



Oifig Maoin  
Intleachtúla na hÉireann  
Intellectual Property  
Office of Ireland

# **INTELLECTUAL PROPERTY OFFICE OF IRELAND**

## **ANNUAL REPORT 2021**

# Table of Contents

<b>Foreword</b> .....	1
<b>1.0 IPOI Functions, Mission, and Objectives</b> .....	3
Operational Excellence .....	3
Customer Service Excellence.....	5
An effective IP Legal Framework .....	6
Effective promotion of awareness and understanding of IP rights .....	7
<b>2.0 Intellectual Property Trends and Indicators</b> .....	8
<b>2.1 Patents</b> .....	9
National Patent Applications.....	9
Supplementary Protection Certificates (SPCs).....	9
European Patents designating Ireland.....	9
<b>2.2 Trade Marks and Designs</b> .....	11
European Union Trade Marks (EUTMs) and Registered Community Designs.....	11
International Trade Marks.....	11
<b>2.3 Madrid Applications</b> .....	12
<b>2.4 Other Indicators</b> .....	13
<b>2.5 Official Journal</b> .....	13
<b>3.0 International Co-operation</b> .....	14
3.1 European Intellectual Property Office (EUIPO).....	14
3.2 World Intellectual Property Organisation (WIPO).....	15
3.3 European Patent Office (EPO).....	16
<b>4.0 Website and Social Media</b> .....	17
<b>5.0 Public Sector Duty Statement</b> .....	18
<b>6.0 Organisation and Staffing</b> .....	19
<b>7.0 Energy Efficiency in the IPOI</b> .....	21
<b>8.0 Business Statistics</b> .....	22
<b>8.1 Patents</b> .....	22
8.1.1 Supplementary Protection Certificates.....	25
8.1.2 Register of Patent Agents .....	25
8.1.3 Classification of Patents Granted in 2021.....	26
<b>8.2 Trade Marks</b> .....	27
8.2.1 Classification of Trade Marks registered in 2021 .....	28
<b>8.2.2 Register of Trade Mark Agents</b> .....	30
<b>8.3 Designs</b> .....	31
8.3.1 Classification of Designs Registered in 2021 .....	32

<b>8.4 Copyright</b> .....	34
8.4.1 Collective Rights Management (CRM) .....	34
8.4.2 Reference to the controller under the copyright and Related Rights Act, 2000 .....	34
8.4.3 Registers of Copyright Licencing Bodies under the Copyright and Related Rights Act, 2000 .....	34
8.4.4 Orphan Works.....	35
<b>9.0 Knowledge Development Box</b> .....	36
<b>10.0 Legislation</b> .....	37
<b>11.0 Financial Information</b> .....	38
11.1 Receipts and Expenses .....	39
<b>12.0 Performance Targets 2021</b> .....	40

## FOREWORD

I have the honour to submit my Annual Report to the Minister for Enterprise, Trade and Employment for the year ended 31 December 2021 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), trade marks 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.

The main business statistics, in summary, include the following,

- The Office received a total of 228 National Patent Applications and 91 Patents were granted; 56 requests for Supplementary Protection Certificates were received and 39 were granted,

rejected or withdrawn. There were 187,222 European Patent Applications designating Ireland during 2021.

- The Office received 2,656 National Trade Mark Applications and 1,079 International Trade Mark Registrations designating Ireland. A total of 1,803 National Trade Mark applications were registered and 868 International Trade Mark Registrations protected. 69 National Design applications, containing 114 Designs, were received and 117 Designs were registered by end of year.
- Throughout 2021, due to COVID-19 restrictions, Office staff could not participate in the usual range of information IP raising awareness events and seminars where they would normally have done. The Office did however exhibit at the virtual BT Young Scientist & Technology Expo in 2021 and was active in participating in a number of online seminars in conjunction with the Local Enterprise Offices and was able to deliver 16 Virtual IP clinics allowing inventors, entrepreneurs and business people to discuss their IP application on a one-to-one basis with our Office staff.
- Despite the impact of the pandemic, the majority of the IPOI's customer service targets were met to a satisfactory level with 90% being the average rate of achievement.

I wish to acknowledge the great work and dedication of the staff of the IPOI throughout 2021. This has again been a year of great challenge for the Office, as staff performed their tasks admirably working from home due to the ongoing restrictions imposed by the COVID-19 pandemic.

It has also been a year of substantial change, where several IPOI staff have moved on following either promotion or retirement. I wish to acknowledge their great service and wish them well in the next chapter of their lives. In particular, I wish to acknowledge my predecessor Mr. Gerard Barrett, who retired in December 2021. Gerard has served the Office with great dedication and distinction for the past 25 years, the last eight years as Controller.



**James Kelly**  
**Controller of Intellectual Property**



## **1.0 IPOI Functions, Mission and Objectives**

The Intellectual Property Office of Ireland (IPOI) 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 46 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.

The current IPOI Strategy Statement 2020 to 2022, sets out the key priorities for the Office, which is aligned with four strategic objectives namely: (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 2021 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**

In 2021, the Office continued its blended working arrangement facilitating staff working from home. The Department of Enterprise, Trade and Employment’s ICT Unit provided all staff with the necessary ICT equipment to work remotely and to ensure staff could continue to deliver all online services. While the Office is still not completely paperless, it is working towards making it possible to submit all applications electronically. Notwithstanding, the majority of the IPOI services and communication with applicants are delivered electronically and online.

During 2021, remote working further accelerated the use of electronic files and documents and the use of email communications.

The Office has a sophisticated e-filing system in place operating on a 24/7 basis which allows for the online filing of all patents, supplementary protection certificate, trade mark and design applications. During 2021, the vast majority of all applications for IP rights were filed online via the Office's website. (Patents & SPCs 91%, TMs 97%, Designs 80%). 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 cannot 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 2021, 25 companies availed of the Dropbox facility. These services remained unaffected throughout the pandemic. During 2021, the Office also started development work to facilitate the payment of all remaining IP fees online.

As of 31 December 2021, the Office had 46 authorised posts. However, when career breaks, work-sharing and other family friendly working arrangements are taken into account, the Office operated with a staffing level of 42.19 full time equivalents during 2021. Due to the success of the automation of our 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 2021. During 2021, staff were able to virtually attend a range of information sessions and training held via remote video conferencing platforms on a variety of topics as well as issues relating to wellbeing, mental and physical health.

During 2021, the Office saw significant staff changes with many promotions and retirements. This included all its senior management team, where Mr Gerard Barrett, Controller; Mr Dermot Doyle, Head of Trade Marks and Designs Examination Unit and Dr Michael Lydon, Head of Patent Examination had all retired as of 31st December 2021.

## **Objective 2 - Customer Service Excellence**

During 2021, staff continued to successfully work remotely. 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 2021. 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 electronically to minimise delays. Notwithstanding the challenges arising from the pandemic and remote working, information section staff dealt with over 4,200 emails, which is comparable with the high volumes reported in 2020, a significant increase from previous years. Information section staff also continued to provide a full telephone service to customers and dealt with approximately 4,000 telephone enquiries in 2021 which was an increase over the 2020 figure.

Throughout 2021, the IPOI worked closely with its stakeholders and their support, proposals and constructive feedback was and continues to be extremely beneficial. This continued collaboration and support will be essential in order to deal with the many challenges which are likely to arise in 2022.

The Office is committed to constantly reviewing its administrative procedures and delivering a responsive quality service in line with performance targets. The current Customer Service Action Plan 2020-2022 sets out key 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 2021, 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 certain 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 2021, the Office held 11 ex-parte and 9 inter-partes hearings concerning trade marks, and 3 ex-parte hearings in connection with applications for supplementary protection certificates.

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 2021. 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.

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. As was the case in 2020, all meetings continued to be held virtually throughout 2021.

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. Throughout 2021, 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. The Office did however exhibit at the virtual BT Young Scientist & Technology Expo in 2021 with 105,000 virtual attendees from 77 countries taking part. In addition to participating in a number of online seminars in conjunction with the Local Enterprise Offices, the Office held 16 Virtual IP 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.



## 2.0 Intellectual Property Trends and Indicators

Despite the difficulties of the past two years, the economy grew by approximately 13.5% in GDP terms<sup>1</sup> in 2021 which is mainly due to the performance of the pharmaceutical, medical devices and computer services sectors. Increased consumer spending, tax receipts and construction activity were also significant factors in this growth rate.

Since the start of the pandemic, the effect of its impact on the economy has been very uneven. Certain sectors (such as the accommodation and food sector) have been very dependent upon government support such as the Employment Wage Subsidy Scheme. The easing of certain Covid 19 restrictions in Qtr 4 2021, partly because of the very high vaccination rates, resulted in a reduction of the Covid-19 adjusted unemployment rate from 10% to 7.5%<sup>2</sup>.

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 the aforementioned sectors.



---

<sup>1</sup> [countryeconomy.com](http://countryeconomy.com)

<sup>2</sup> [cs0.ie](http://cs0.ie)

## 2.1 Patents

### National patent applications

The overall total number of national patent applications filed in 2021 showed a decrease of over 22% on 2020 (from 292 to 228). Within that overall figure, national short term patent filings received during 2021 reduced on the 2020 total (from 163 to 112) as did the number of long-term patent applications (from 129 to 116).

### 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 56 in 2021.

### European Patents designating Ireland

Despite the coronavirus pandemic, patent applications at the European Patent Office in 2021 remained stable overall, at 188,600 (an increase of 4.5% on 2020). 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.

**Table 1. Developments in the number of European Patent applications from Ireland since 2016.**

	2016	2017	2017 / 2016	2018	2018 / 2017	2019	2019 / 2018	2020	2020 / 2019	2021	2021 / 2020
EP applications from Irish resident companies <sup>1</sup>	727	660	-9.2%	826	25.2%	882	6.8%	980	10.0%	956	-2.5%
Source: EPO Patent Index 2021 data for Ireland.											
<sup>1</sup> 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 the 2020 Controller's report, despite the impact of the pandemic on the economy, some sectors such as health care, medical technology, life sciences/pharmaceuticals and e-commerce were expected to benefit. The EPO's Patent Index for 2021 published in April 2022 validated that view and noted that in a year when European Patent applications in many technical fields declined, applications in medical technologies, electrical machinery, apparatus, and energy all showed increases. European patent applications from Irish companies also showed increases in these sectors.

**Table 2. Top 5 technology fields for EP applications by Irish resident companies.**

TECHNOLOGY FIELD <sup>1</sup>	2020	2021	2020/2021
Medical technology	190	227	19.5%
Electrical machinery, apparatus, energy	61	103	68.9%
Pharmaceuticals	98	96	-2.0%
Computer technology	97	77	-20.6%
Measurement	42	44	-4.8%

Source: EPO Patent Index 2021 data for Ireland.

<sup>1</sup> 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](http://www.wipo.int/export/sites/www/ipstats/en/statistics/patents/xls/ipc_technology.xls)

Overall European patent applications filed by Irish resident companies decreased by 2.5% in 2021 as compared to 2020, noting that 2020 was a significant increase on previous years. A total of 956 applications filed by those companies in 2021 meant that Ireland is now ranked in 13<sup>th</sup> place in terms of European patent applications per million of inhabitants.

**Table 3. Irish resident patent filings at selected International Patent Offices**

	2017	2018	2019	2020	2021
<b>PCT<sup>1</sup></b>	489	628	640	762	840*
<b>EPO<sup>2</sup></b>	660	826	882	980	956
<b>USA<sup>3</sup></b>	1,487	1,612	1,118	1,271	n/a
<b>UK<sup>4</sup></b>	320	353	361	366	n/a

Sources: WIPO Statistics Database, EPO Statistics Database, UKIPO Facts & Figures & USPTO FY 2020 and 2021 Performance and Accountability Reports (PAR)

<sup>1</sup> PCT applications (International Phase) filed by Irish residents by filing date.

<sup>2</sup> Analysis based on European patent applications filed with EPO.

<sup>3</sup> Filings refer to filings of Utility Patents also known as patents for inventions.

<sup>4</sup> UKIPO Facts and Figures Table 2.1b 2021 UK figure is not available.

\*2021 WIPO figure is 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 10% on 2020 suggesting that the pandemic did not have a significant impact on international applications by IP intensive Irish industries.

## 2.2 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 2021 and the number of applications received showed a slight increase over the 2020 figure from 2,370 to 2,656, a 12% increase.

The number of Industrial design applications received by the Office has been unpredictable and has fluctuated in recent years. In 2021 a total number of 114 individual design applications were received, a 54% decrease on 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 27 EU countries. Notwithstanding the pandemic, filings of EUTM applications by Irish resident applicants in 2021 remained strong increasing from 1,315 applications in 2020 to 1,667 applications in 2021. Community Design applications filed by Irish resident applicants decreased by 6% on 2020 (from 611 to 576).

**Table 4. EUTM and RCD applications by Irish resident applicants**

	2019	2020	2021
EUTM applications	1,166	1,331	1,667
EUTM registrations	1,074	1,113	1,465
RCD applications	435	611	576
RCD registrations published	427	601	566
Source: EUIPO Statistics in EUTMs & Statistics of Community Designs.			

### International Trade Marks

The Madrid Protocol is an international system of trade mark 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 112 members covering 128 countries, representing more than 80% of world trade.

## 2.3 Madrid Applications

**Table 5. International Applications & Registrations via Madrid System for TM holders resident in Ireland**

	2019	2020	2021
Madrid Applications where country of holder is Ireland (by filing date)	195	288	323
Number of International Registrations where country of holder is Ireland	202	244	329
Designations in registrations where country of holder is Ireland	1,985	2,173	2,281
Subsequent Designations where country of holder is Ireland	198	379	378
Source: WIPO IP Statistics ( <a href="https://www.wipo.int/ipstats/">Madrid System Statistics (wipo.int)</a> )			

WIPO recorded 329 international registrations for holders of trade marks domiciled in Ireland in 2021 up 35% on 2020. These registrations include 2,281 designations of other Madrid members in which the holders sought to extend protection for their trade marks. A total of 378 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.



## 2.4 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 19th among the 132 economies featured in the GII 2021<sup>3</sup>. Ireland ranks 18th among the 51 high-income group economies and 11th among the 39 economies in Europe. The index also recorded that Ireland performed better with regard to “innovation outputs” (ranked 19th) than “innovation inputs” (ranked 22nd) in 2021. The growth of industries across the world continued to improve with significant increases in life sciences and technology fields. Ireland has also experienced this growth in response to the Covid 19 pandemic. Although international trade plummeted in 2020 it recovered well in 2021 with total trade flows increasing above pre-pandemic levels. As a result of Covid 19 the changes in trade structure in a single year was similar to changes usually seen over a 4–5-year period. Some imbalances across trade partners and products were still evident at the end of 2021 with some losses from earlier declines not being recovered. 2021 saw the volume and growth rates of world trade reach significant highs in May and June. This is in part a result of the severely disrupted trade in the first 6 months of 2021, together with increased demand and changes in consumer trends and expectations. Another aspect was the unwinding of backlogs of international supply chains. Asia was a leader of supply chain developments with China experiencing a significant expansion of demand for its exports. Ultimately China and other Asian countries filled supply gaps that resulted from the economy recovering and demand changes<sup>4</sup>.

## 2.5 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 designs. 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.

---

<sup>3</sup> [IRELAND \(wipo.int\)](https://wipo.int)

<sup>4</sup> [OECD Policy Responses to Coronavirus \(COVID-19\)](#)



## 3.0 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.



### 3.1 European Union Intellectual Property Office (EUIPO)

The Convergence Programme of the EUIPO, launched in 2011, facilitates the convergence of practice between the EUIPO and National Offices. Working together with European User Associations, 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 continued to build on the achievements of previous years through their active participation in various Working Groups established to support the aims of cooperation and the convergence of practice.

The main benefits for users arising from the various Convergence Programmes are:

- **Clarity and transparency:** shared communication initiatives keep stakeholders informed of advancements in a timely manner, with unified information.
- **Quality and usability:** effective and efficient access to protection offered by registration systems both at the national and EU level.
- **Legal certainty:** increased legal certainty due to greater consistency in decisions made at national and EU level.
- **Time and cost savings:** potential reductions in application processing times and cost savings for both IP offices and applicants.

The Office was able to continue delivering a full range of e-services to applicants using tools developed and deployed with the assistance of EUIPO. The Office also continued to receive support from EUIPO to maintain its flagship tools TMView and DesignView. 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.

EUIPO launched a new *Strategic Plan 2025* in September 2020, and the Irish Office has committed to engage with this in a similarly constructive manner in the coming years. A new Ideas Powered for Business SME Fund was launched by EUIPO in 2021. Initially, this was a €20 million grant scheme created to help European small and medium-sized enterprises (SMEs) develop their IP strategies and protect their IP rights, at national or EU level. The scheme is operated by the EUIPO in conjunction with the national IP Offices including the IPOI. Commencing on 1 March 2021, Irish SME's could receive 50% off the basic application fees of national and EU trade marks and designs. In addition, SMEs could apply for a refund of 75% of the cost of an IP audit conducted by recognised experts. It is planned to further develop and expand this service in 2022.

### 3.2 World Intellectual Property Organisation (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.

With the introduction in 2019 of amendments to the Patents Act 1992, which allowed 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.”*, the Office has seen an increase in the number of these applications with a total of fifteen received in 2021 as compared to just two applications in 2020.

### 3.3 European Patent Office (EPO)



Representatives from the Office were involved in activities of the bodies of the European Patent Organisation. All the meetings held in 2021 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.

The implementation of the EPO's Strategic Plan 2023 continued in 2021 with the implementation of new bi-lateral co-operation agreements with Member States. In July 2021, the IPOI signed a co-operation agreement with the EPO for the period 2021-2023, which will provide funding and technical assistance in the following areas:

- Data quality – The intention is to strengthen the data management capabilities of the IPOI by maximising the use of digital technologies.
- Fostering innovation - This project aims to stimulate the use of patent systems by SMEs, research organisations and universities by increasing their IP awareness and understanding of the benefits of IP protection.
- Building expertise at national offices – The objective is to enhance the competencies, skills and knowledge of staff in existing areas of expertise as well as in new fields.

## 4.0 Website and Social Media

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 throughout 2021. 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 as well as all primary and secondary legislation governing the functions of the Office.

The number of visits to the website in 2021 was just over 70,000. The reduction in visits over the 2020 total was as a result of a new cookies policy which affected the manner in which page views were counted on all public sector websites. As in previous years the interactive online register search pages continue to remain the most popular pages on the website.



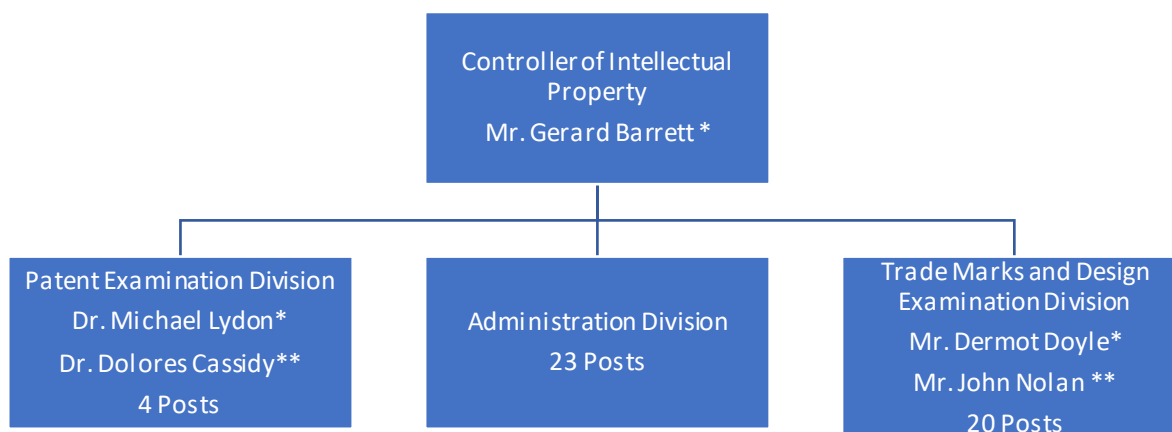
## 5.0 Public Sector Duty Statement

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 its staff and for the people to whom the Office 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 Office's 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.

## 6.0 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	19
Clerical Officer	15
Services Officer	1
<b>Total</b>	<b>46</b>

\*Retired during 2021

\*\* Appointed during 2021

On 31 December 2021, the 46 posts were filled by 42.19 whole time equivalents. In addition, a total of 7 permanent staff – 4 Executive Officers and 3 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.



### **New IPOI Senior Management Team**

*Pictured left to right: Dr Dolores Cassidy, Senior Examiner of Patents, Mr John Nolan, Head of Trade Mark and Design Examination and Mr James Kelly, Controller.*

## 7.0 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-cost measures. Measures included setting up hibernation power savings on all PCs, switching off all unnecessary lighting and reducing the temperature on heating.

Since 2008, based on end of year 2021 data, the Office has saved 42% overall on energy consumption since joining the campaign. The Office has managed to save an additional 4% on 2020's consumption figures which comes from a 5% reduction in electricity and 10% savings in heating. This year, the IPOI has reduced its carbon footprint by over 47% compared to the benchmark year or a staggering 159 Tonnes of CO<sub>2</sub>. This was an excellent achievement during a very difficult time when the building had to be properly ventilated to reduce the risk of Covid-19 yet maintain comfort levels for staff. With the appointment of a new Services Officer with responsibility for regulating and controlling the heating and electrical systems, it is expected to see further significant reductions in 2022.





## 8.0 Business Statistics

### 8.1 Patents

As of 31 December 2021, there was a total of 505 pending applications on hand in the IPOI. Of these, 219 applications were awaiting the submission of evidence of novelty. The number of applications received from applicants in the State was 164 compared with 195 in 2020.

**Table 6. Patents**

APPLICATIONS RECEIVED			YEAR	PATENTS GRANTED		
Full Term	Short Term	TOTAL		Full Term	Short Term	TOTAL
93	124	217	2019	48	83	131
129	163	292	2020	42	73	115
116	112	228	2021	43	48	91

### Supplementary Protection Certificates

A total of 56 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, 15 certificates were granted (medicinal and plant protection), 13 were rejected and 11 requests were withdrawn. At the end of the year there were 146 requests pending, compared to 129 in 2020.

**Figure 1. Patent & SPC Applications 2019-2021**

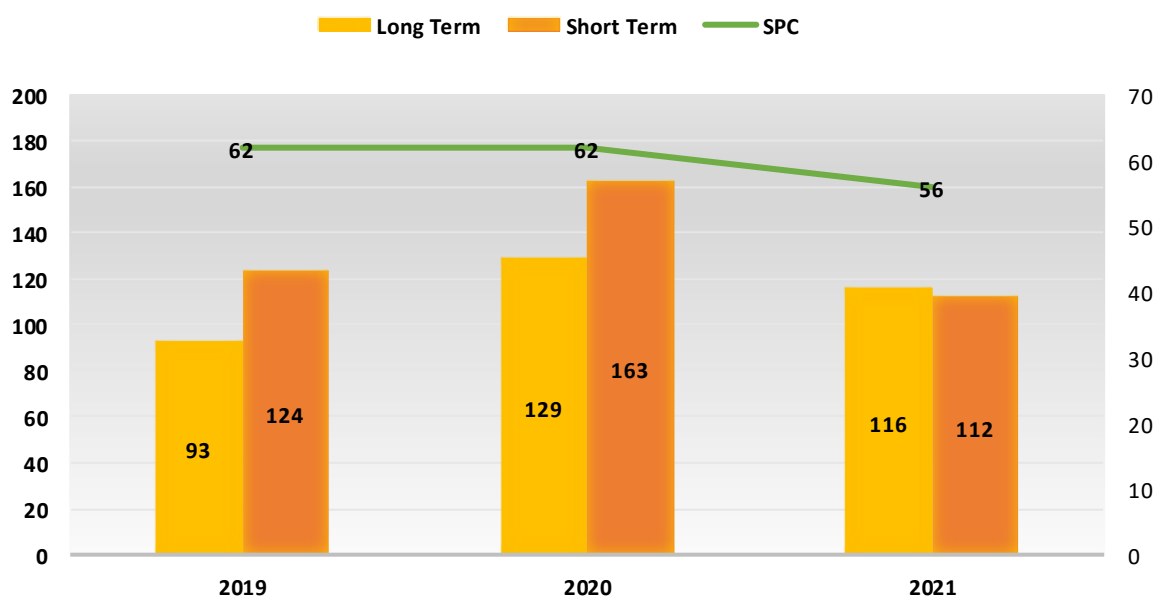
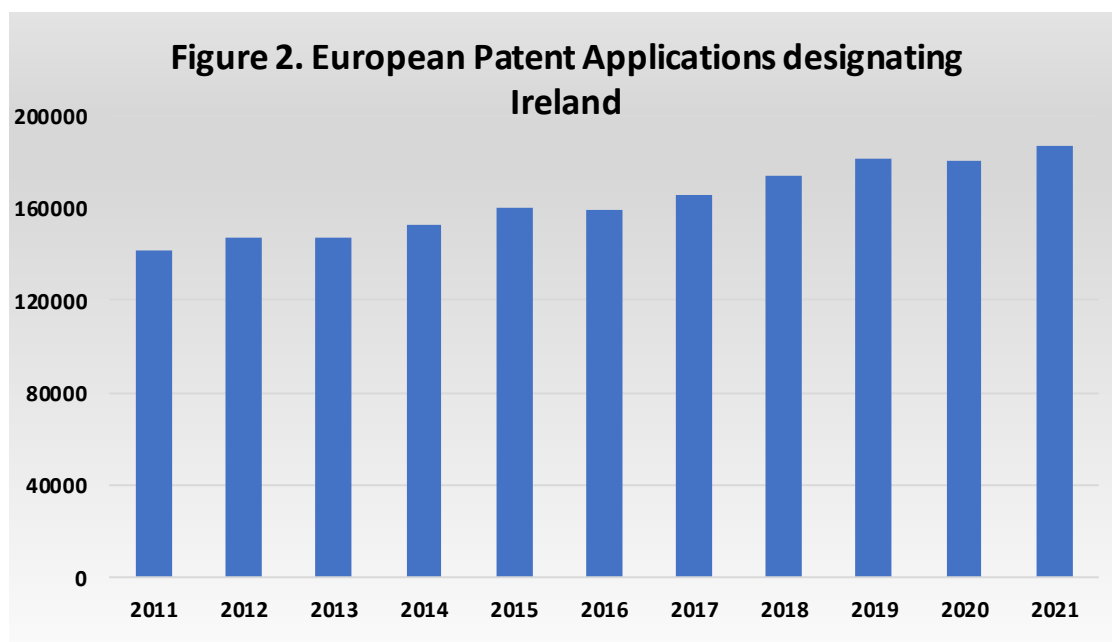
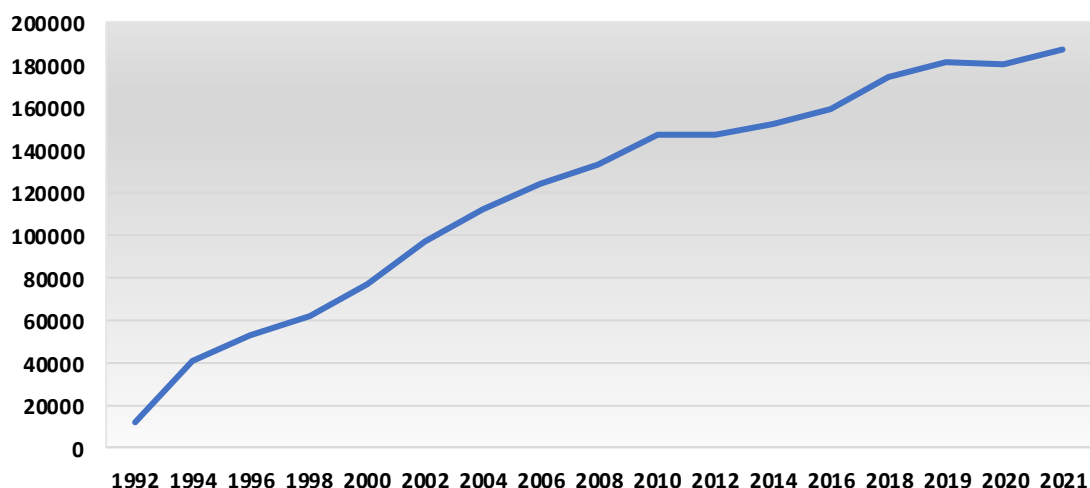


Figure 2 shows the total number of European applications designating Ireland. This figure is not included in the total number of patents granted in 2021 having effect in the State.



There were 187,222 European Patent Applications designating Ireland in 2021 (72,178 Euro-direct and 115,044 PCT applications entering the regional phase). The total number of European Patent Applications in 2021 was 188,600. 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 108,362 granted European Patents designating Ireland in 2021.

**Figure 3. European Patent Applications designating Ireland 1992-2021**



**Table 7. Patents granted in 2021 having effect in the State**

<b>2021</b>	<b>Total</b>	<b>Number of patents granted to Applicants from within the State</b>	<b>% of patents granted to Applicants from within the State</b>
<b>Granted by Office</b>	91	56	61%
<b>Granted by EPO</b>	108,362	523	0.49%
<b>Total Grants</b>	108,453	579	0.53%

**Table 8. Patent Register Data**

	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Patents and patent applications the subject of assignments</b>	1,186	1,830	1,499
<b>Patents surrendered</b>	0	0	1
<b>Patents lapsed</b>	109,177	133,313	128,720
<b>Patents restored/reinstated</b>	6	15	15
<b>Patents renewed</b>	55,526	58,163	61,129
<b>Patents expired</b>	1,417	1,508	1,524
<b>Patents &amp; SPCs in force</b>	222,233	217,730	197,556
<b>Hearings (ex-parte)</b>	1	4	3
<b>PCT applications received for transmission to WIPO</b>	16	8	12
<b>European patent applications received for transmission to EPO</b>	0	0	0

## 8.1.2 Register of Patent Agents

At the end of 2021, there were 78 individuals and 8 partnerships entered in the Register of Patent Agents.

The pandemic restrictions introduced as a result of Covid 19 meant that the Law & Practice of Patents examinations were held online in May 2021.

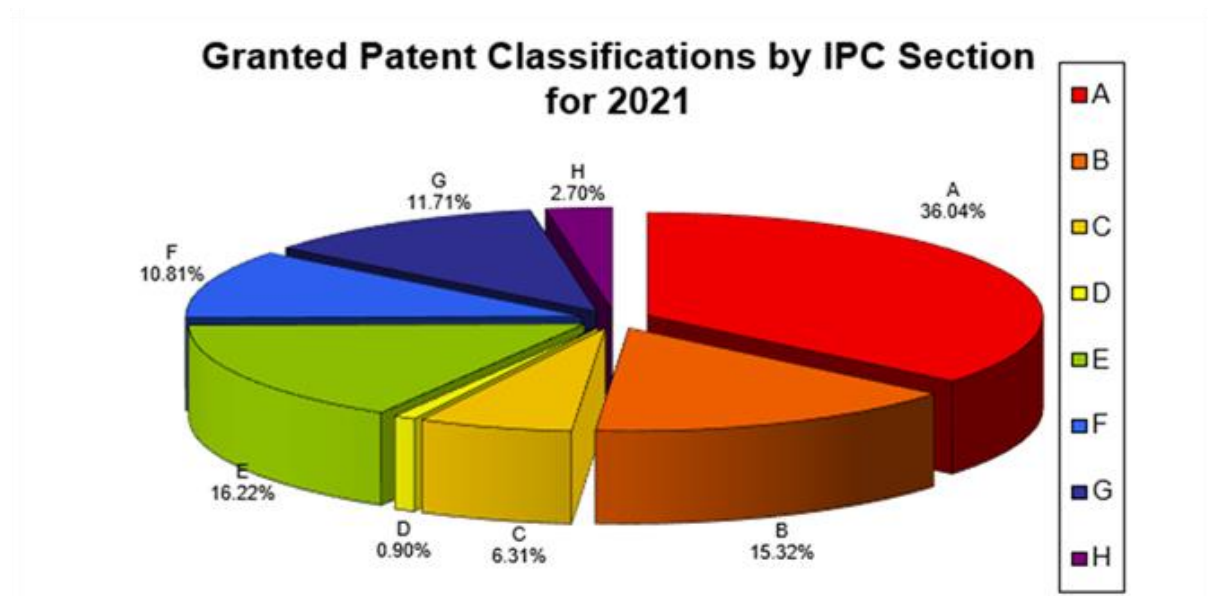


### 8.1.3 CLASSIFICATION OF PATENTS GRANTED IN 2021

CLASSIFICATION	No of grants*
A. HUMAN NECESSITIES: e.g. Foodstuffs, Health, Personal Articles	40
B. PERFORMING OPERATIONS: TRANSPORTING: e.g., Shaping, printing, vehicle technology	17
C. CHEMISTRY: METALLURGY	7
D. TEXTILES: PAPER	1
E. FIXED CONSTRUCTIONS: e.g. Building, drilling, mining	18
F. MECHANICAL ENGINEERING: LIGHTING; HEATING; WEAPONS; BLASTING	12
G. PHYSICS: e.g. Optics, computing, nuclear physics	13
H. ELECTRICITY: e.g. Electronic circuits, electricity generation and distribution	3

**\*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 2021. 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.



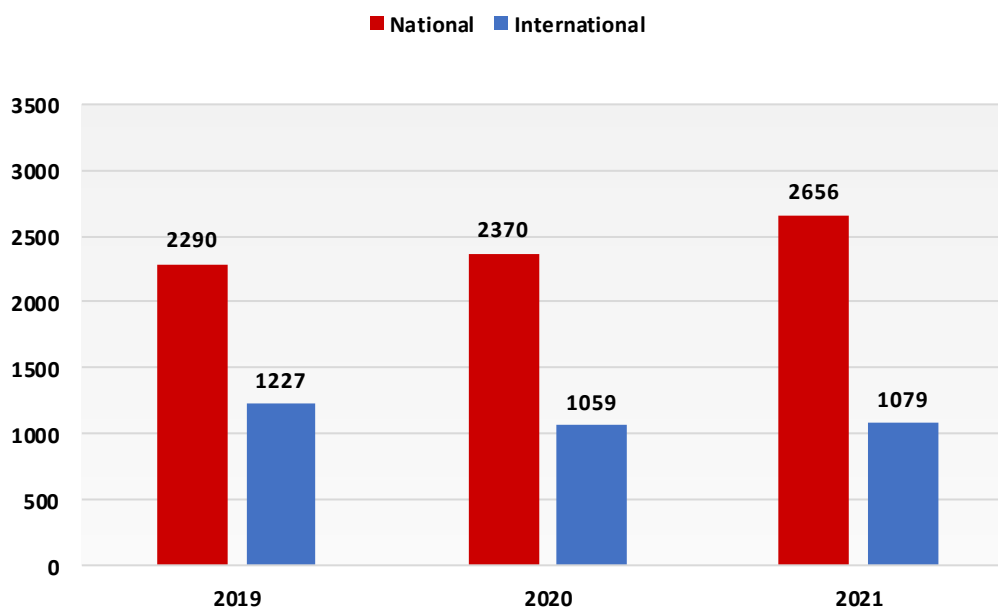
## 8.2 Trade Marks

The following tables sets out the main business statistics in relation to Trade Marks for the year under review. As of 31 December 2021, a total of 2,656 National Trade Mark Applications were received, an increase of 296 when compared with 2020. Of these, 1,803 applications were registered. A total of 1,079 International Trade Mark Registrations were received, which is a slight increase on the 2020 figures. Of these, 868 International Trade Mark Registrations were protected.

Table 9. National Trade Mark Applications				
Year	Received	Advertised	Opposed	Registered
2019	2,290	2,019	74	1,759
2020	2,370	1,860	30	1,760
2021	2,656	2,188	53	1,803

Table 10. International Trade Mark Registrations				
Year	Received	Advertised	Opposed	Protected
2019	1,227	1,178	15	1,116
2020	1,059	990	5	1039
2021	1,079	909	5	868

**Figure 4 Trade Mark Applications 2019-2021**



## 8.2.1 CLASSIFICATION OF TRADE MARKS REGISTERED IN 2021

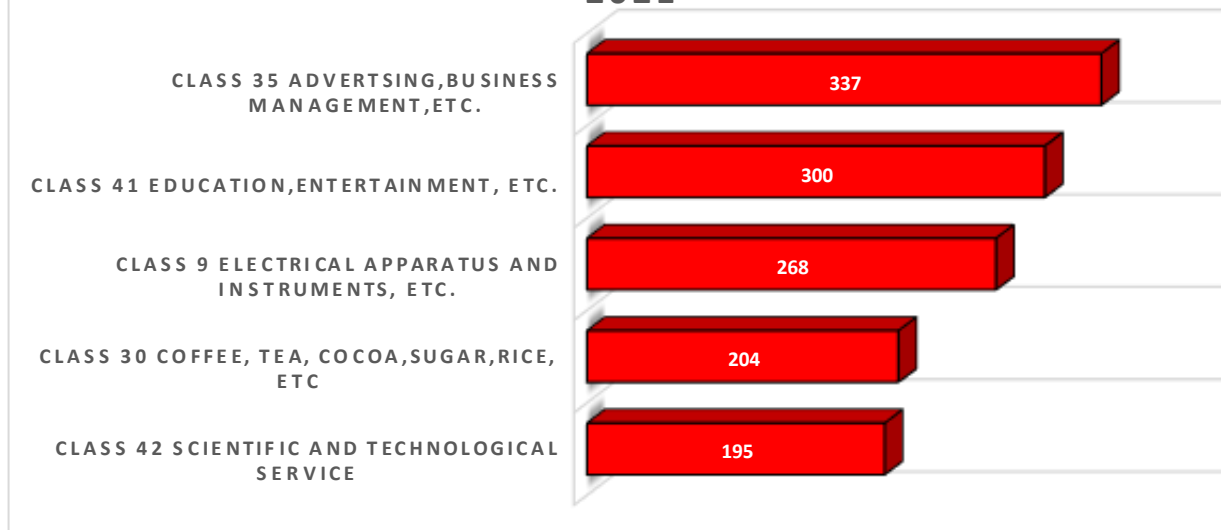
A multilateral treaty called the “*Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks*” established a classification system for trade marks. The Nice Classification comprises 45 class headings which describe in very broad terms 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.

**Table 11 Classification of Trade Marks, 2021**

Class	Classification of Goods	No. of marks in classification	Class	Classification of Goods	No. of marks in classification
1	Chemical Products, etc.	39	24	Tissues (piece goods), etc.	34
2	Paints, etc.	8	25	Clothing, including Boots, Shoes and Slippers	156
3	Bleaching Preparations, etc.	111	26	Lace and Embroidery, etc.	7
4	Industrial Oils, etc.	37	27	Carpets, etc.	17
5	Pharmaceutical Substances, etc.	171	28	Games, etc.	79
6	Unwrought & Partly Wrought Common Metals and their Alloys	23	29	Meat, Fish, Poultry and Game, etc.	156
7	Machines and Machine Tools, etc.	32	30	Coffee, Tea, Cocoa, Sugar, Rice, etc.	204
8	Hand Tools and Instruments, Cutlery, etc.	15	31	Agricultural Products, etc.	61
9	Scientific Apparatus and Instruments, etc.	268	32	Beer, etc.	105
10	Surgical Instruments, etc.	47	33	Wines, Spirits and Liqueurs	96
11	Installations for Lighting, etc.	51	34	Tobacco, etc.	14
12	Vehicles; Apparatus for Locomotion by Land, Air or Water	37	35	Advertising, Business Management, etc.	337
13	Firearms, Ammunition and Projectiles; Explosive Substances; Fireworks	0	36	Insurance, Financial Affairs, etc.	138
14	Precious Metals and their Alloys, etc.	28	37	Building Construction, Repair, Installation Services.	84
15	Musical Instruments (other than talking machines and wireless apparatus)	4	38	Telecommunications	64

16	Paper, etc.	165	39	Transport, Packaging and Storage of Goods, etc.	111
17	Gutta Percha, India Rubber, etc.	13	40	Treatment of Materials	42
18	Leather, etc.	59	41	Education, Entertainment, etc.	300
19	Building Materials, etc.	25	42	Scientific and technological services	195
20	Furniture, etc.	39	43	Providing food and drink	171
21	Small Domestic Utensils, etc.	58	44	Medical services, etc	138
22	Ropes, etc.	11	45	Personal and social services	67
23	Yarns, Threads	1			

**FIGURE 5 TOP 5 CLASSES OF GOODS AND SERVICES  
2021**





**Table 12. Trade Marks Register Data**

	2019	2020	2021
Number of trade marks the subject of assignments	1,072	1,103	1604
Number of licences of trade marks recorded in the register	10	43	6
Trade mark registrations removed non-payment of renewal fees	4,139	3,504	2,793
Trade mark registrations surrendered	5	1	4
Trade mark registrations restored	6	7	5
Trade mark registrations renewed	5088	4,319	3,642
National trade marks revoked in full and in part	6	3	3
International trade marks revoked in full and in part	5	2	2
National trade marks declared invalid	2	1	0
International trade marks declared invalid	0	0	0
National registered trade marks in force	53,417	51,655	50,620
International trade marks in force	20,424	20,815	20,603
Total trade marks in force	73,841	72,470	71,223

Hearings	2019	2020	2021
Hearings ( <i>ex-parte</i> )	7	10	11
Hearings ( <i>inter-partes</i> )	5	3	2
Hearings ( <i>inter-partes by way of written submission or papers filed</i> )	17	12	7
Applications to convert EU Trade Mark applications into national applications	35	31	53
International Trade Mark applications filed and transmitted to WIPO	70	91	55

### 8.2.2 Register of Trade Mark Agents

At the end of 2021, there were 227 individuals and 15 partnerships entered on the Register.

The pandemic restrictions introduced as a result of Covid 19 meant that the Law & Practice of Trade Marks examinations were held online in May 2021.

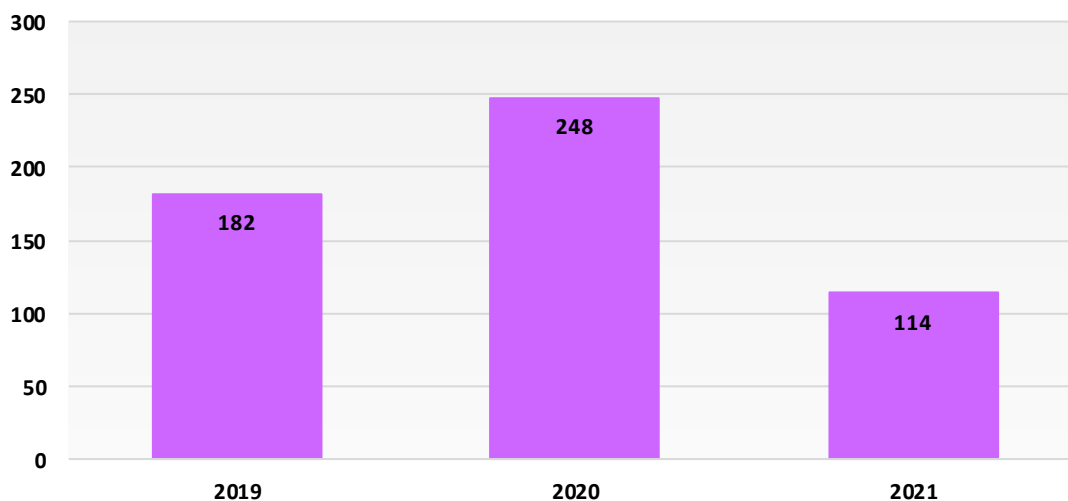
## 8.3 Designs

The following tables sets out the main business statistics in relation to Industrial Designs for the year under review. As of 31 December 2021, a total of 69 National Design applications, incorporating 114 Designs, were received. 117 Designs were registered during the course of the year. A total of 1,576 National Designs remain in force at the end of year.

	2019	2020	2021
<b>Design Applications*</b>	79	67	69
<b>Number of Designs applied for*</b>	182	248	114
<b>Designs Registered</b>	152	234	117
<b>Designs Expired</b>	140	89	96
<b>Designs Renewed</b>	53	105	67
<b>Designs in force</b>	1,545	1,641	1,576

\*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.

**Figure 6 Number of Designs applied for 2019-2021**



## 8.3.1 Classification of Designs Registered In 2021

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	0
2	Articles of Clothing and Haberdashery	3
3	Travel Goods, Cases, Parasols and Personal Belongings, not elsewhere specified	0
4	Brushware	0
5	Textile Piecegood Articles, Artificial and Natural Sheet Material	0
6	Furnishings	11
7	Household Goods, not elsewhere specified	7
8	Tools and Hardware	10
9	Packages and Containers for the Transport or Handling of Goods	8
10	Clocks and Watches and other Measuring Instruments, Checking and Signalling Instruments	0
11	Articles of Adornment	16
12	Means of Transport or Hoisting	6
13	Equipment for Production, Distribution or Transformation of Electricity	2
14	Recording, Communication or Information Retrieval Equipment	0
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	10
20	Sales and Advertising Equipment, Signs	3
21	Games, Toys, Tents and Sports Goods	18
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	5

24	Medical and Laboratory Equipment	1
25	Building Units and Construction Elements	4
26	Lighting Apparatus	0
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	0
30	Articles for the Care and Handling of Animals	0
31	Machines and Appliances for Preparing Food or Drink, not elsewhere specified	0
32	Graphic Symbols and Logos, Surface Patterns, Ornamentation	9
	Total	117

\*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.

## 8.4 Copyright

### 8.4.1 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 in the State. 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 ten of the seventeen registered copyright licensing bodies operating in the State.

### 8.4.2 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 2021 there were no references made to the Controller under Section 38 and there are currently no references pending before the Controller.

### 8.4.3 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 2021, 15 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/>.

#### **8.4.4 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, eight Irish organisations have been registered as Beneficiary Organisations.



## 9.0 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 the Controller 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, one valid application was received for a KDB Certificate which was subsequently withdrawn and resubmitted in 2021. A KDB Certificate was issued for this application in 2021.



## 10.0 Legislation

Section 103(1)(b) of the Patents Act 1992, requires the Controller to include particulars of all legislation made in 2021, the administration of which the Controller is responsible.

- **European Union (Copyright and Related Rights in the Digital Single Market) Regulations 2021 (S.I. No 567 of 2021)**

These Regulations, made pursuant to the European Communities Act 1972, transpose Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019. These Regulations also further amend the Copyright and Related Rights Act 2000 (as amended).

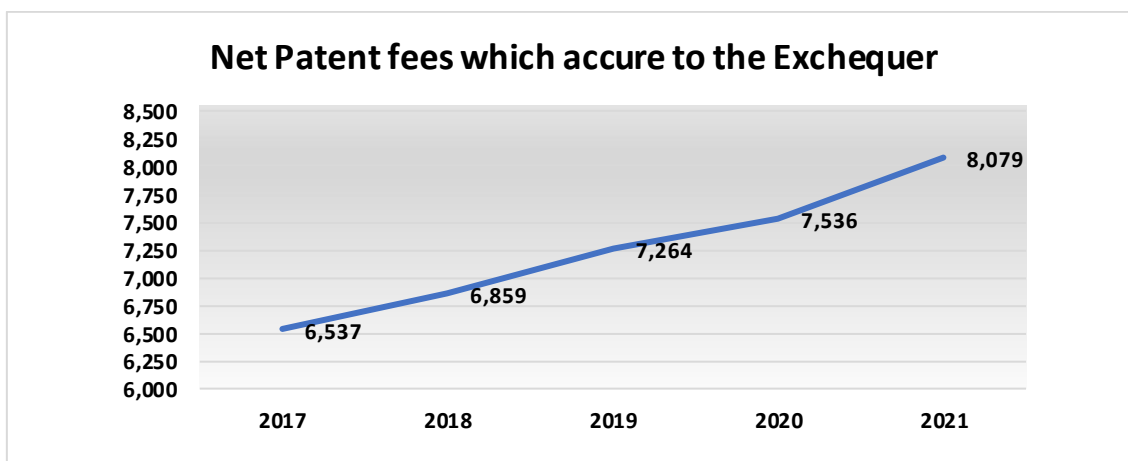
These Regulations, which came into effect on 12 November 2021 strengthen the rights and protections afforded to various categories of rightsholders in order to reflect the impact of technological advances and increased digitalisation. They also provide for wider access and use of copyright protected works to the potential benefit of the creative sectors, press publishers, researchers, educators, cultural heritage institutions, and citizens.



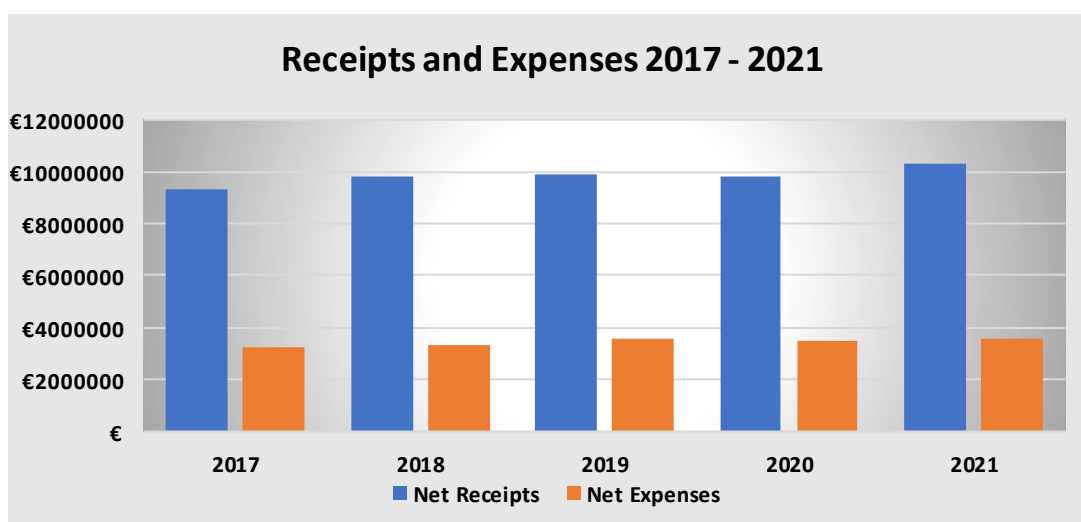


## 11.0 Financial Information

Net receipts accruing to the Exchequer in 2021 amounted to €10.267m, an increase of €419,000 or 4.25% on the 2020 figure of €9.848m. The greater proportion of the Office's fee income comes from renewal fees on European Patents. In 2021, the Office received a net amount of €7.51m in renewal fees for granted European Patents designating Ireland, which was an increase of 6.8% (€0.479m) over the 2020 figure. The combined net income from European and National patent renewal fees amounted to €8.079m in 2021 and continues to increase year on year. The 2021 net figure has increased by 23% over the corresponding 2017 figure.



The combined income from patent, design, and trade mark fees (including international trade mark fees) of €10.470m increased by €0.438m or 4.36% over the 2020 figure of €10.032m. The Office's net expenses for 2021 amounted to €3.53m which represented an increase of €0.03m over the corresponding 2020 figure of €3.50m.



## 11.1 RECEIPTS AND EXPENSES - YEAR ENDED 31 DECEMBER 2021<sup>5</sup>

RECEIPTS	€000
Patent fees (Notes 1 & 2)	8,079
Trade Mark fees	1,768
International Trade Mark Registration – fees received from WIPO (Note 3)	612
Design fees	11
Other fees	94
Less refunds made in respect of fees paid to the Office in error	98
Less transaction fees arising in respect of online credit card payments	199
<b>Net receipts accruing to the exchequer</b>	<b>10,267</b>

EXPENSES	€000
Salaries	2,402
Travel & Subsistence	1
Miscellaneous & Incidental expenses	89
Postal & Telecommunications Services	113
Office Equipment and Supplies & Related Services	388
Office Premises Expenses	112
Information resources, books periodicals, etc.	1
Subscriptions to Industrial Property Unions	425
<b>Net expenses</b>	<b>3,531</b>

**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	15,592
Less Proportion of patent renewal fees transferred to the EPO	7,513
<b>Net Patent fees which accrue to the Exchequer</b>	<b>8,079</b>

**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 2021 are shown below:

	€000
PCT Basic & Designation Fees transferred to WIPO	22
PCT Search fees transferred to EPO	21
<b>Total</b>	<b>43</b>

**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).

<sup>5</sup> The income and expenditure figures above are included in the unaudited 2021 DETE Appropriation Account. The C&AG will publish the audited central government appropriation accounts not later than the 30th day of September in the year following the financial year to which the accounts relate.

## 12.0 Performance Targets 2021

The Office's Customer Service Action Plan 2020 -2022 sets out the IPOI'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.	88.5	Issue 100% of formal filing receipts for e-filed Patent applications within 4 working days.	96
2	Issue 90% of notifications of formal defects within 7 working days of filing	95	Issue 100% of notifications of formal defects within 15 working days of filing.	100
3	Issue 90% of notifications of substantive defects within 2 months of filing.	39	Issue 100% of notifications of substantive defects within 3 months of filing	62
4	Grant 90% of patents and issue grant certificates within 1 day of receipt of the grant fee.	99	Grant 100% of patents and issue grant certificates within 3 days of receipt of the grant fee.	100
5	Approve the grant of 80% of valid short term patent applications within a period of 12 months from the filing of an application.	27	Approve the grant of 100% of valid short term patent applications within a period of 18 months from the filing of an application.	68
6	Classify for publication 95% of all non-divisional patent applications within 18 months after the priority/filing date.	43	Classify for publication 100% of all non-divisional patent applications within 21 months after the priority/filing date.	71
7	Process 90% of applications for registration of patent assignments within 5 working days of submission of a fully completed application.	92	Process 100% of applications for registration of patent assignments within 7 working days of submission of a fully completed application.	95

Supplementary Protection Certificates		%		%
8	Issue 90% of formal filing receipts for e-filed SPC applications on the next working day.	95	Issue 100% of formal filing receipts for e-filed SPC applications within 3 working days.	100
9	Issue 90% of notifications of formal defects within 10 working days of SPC filing date.	100	Issue 100% of notifications of formal defects within 15 working days of SPC filing date.	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. <i>(Only refers to those applications which are received earlier than 12 months before the expiry date.)</i>	100	Perform technical examination of 95% of all applications for Supplementary Protection Certificates before expiry date of the basic patent.	100

Trade Marks		%		%
11	Register 90% of trade marks and issue registration certificates within 1 day of receipt of the registration fee.	90.5	Register 100% of trade marks and issue registration certificates within 3 days of receipt of the registration fee.	98.5

12	Conduct formalities check and issue 90% of formal filing receipts for e-filed Trade Mark applications within 2 working days.	98.5	Conduct formalities check and issue 100% of formal filing receipts for e-filed Trade Mark applications within 4 working days.	100
13	Determine 90% of National TM applications for acceptance or initial objection within 40 working days of filing of the application.	93	Determine 95% of National TM applications for acceptance or initial objection within 60 working days of filing of the application.	96
14	Conduct initial search in respect of 90% of new TM applications within 5 working days of receipt.	97	Conduct initial search in respect of 100% of new TM applications within 8 working days of receipt.	97
15	Issue 90% of decisions in hearings within 20 working days of hearing.	100	Issue 100% of decisions in hearings within 30 working days of hearing.	100
16	Process 90% of applications for registration of trade mark assignments within 5 working days of submission of a fully completed application.	96	Process 100% of applications for registration of trade mark assignments within 7 working days of submission of a fully completed application.	98

<b>Industrial Designs</b>		%		%
17	Carry out formalities check and issue formal filing receipts for 90% of e-filed Design applications within 2 working days.	90	Carry out formalities check and issue formal filing receipts for 100% of e-filed Design applications within 4 working days.	100
18	Register 90% of designs and issue registration certificates within 3 working days of receipt of the registration fee.	78.5	Register 100% of designs and issue registration certificates within 5 days of receipt of the registration fee.	85

<b>Copyright</b>		%		%
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. <sup>1</sup>	100	Complete examination of compliance reports and registration requirements and issue 100% of copyright licensing bodies with Certificates of Registration or Renewal of Registration before the date of expiry of the registration.	100

<b>General</b>		%		%
20	Issue 90% of payment receipts for fees received (excluding on-line payments) within 2 working days.	98.5	Issue 100% of payment receipts for fees received (excluding on-line payments) within 4 working days.	99.5

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

## Contact the IPOI

Intellectual Property Office of Ireland

Government Offices

Hebron Road, Kilkenny

Ireland R95 H4XC

T: (00353) 56 7720111

E: [ipinfo@ipoi.gov.ie](mailto:ipinfo@ipoi.gov.ie)

[www.ipoi.gov.ie](http://www.ipoi.gov.ie)



**Rialtas na hÉireann**  
Government of Ireland