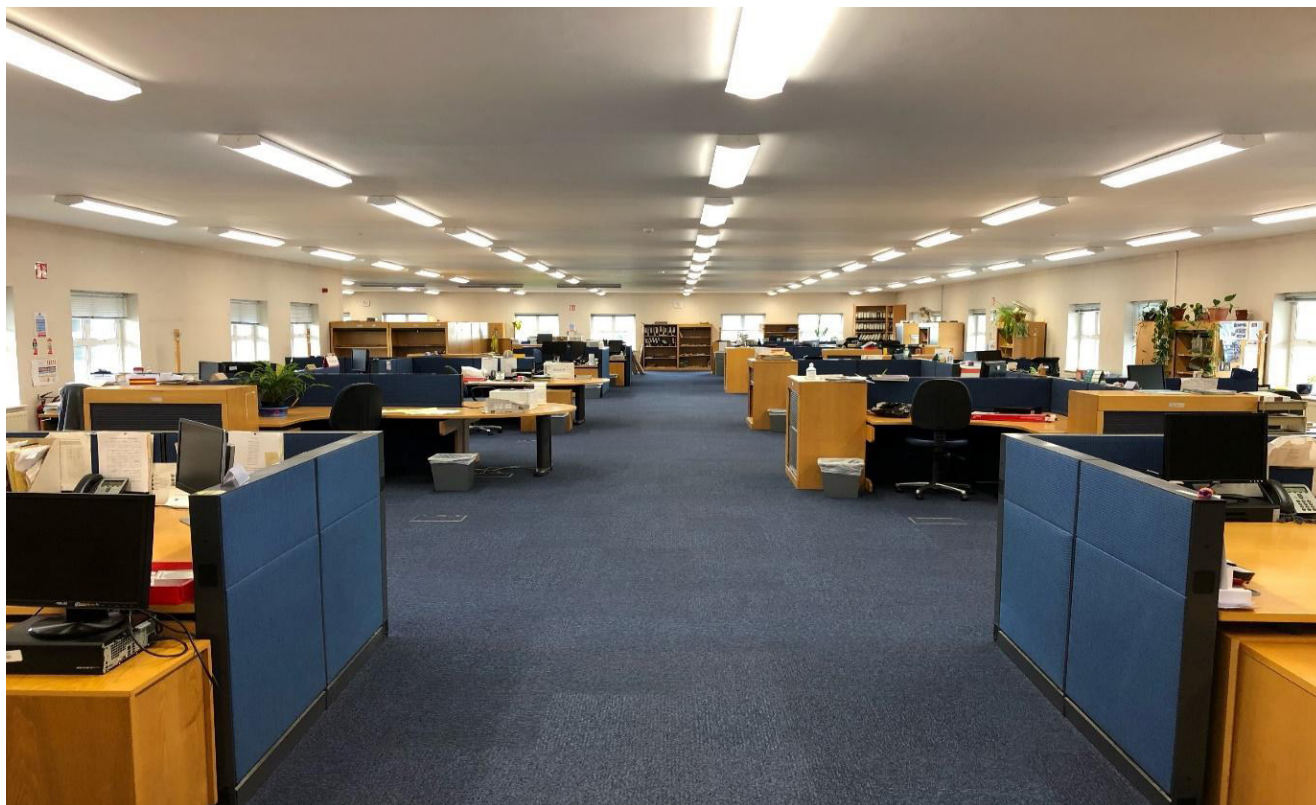


Public Sector Duty Statement

The Public Sector Equality and Human Rights Duty Statement is set out in Section 42 of the Irish Human Rights and Equality Commission Act 2014 and places a statutory obligation on public bodies to eliminate discrimination, promote equality of opportunity and protect the human rights of those to whom they provide services and staff when carrying out their daily work. The 2014 Act requires a public body, having regard to its functions, purpose, size and resources available to it, to inter alia report on developments and achievements in the discharge of this statutory obligation in its annual report.

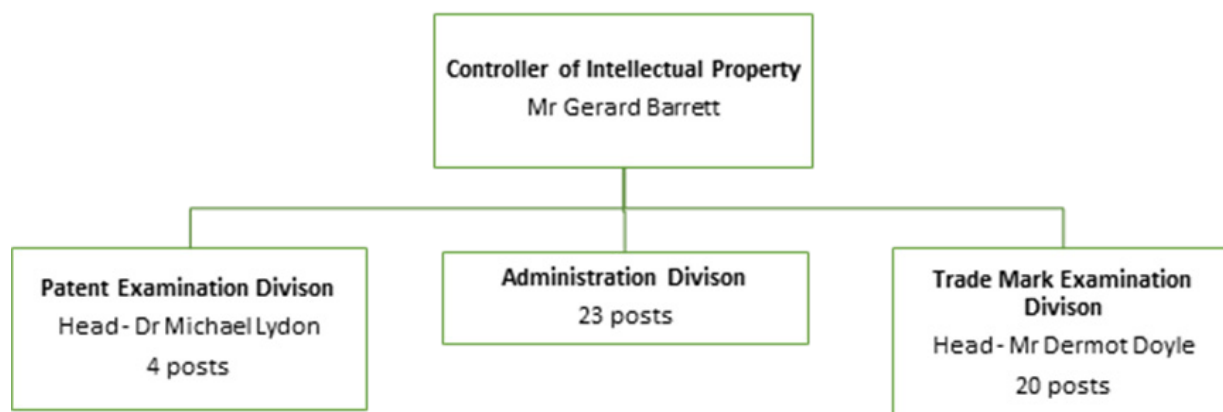
The IPOI is committed to ensuring that there is a culture of respect for human rights and equality among our staff and for the people to whom we provide services. In its day-to-day work and particularly in its dealings with stakeholders the IPOI ensures that no member of the public or other stakeholder suffers discrimination in interactions with the Office under any of the protected grounds: gender, civil status, family status, sexual orientation, disability, age, race, religion and membership of the Traveller community. The IPOI extends the same equality of treatment to its staff. Mechanisms used by the IPOI for meeting its public sector duty include:

- Implementation and review of the requirements for equality of access as set out in the Disability Act 2005.
- Enshrining the duty in the Offices Customer Service Plan with input from service users and stakeholders.
- Implementation of the Civil Service dignity at work, anti-bullying, harassment and sexual harassment policy for IPOI employees.



Everybody working from home!

Organisation and Staffing



Title	Posts
Controller of Int. Property	1
Senior Patent Examiner	1
Assistant Principal	1
Higher Executive Officer	5
Patent Examiner	3
Executive Officer	20
Clerical Officer	15
Services Officer	1
Total	47

The IPOI is headed by Mr Gerard Barrett, Controller of Intellectual Property. The Head of the Trade Marks Division is Mr Dermot Doyle and Head of Patent Examination is Dr Michael Lydon.

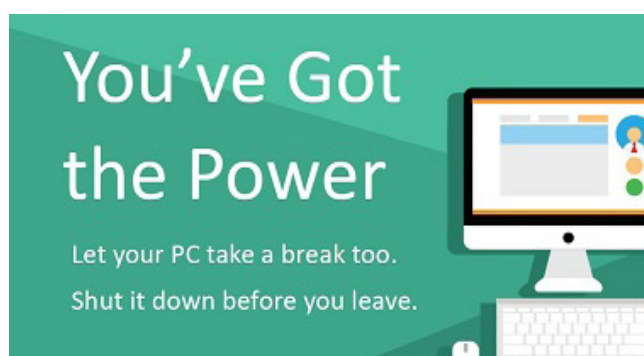
On 31 December 2020, the 47 posts were filled by 43.38 whole time equivalents. In addition, a total of 14 permanent staff – 3 Higher Executive Officers, 6 Executive Officers and 5 Clerical Officers were availing of a work-sharing scheme. The Department of Enterprise, Trade and Employment provides information technology services to the Office. There are 4 members of the Department's IT Unit situated in the Office.

Energy Efficiency in the IPOI

Office staff play a pivotal role in delivering the Government's Energy Efficiency Action Plan which has a target of reducing energy consumption, increasing staff awareness of energy efficiency and monitoring performance of heating/air conditioning equipment. Energy saving measures have resulted in significant savings since 2008, when the Office first joined the Optimising Power@Work campaign. This is a cross Departmental initiative run by the Office of Public Works which aims to change staff behaviour towards energy use and eliminating energy wastage in public offices. An Energy Advisor is appointed to each participating building and sets energy savings targets. The Energy Advisor also advises staff as to how energy savings may be achieved, through no or low costs measures. Measures included setting up hibernation power savings on all PCs, switching off all unnecessary lighting and reducing the temperature on heating.

From February 2019, the Department of Enterprise Trade and Employment (DETE) added the Green Agenda as a theme and established a Green Team to promote and encourage awareness and sustainability under four pillars: energy, water conservation, waste management and ecology (Plants/Biodiversity) in recognition of this important and growing block of work. A member of staff from the IPOI is a member of the DETE Green Team.

In 2020, the Office had a combined energy savings of 37% for electricity and gas. This was mainly due to a significant saving on electricity due to new LED lighting and the reduction in the numbers of staff onsite. Following the installation of new gas boilers in late 2020, it is expected that this will further reduce our energy consumption with a significant saving expected in 2021. Carbon emissions were down by 49% which is encouraging as focus will increasingly be switching to this area in the future.



Business Statistics - Patents

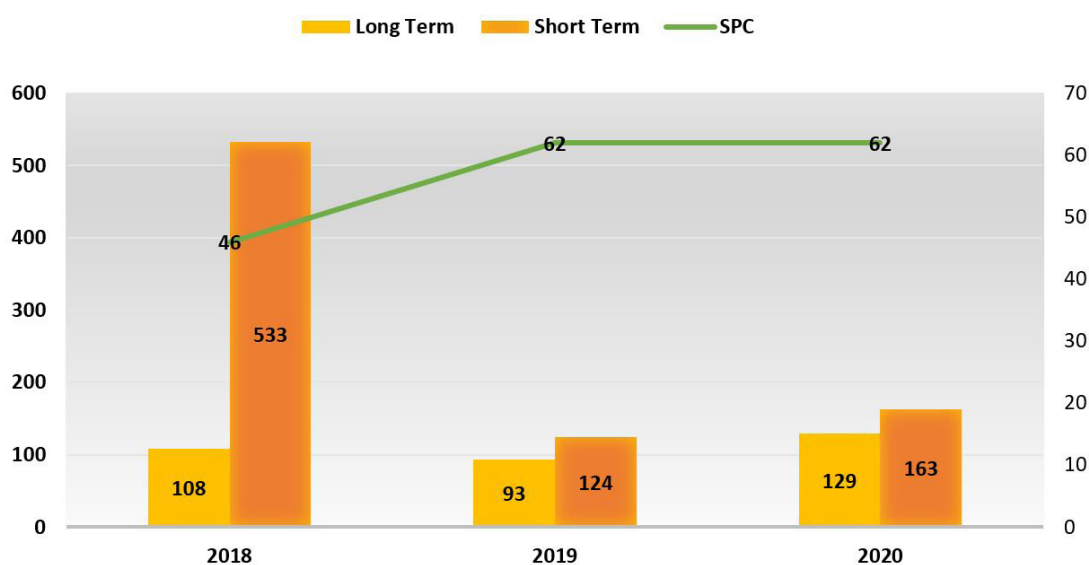
APPLICATIONS RECEIVED			YEAR	PATENTS GRANTED		
Full Term	Short Term	TOTAL		Full Term	Short Term	TOTAL
108	533	641	2018	52	35	87
93	124	217	2019	48	83	131
129	163	292	2020	42	73	115

As of 31 December 2020, there was a total of 544 pending applications on hand. Of these, 125 applications were awaiting the submission of evidence of novelty. The number of applications received from applicants in the State was 195 compared with 167 in 2019.

Supplementary Protection Certificates

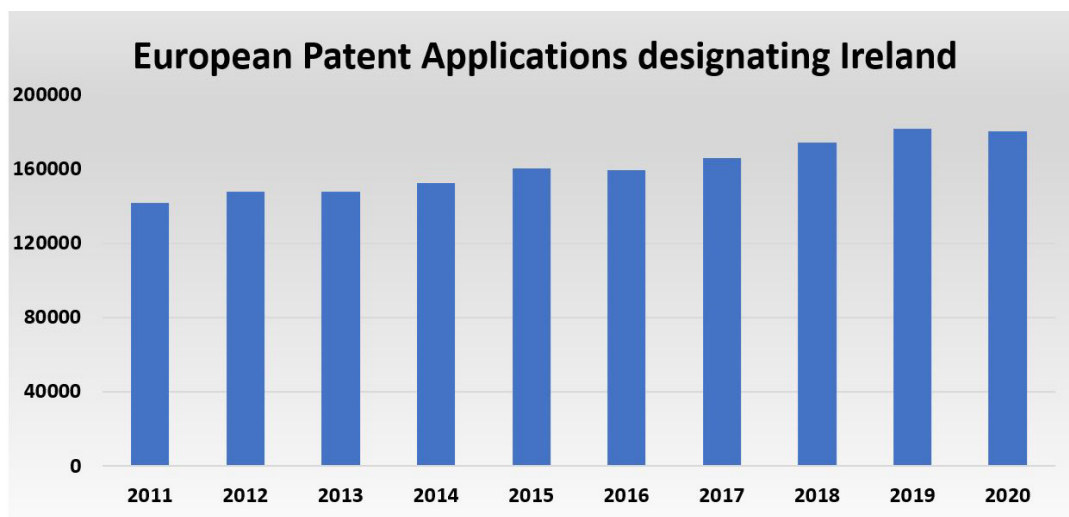
A total of 62 requests for Supplementary Protection Certificates were received during the year under the European Communities (Supplementary Protection Certificates) Regulations, 1992 (medicinal) and 1996 (plant protection products). During the year, 72 certificates were granted (medicinal and plant protection), 18 were rejected and 24 requests were withdrawn. At the end of the year there were 129 requests pending, compared to 181 in 2019.

Patent & SPC Applications 2018-2020



Business Statistics - Patents

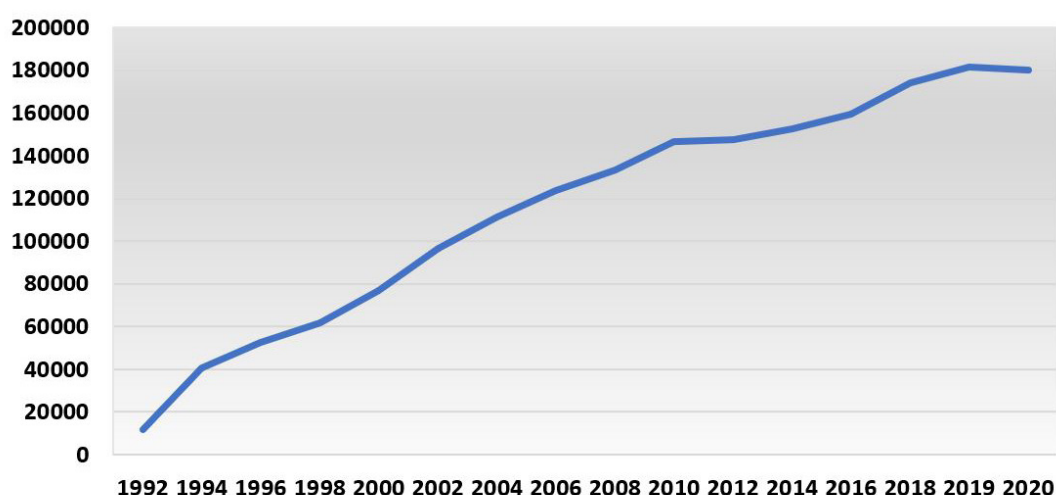
This table shows the total number of European applications designating Ireland. This figure is not included in the total number of patents granted in 2020 having effect in the State.



There were 180,207 European Patent Applications designating Ireland in 2020 (73,421 Euro-direct and 106,786 PCT applications entering the regional phase). The total number of European Patent Applications in 2020 was 180,250. For each European Patent Convention contracting state, the number of designations in applications is generally nearly 100% of the total applications, since all countries are initially automatically designated.

There were 132,616 granted European Patents designating Ireland in 2020.

European Patent Applications designating Ireland 1992-2020



Business Statistics - Patents

Patents granted in 2020 having effect in the State

2020	Total	Number of patents granted to Applicants from within the State	% of patents granted to Applicants from within the State
Granted by Office	115	57	50%
Granted by EPO	132,616	584	0.44%
Total Grants	132,731	641	0.48

Patent Register Data

	2018	2019	2020
Patents and patent applications the subject of assignments	914	1,186	1,830
Patents surrendered	1	0	0
Patents lapsed	94,503	109,177	133,313
Patents restored/reinstated	12	6	15
Patents renewed	51,463	55,526	58,163
Patents expired	1,258	1,417	1,508
Patents & SPCs in force	197,468	222,233	217,730
Hearings (ex-parte)	1	1	4
PCT applications received for transmission to WIPO	16	16	8
European patent applications received for transmission to EPO	0	0	0

Register of Patent Agents

At the end of 2020, there were 76 individuals and 8 partnerships entered in the Register of Patent Agents.

The pandemic restrictions imposed in March and the successive lockdowns throughout 2020 meant that the annual examination in the Law and Practice of Patents scheduled for April, had to be deferred. With the agreement of the Register of Patent Agents Board, arrangements are being made to hold the examination in May 2021 as an online e-exam.

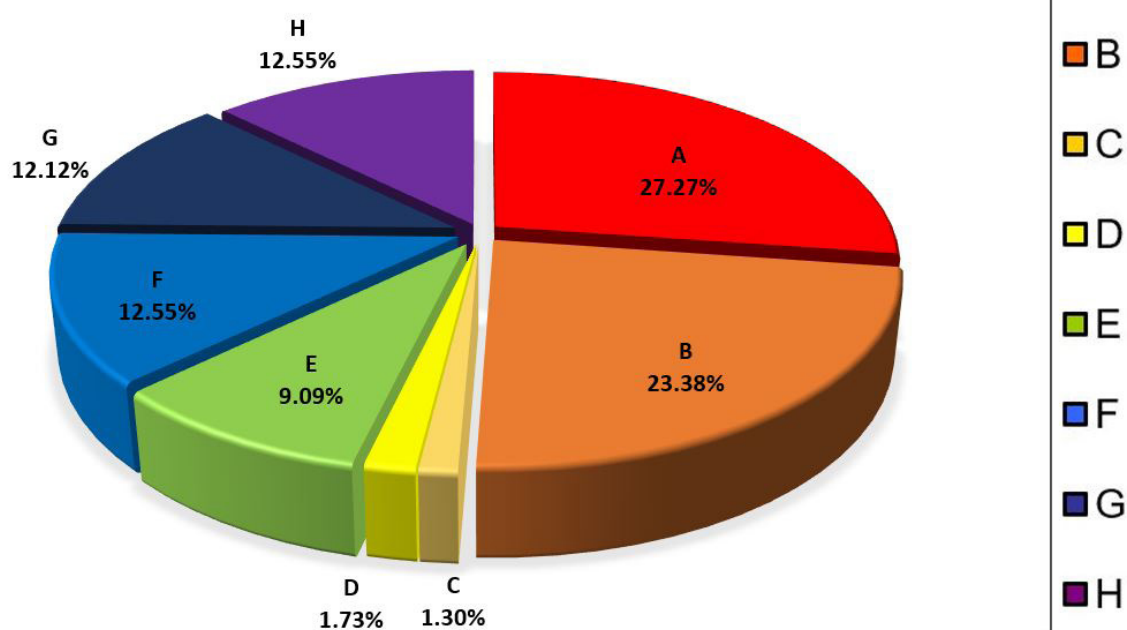
Classification of Patents Granted in 2020

CLASSIFICATION	No of grants*
A. HUMAN NECESSITIES: e.g. Foodstuffs, Health, Personal Articles	63
B. PERFORMING OPERATIONS: TRANSPORTING: e.g., Shaping, printing, vehicle technology	54
C. CHEMISTRY: METALLURGY	3
D. TEXTILES: PAPER	4
E. FIXED CONSTRUCTIONS: e.g. Building, drilling, mining	21
F. MECHANICAL ENGINEERING: LIGHTING; HEATING; WEAPONS; BLASTING	29
G. PHYSICS: e.g. Optics, computing, nuclear physics	28
H. ELECTRICITY: e.g. Electronic circuits, electricity generation and distribution	29

*Note on Patent Classification

Patents are given classifications based on their technical content which allows retrieval of patents according to the nature of the inventions revealed therein. The International Patent Classification (IPC) consists of about 70,000 classification symbols divided between 8 basic sections (A to H), relating to different basic kinds of technology. The Classification system is revised constantly to ensure that new and emerging technologies are included, with a new edition released yearly. A classification code is given for each inventive element in a patent. A patent may contain two or more inventions as long as they are sufficiently related, for instance, a new chemical compound and its use as a medicine or herbicide. Accordingly, a patent may need a number of classification symbols to cover the whole of its content. The accompanying table and graph collate the total number of classifications allocated to granted patents in 2020. Each individual classification represents an inventive element disclosed in a patent, so this is akin to a tally of inventiveness. Classifications are grouped by IPC section.

Granted Patent Classifications by IPC Section for 2020



Business Statistics - Trade Marks

National Trade Mark Applications				
Year	Received	Advertised	Opposed	Registered
2018	2,697	2,111	61	1,713
2019	2,290	2,019	74	1,759
2020	2,370	1,860	30	1,760

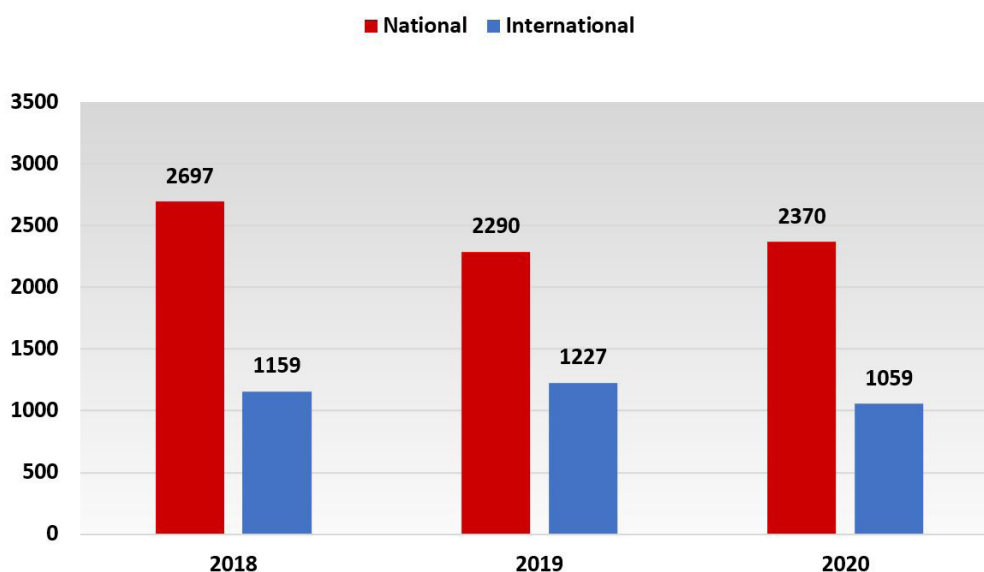
International Trade Mark Registrations				
Year	Received	Advertised	Opposed	Protected
2018	1,159	870	5	844
2019	1,227	1,178	15	1,116
2020	1,059	990	5	1039

Register of Trade Mark Agents

At the end of 2020, there were 236 individuals and 9 partnerships entered on the Register.

The pandemic restrictions imposed in March and the successive lockdowns throughout 2020 meant that the annual examination in the Law and Practice of Trade Marks scheduled for April, had to be deferred. With the agreement of the Register of Trade Mark Agents Board, arrangements are being made to hold the examination in May 2021 as an online e-exam.

Trade Mark Applications 2018-2020



International Classification of Goods and Services into which Trade Marks Registered in 2020 Fall

A multilateral treaty called the “**Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks**” established a classification system for trade marks. The Nice Classification comprises 45 class headings which describe in very broad terms the nature of the goods or services contained in each of the 34 classes of goods and 11 classes of services into which trade marks may fall. The classification is administered by the World Intellectual Property Organisation (WIPO) and the current (eleventh) edition has been in force since 1 January 2018.

Class	Classification of Goods	No. of marks in classification	Class	Classification of Goods	No. of marks in classification
1	Chemical Products, etc.	55	24	Tissues (piece goods), etc.	23
2	Paints, etc.	23	25	Clothing, including Boots, Shoes and Slippers	142
3	Bleaching Preparations, etc.	137	26	Lace and Embroidery, etc.	12
4	Industrial Oils, etc.	47	27	Carpets, etc.	10
5	Pharmaceutical Substances, etc.	188	28	Games, etc.	68
6	Unwrought & Partly Wrought Common Metals and their Alloys	50	29	Meat, Fish, Poultry and Game, etc.	159
7	Machines and Machine Tools, etc.	36	30	Coffee, Tea, Cocoa, Sugar, Rice, etc.	201
8	Hand Tools and Instruments, Cutlery, etc.	19	31	Agricultural Products, etc.	81
9	Scientific Apparatus and Instruments, etc.	283	32	Beer, etc.	96
10	Surgical Instruments, etc.	46	33	Wines, Spirits and Liqueurs	137
11	Installations for Lighting, etc.	57	34	Tobacco, etc.	41
12	Vehicles; Apparatus for Locomotion by Land, Air or Water	33	35	Advertising, Business Management, etc.	336
13	Firearms, Ammunition and Projectiles; Explosive Substances; Fireworks	0	36	Insurance, Financial Affairs, etc.	151
14	Precious Metals and their Alloys, etc.	36	37	Building Construction, Repair, Installation Services.	81
15	Musical Instruments (other than talking machines and wireless apparatus)	4	38	Telecommunications	63
16	Paper, etc.	169	39	Transport, Packaging and Storage of Goods, etc.	110
17	Gutta Percha, India Rubber, etc.	23	40	Treatment of Materials	54
18	Leather, etc.	45	41	Education, Entertainment, etc.	340
19	Building Materials, etc.	44	42	Scientific and technological services	205
20	Furniture, etc.	43	43	Providing food and drink	112
21	Small Domestic Utensils, etc.	82	44	Medical services, etc	137
22	Ropes, etc.	6	45	Personal and social services	90
23	Yarns, Threads	0			

Business Statistics - Trade Marks

	2018	2019	2020
Number of trade marks the subject of assignments	966	1,072	1,103
Number of licences of trade marks recorded in the register	21	10	43
Trade mark registrations removed non-payment of renewal fees	4,165	4,139	3,504
Trade mark registrations surrendered	10	5	1
Trade mark registrations restored	15	6	7
Trade mark registrations renewed	5,517	5088	4,319
National trade marks revoked in full and in part	4	6	3
International trade marks revoked in full and in part	0	5	2
National trade marks declared invalid	1	2	1
International trade marks declared invalid	0	0	0
National registered trade marks in force	55,727	53,417	51,655
International trade marks in force	20,221	20,424	20,815
Total trade marks in force	75,948	73,841	72,470

Hearings	2018	2019	2020
Hearings (ex-parte)	10	7	10
Hearings (inter-partes)	8	5	3
Hearings (inter-partes by way of written submission or papers filed)	11	17	12
Applications to convert EU Trade Mark applications into national applications	16	35	31
International Trade Mark applications filed and transmitted to WIPO	74	70	91

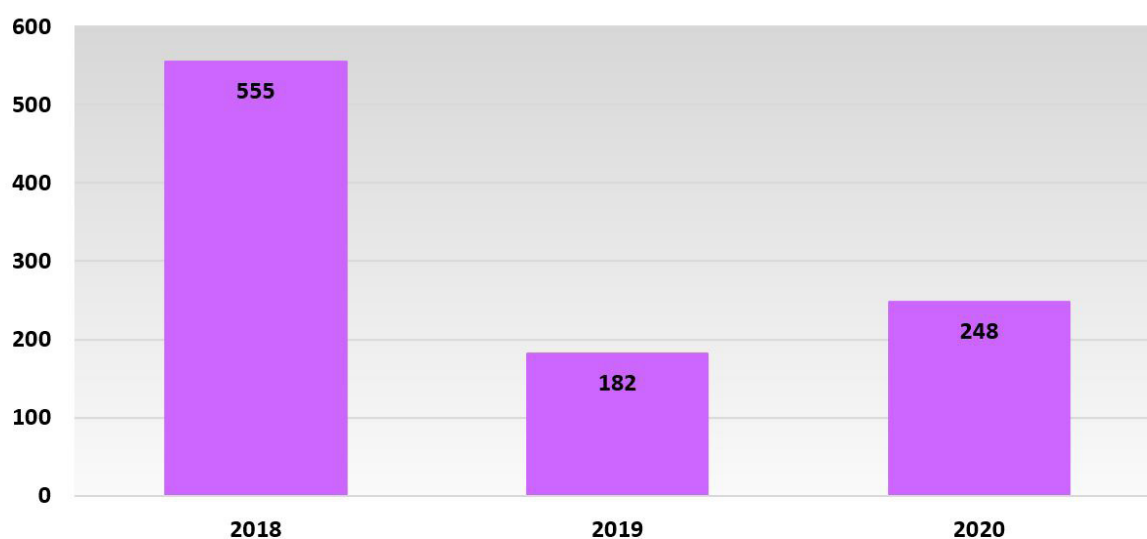


Business Statistics - Designs

	2018	2019	2020
Design Applications*	82	79	67
Number of Designs applied for*	555	182	248
Designs Registered	588	152	234
Designs Lapsed	236	140	89
Designs Renewed	63	53	105
Designs in force	1,630	1,545	1,641

*Note: Rule 19 of the Industrial Designs Regulations 2002 provides that up to a maximum of 100 designs may be combined in one multiple application for registration of designs.

Number of Designs applied for 2018-2020



Designs Registered under the Industrial Designs Act 2001 in 2020 listed according to the International Classification

The Locarno Agreement established a classification system for industrial designs. The Locarno Classification comprises a list of 32 classes of goods in which industrial designs may be incorporated. The classification is administered by the World Intellectual Property Organisation (WIPO) and the current (twelfth) edition has been in force since January 1, 2018.

Class	Classification	Designs Registered*
1	Foodstuffs	4
2	Articles of Clothing and Haberdashery	49
3	Travel Goods, Cases, Parasols and Personal Belongings, not elsewhere specified	4
4	Brushware	0
5	Textile Piecegood Articles, Artificial and Natural Sheet Material	0
6	Furnishings	2
7	Household Goods, not elsewhere specified	1
8	Tools and Hardware	3
9	Packages and Containers for the Transport or Handling of Goods	1
10	Clocks and Watches and other Measuring Instruments, Checking and Signalling Instruments	2
11	Articles of Adornment	133
12	Means of Transport or Hoisting	2
13	Equipment for Production, Distribution or Transformation of Electricity	1
14	Recording, Communication or Information Retrieval Equipment	1
15	Machines, not elsewhere specified	0
16	Photographic, Cinematographic and Optical Apparatus	0
17	Musical Instruments	0
18	Printing and Office Machinery	0
19	Stationery and Office Equipment, Artists' and Teaching Materials	1
20	Sales and Advertising Equipment, Signs	1
21	Games, Toys, Tents and Sports Goods	10
22	Arms, Pyrotechnic Articles, Articles for Hunting, Fishing and Pest Killing	0
23	Fluid Distribution Equipment, Sanitary, Heating, Ventilation and Air-Conditioning Equipment, Solid Fuel	0
24	Medical and Laboratory Equipment	1
25	Building Units and Construction Elements	7
26	Lighting Apparatus	1
27	Tobacco and Smokers' Supplies	0
28	Pharmaceutical Products and Cosmetic Products, Toilet Articles and Apparatus	1
29	Devices and Equipment Against Fire Hazards, for Accident Prevention and for Rescue	4
30	Articles for the Care and Handling of Animals	3
31	Machines and Appliances for Preparing Food or Drink, not elsewhere specified	0
32	Graphic Symbols and Logos, Surface Patterns, Ornamentation	3
Total		235

*A Design may be registered in more than one class; hence, the total number of designs in the classes exceeds the number of designs actually registered.

Copyright

Collective Rights Management (CRM)

The European Union (Collective Rights Management) (Directive 2014/26/EU) Regulations 2016 (SI No 156 of 2016) transposed the CRM Directive into Irish Law with effect from 10 April 2016. The CRM Directive has two aims:

- to ensure that Collective Management Organisations (CMOs) act in the best interests of their rightsholders by enforcing a minimum standard of governance and transparency on all European CMO and Independent Management Agencies (IMEs).
- to facilitate the multi-territorial licensing of authors' rights in musical works for online uses.

The CRM regulations provide that the Controller is the competent authority in Ireland for monitoring compliance with the regulations. The regulations also provide that in addition to meeting the requirements set out in the Copyright and Related Rights Act 2000 which requires a CMO to register and maintain its registration as a copyright licensing body before it can operate in the State, each CMO or IME headquartered in Ireland must also submit an annual compliance statement and compliance report to the Controller, together with their registration documentation. The compliance reporting requirements of the CRM Regulations currently apply to eight of the thirteen registered copyright licensing bodies operating in the State.

References to the Controller under the Copyright and Related Rights Act, 2000

Under Section 38 of the Act, disputes between people playing sound recordings in public and the owner of the copyright subsisting in those recordings, regarding the equitable remuneration payable to the copyright owner, may be referred to the Controller for determination. Under Sections 151 and 152 of the Act, disputes between people or organisations regarding a proposed or existing licensing scheme and the operator of the licensing scheme regarding the equitable remuneration payable, may be referred to the Controller for determination. In 2020 there were no references made to the Controller under Section 38 and there are currently no references pending before the Controller.

Registers of Copyright Licensing Bodies under the Copyright and Related Rights Act, 2000

The Act makes provision for the Controller to establish and maintain the following Registers:

- The Register of Copyright Licensing Bodies.
- The Register of Licensing Bodies for Performers' Property Rights.
- The Register of Licensing Bodies for Database Rights.

In 2020, 13 bodies were registered in the Register of Copyright Licensing Bodies, 2 bodies were registered in the Register of Licensing Bodies for Performers' Property Rights and there were no entries in the Register of Licensing Bodies for Database Rights. The Registers may be viewed on the IPOI website at:

<https://www.ipoi.gov.ie/en/types-of-ip/copyright1/copyright-licensing-bodies/register-of-copyright-licensing-bodies/>

Orphan Works

Orphan Works are works such as books, films, newspaper articles and other creative material that are protected by copyright, but whose owner cannot be found or contacted to obtain permission to use them. The works may be part of collections held by Beneficiary Organisations such as libraries, museums, archives, film and audio heritage institutions and public service broadcasting organisations. The EU Directive on Orphan Works (Directive 2012/28/EU) sets out common rules for the use of Orphan Works by cultural organisations for the purpose of digitising those works for non-commercial purposes without infringing copyright. Following the completion of a diligent search to establish either ownership or the orphan nature of the work(s), any organisation wishing to register an Orphan Work in the Orphan Works Database must first apply online to the EUIPO to be registered as a “Beneficiary Organisation.” To date, six Irish organisations have been registered as Beneficiary Organisations.

Knowledge Development Box

The Knowledge Development Box (Certification of Inventions) Act 2017, (No. 6 of 2017) (the KDB Act) establishes a certification scheme to enable SMEs which have inventions in the form of intellectual property (IP) equivalent to a patentable invention to qualify for the KDB and avail of the reduced corporate tax rate. Eligible SMEs are those with income arising from intellectual property of less than €7.5m and with global turnover of less than €50m where the profits result from R&D.

The KDB Act provides that the Controller will oversee and operate this certification scheme. It is important to note that an application for a KDB Certificate does not constitute an application for tax relief and a KDB certificate confers no intellectual property rights on a certificate holder.

KDB Report

Section 18 of the KDB Act requires me to include statistical information on the number of applications received, withdrawn or refused, the number of certificates issued and information on the number of applications reviewed and the outcome of each review in the report to the Minister, made in accordance with Section 103(1) of the Patents Act 1992. The report shall not disclose any details of an invention which is the subject of an application. In 2020, I received one valid application for a KDB Certificate which was subsequently withdrawn and resubmitted in 2021.



Legislation

Section 103(1)(b) of the Patents Act 1992, requires the Controller to include particulars of all legislation made in 2020 for the administration of which the Controller is responsible.

- Copyright and Related Rights (Certification of Licensing Scheme for Primary Schools) (The Irish Copyright Licensing Agency Limited) Order 2020 (SI No 275 of 2020)
- Copyright and Related Rights (Certification of Licensing Scheme for Post-Primary Schools) (The Irish Copyright Licensing Agency Limited) Order 2020 (SI No 276 of 2020)
- Copyright and Related Rights (Certification of Licensing Scheme for Higher Education Institutions) (The Irish Copyright Licensing Agency Limited) Order 2020 (SI No 277 of 2020)
- Copyright and Related Rights (Certification of Licensing Scheme for Further Education Providers) (The Irish Copyright Licensing Agency Limited) Order 2020 (SI No 278 of 2020)

The above Orders, certified by the Minister for Enterprise, Trade and Employment pursuant to section 173 of the Copyright and Related Rights Act 2000 (CRRA), provide for new copyright licensing schemes for the Primary, Post-primary, Higher Education and Further Education sectors. The new licensing schemes were required as a result of changes introduced in Section 15 of the Copyright and Other Intellectual Property Law Provisions Act 2019, amending Sections 57, 57A and 57B of the Copyright and Related Rights Act 2000. The licensing schemes enables educational establishments to make use of copyright protected works for educational purposes. The licensing schemes are operated by the Irish Copyright Licensing Agency Limited and are applicable for the 2020/21 academic year onwards.



Financial Information

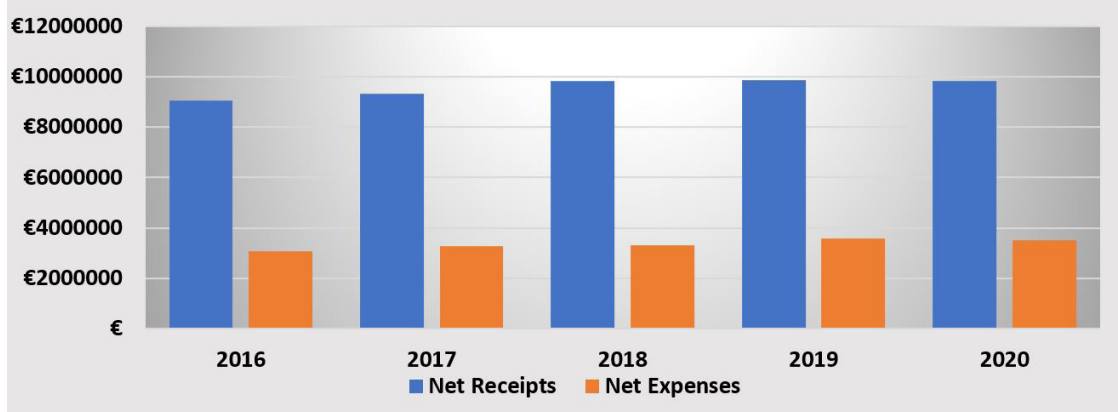
Net receipts accruing to the Exchequer in 2020 amounted to €9.84m, a decrease of €40,000 or 0.4% on the 2019 figure of €9.88m. The greater proportion of the Office's fee income comes from renewal fees on European Patents. In 2020, the Office received a net amount of €7.03m in renewal fees for granted European Patents designating Ireland, which was an increase of 3.8% (€0.264m) over the 2019 figure. The combined net income from European and National patent renewal fees amounted to €7.53m in 2020 and continues to increase year on year. The 2020 net figure has increased by 22% over the corresponding 2016 figure.

Net Patent fees which accrue to the Exchequer



The combined income from patent, design and trade mark fees (including international trade mark fees) of €10.032m showed a slight decrease of €0.002m over the 2019 figure of €10.034m. The Office's net expenses for 2020 amounted to €3.50m which represented a decrease of €0.07m over the corresponding 2019 figure of €3.57m. The decrease in expenses can be attributed to the impact of the worldwide pandemic which prevented certain projects and activities being undertaken and to a reduction in official travel.

Receipts and Expenses 2016 - 2020



Financial Information

Receipts And Expenses - Year Ended 31 December 2020 (Accounts not yet audited by C&AG)

The C&AG had not reported that their audit work had been completed at the time of publication and the Financial Statement is therefore listed as unaudited.

RECEIPTS	€000
Patent fees (Notes 1 & 2)	7,536
Trade Mark fees	1,857
International Trade Mark Registration – fees received from WIPO (Note 3)	622
Design fees	17
Other fees	103
Less refunds made in respect of fees paid to the Office in error	94
Less transaction fees arising in respect of online credit card payments	193
Net receipts accruing to the exchequer	9,848
EXPENSES	€000
Salaries	2,346
Travel & Subsistence	5
Miscellaneous & Incidental expenses	68
Postal & Telecommunications Services	121
Office Equipment and Supplies & Related Services	441
Office Premises Expenses	96
Information resources, books periodicals, etc.	1
Subscriptions to Industrial Property Unions	424
Net expenses	3,502

Note 1: In accordance with the European Patent Convention, to which Ireland is a party, the Intellectual Property Office of Ireland is obliged to remit to the European Patents Office 50% of all renewal fees received in respect of European Patents which have been validated in Ireland and which are entered in the national register of patents.

	€000
Patent Fees	14,570
Less Proportion of patent renewal fees transferred to the EPO	7,034
Net Patent fees which accrue to the Exchequer	7,536

Note 2: The Office acts as a receiving Office for patent applications made under the Patent Co-operation Treaty and as such receives fees for onward transmission to both the EPO and WIPO. These fees do not accrue to the Irish exchequer and are therefore not included in the figure for net receipts. Details of the fees transferred to EPO and WIPO during 2020 are shown below:

	€000
PCT Basic & Designation Fees transferred to WIPO	11
PCT Search fees transferred to EPO	14
Total	25

Note 3: As a consequence of Ireland's ratification of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks (the Madrid Protocol) on 19 July 2001, the Office receives fees due in respect of International Trade Mark applications seeking protection in Ireland from the World Intellectual Property Organisation (WIPO).

Performance Targets 2020

The Office's Customer Service Action Plan 2020 - 2022 sets out the IPO's approach to delivery of certain key actions and also establishes a range of performance targets related to service delivery which are reported on below.

Patents		%	%
1	Issue 90% of formal filing receipts for e-filed Patent applications within 2 working days.	90	96
2	Issue 90% of notifications of formal defects within 7 working days of filing	99	100
3	Issue 90% of notifications of substantive defects within 2 months of filing.	50.5	60
4	Grant 90% of patents and issue grant certificates within 1 day of receipt of the grant fee.	90	94
5	Approve the grant of 80% of valid short term patent applications within a period of 12 months from the filing of an application.	46	86.5
6	Classify for publication 95% of all non-divisional patent applications within 18 months after the priority/filing date.	56	66.5
7	Process 90% of applications for registration of patent assignments within 5 working days of submission of a fully completed application.	82	93.5
Supplementary Protection Certificates		%	%
8	Issue 90% of formal filing receipts for e-filed SPC applications on the next working day.	88	98
9	Issue 90% of notifications of formal defects within 10 working days of SPC filing date.	100	100
10	Perform technical examination of 90% of all applications for Supplementary Protection Certificates at least 4 months before expiry date of the basic patent. (Only refers to those applications which are received earlier than 12 months before the expiry date.)	100	100

Trade Marks		%	%
11	Register 90% of trade marks and issue registration certificates within 1 day of receipt of the registration fee.	94	99
12	Conduct formalities check and issue 90% of formal filing receipts for e-filed Trade Mark applications within 2 working days.	99	100
13	Determine 90% of National TM applications for acceptance or initial objection within 40 working days of filing of the application.	80	95.5
14	Conduct initial search in respect of 90% of new TM applications within 5 working days of receipt.	98	99
15	Issue 90% of decisions in hearings within 20 working days of hearing.	100	100
16	Process 90% of applications for registration of trade mark assignments within 5 working days of submission of a fully completed application.	87	92
Industrial Designs		%	%
17	Carry out formalities check and issue formal filing receipts for 90% of e-filed Design applications within 2 working days.	89	100
18	Register 90% of designs and issue registration certificates within 3 working days of receipt of the registration fee.	74	94
Copyright		%	%
19	Complete examination of compliance reports and registration requirements and issue 90% of copyright licensing bodies with Certificates of Registration or Renewal of Registration 5 working days before the date of expiry of the registration. ¹	100	100
General		%	%
20	Issue 90% of payment receipts for fees received (excluding on-line payments) within 2 working days.	98	99

¹ This target is contingent on requests for registration and renewal of registration being submitted more than 30 days in advance of the renewal date.

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