



Oifig Maoine Intleachtúla na hÉireann
Intellectual Property Office of Ireland

Intellectual Property Office of Ireland Annual Report 2022



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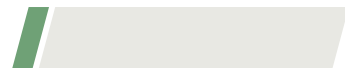


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Foreword

I have the honour to submit my Annual Report to the Minister for Enterprise, Trade and Employment for the year ended 31 December 2022 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 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,

- 206 National Patent Applications were received, and 71 Patents were granted; 62 Supplementary Protection Certificate applications were received and 20 were granted, rejected or withdrawn. A total of 193,442 European Patent Applications designating Ireland were received in 2022.
- The Office received 2,019 National Trade Mark Applications and 1,123 International Trade Mark Registrations designating Ireland. A total of 1,675 National Trade Mark applications were registered and 940 International Trade Mark Registrations protected. 50 National Design applications, containing 106 Designs, were received and 102 Designs were registered by end of year.

- 2022 saw a return by IPOI Information Staff to in-person information raising events. Staff attended the Student Enterprise Programme final at The Helix as well as a range of information events and seminars nationwide, mainly targeted at the education and SME sectors. A total of 18 virtual information clinics were held facilitating entrepreneurs to discuss their IP applications on a one-to-one basis with Office staff.
- The majority of the IPOI's customer service targets were met to a satisfactory level with 90% being the average rate of achievement.

Following the previous challenging few years, 2022 proved to be no different in bringing some old and new challenges to the IPOI. Like many other public sector organisations, the IPOI continued to deal with the residual difficulties posed with the gradual easing of restrictions following COVID-19, as the Office reopened its doors to the public and adapted to a more formalised hybrid work environment, ensuring that our on-site services were available and matched the online services.

The devastating and catastrophic events in eastern Europe will have a long-lasting and sobering effect on our memories of the year, 2022. The knock-on economic consequences and cost of living crisis have been a reminder that peace, in our time, has not just humanitarian benefits but also economic, for all our people and communities. The increase in the costs of goods and services placed a considerable challenge on Office resources in 2022. However, with the support and assistance of IPOI partners, we successfully managed to keep good governance and financial control during this period of uncertainty.

I would like to acknowledge the support provided to the Office by the Department of Enterprise, Trade and Employment, which is critical to the delivery of the statutory functions of the IPOI. Accordingly, I would like to thank Dr Orlaigh Quinn, Secretary General and Mr Declan Hughes, Assistant Secretary General. I would also like to acknowledge the support throughout 2022 of Mr Conor Verdon and his team in the Intellectual Property Unit, including particularly Ms Jean O'Neill, which has been invaluable.

Finally, I want to say a special word of thanks to all the dedicated IPOI staff for their work in 2022. Our people have continued to step up and regularly go beyond to deliver for our customers and IP applicants. I want to acknowledge and thank the IPOI staff who moved on and transferred out of the Office during 2022 on retirement, promotion, and mobility for their loyal support. I welcome all new members of the team who joined us in 2022. I have great confidence that with our depth of talent we will continue to overcome the challenges together as a team.



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 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.

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 2022 and it also includes some observations on IP trends and the IP landscape which emerged during the year.

1.1 Objective 1: Operational Excellence

With the mandating by the Government of public sector employees to move to blended working in 2022, the Office adopted this new way of working, with staff working a combination of set days in the Office and at home. The IPOI ensured that this implementation successfully aligned with the business needs of the Office, which required strategic planning and management of organisational change. During 2022, blended working further accelerated the use of electronic files and documents and the use of email communications. While the IPOI 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 now delivered electronically and online.

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 certificates, and trade mark and design applications. During 2022, the vast majority of all applications for IP rights were filed online via the Office’s website. (Patents & SPCs 96%, TMs 99%, Designs 96%). 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. During 2022, the

Office also started development work to facilitate the payment of all remaining IP fees online.

As of 31 December 2022, the Office had 47 authorised posts. However, when career breaks, work-sharing and other family friendly working arrangements are considered, the Office operated with a staffing level of 45.46 full time equivalents during 2022. Due to the success of the automation of our procedures, and innovative improvements to internal business processing combined with an experienced staff complement, the Office continues 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 2022. During 2022, staff were able to virtually and in person attend a range of information sessions and training on a variety of topics as well as issues relating to wellbeing, mental and physical health.

1.2 Objective 2: Customer Service Excellence

As a result of the introduction of blended working in 2022, the staff of the IPOI moved to a combination of working onsite and working remotely, with a requirement for all staff to attend onsite for a proportion of their week. The move to blended 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 2022. 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. During 2022, information section staff dealt with over 4,000 emails, which is comparable with the high volumes reported in 2021. Information section staff also continued to provide a full telephone service to customers and dealt with approximately 2,842 telephone enquiries in 2022. Throughout 2022, the IPOI worked closely with its stakeholders and their support, proposals, and constructive feedback was and continues to be extremely beneficial.

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 2022, most customer service targets were met to a satisfactory level with 90% being the average rate of achievement.

1.3 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. During 2022, the Office held 7 ex-parte and 5 inter-partes hearings concerning trade marks.

The Unitary Patent (UP) is a new single European patent right with unitary legal effect for all EU Member States that have ratified the Agreement on a Unified Patent Court. The UP provides the opportunity for significant costs savings for patent owners, in that they can apply directly to the EPO for a patent which will be valid in all EU Member States who have signed up to the Agreement on a Unitary Patent Court (UPCA). A single annual renewal fee will be paid centrally to the EPO, rather than to individual national patent offices and it will also save on translation costs as well as streamlining the process, including the litigation process.

In June 2022, the Government reaffirmed its commitment to participate in the Unitary Patent System and the Unified Patent Court (UPC) and to hold a referendum to enable Ireland to do so. Ireland requires the successful passing of a constitutional referendum to ratify the UPCA, as it entails a transfer of jurisdiction in patent litigation from the Irish courts to an international court. If the UPCA remains unratified in Ireland, patent holders will not be able to rely on unitary patents or the UPC to protect their inventions within Ireland. National patents granted by national patent offices are not affected.

IPOI staff represent Ireland at several 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.

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

One of the key objectives of the IPOI is to provide information on all aspects of intellectual property rights, thereby assisting SMEs, micro-enterprises and entrepreneurs create value from their ideas, strengthen their businesses and better understand the IP system.

The Office exhibited at the virtual portal of the BT Young Scientist & Technology Expo in 2022 with 226,000 virtual attendees from 68 countries taking part. IPOI staff were available for IP related queries from event attendees prior to and during the portal window. In addition to

participating in a number of online seminars in conjunction with the Local Enterprise Offices, the Office held 18 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. With the re-opening of the Office to the public in March 2022, in-person IP clinics have now resumed. In 2022, the IPOI launched the IP in Education pilot project and successfully delivered several presentations entitled “*What is Intellectual Property?*” to 4 local secondary schools. The overwhelming success and positive response to the 2022 pilot has resulted in an upscaling of the project to deliver presentations nationwide from 2023.

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

Intellectual Property Rights (IPRs) have become increasingly more important in a globalised world where intangible assets now make up most of the value of leading global companies. Intangible assets, such as IPRs and R&D are major company resources, underpinning the growth of the knowledge economy, Ireland is seen as having a developed knowledge economy, which focuses on services in high-tech, financial services and agribusiness. The increasing value of knowledge and service outputs has contributed to global increases in the demand for IPRs.

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 23rd among the 132 economies featured in the GII 2022¹. Ireland ranks 22nd among the 48 high-income group economies and 15th 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 25th) in 2022.

Global growth slowed in 2022, as a result of the war in Ukraine and the cost-of-living crisis. Ireland’s economy performed better than expected in 2022 in the aftermath of the pandemic and energy price rises. Energy was a main driver for inflation with increases in goods and services elevated when compared with previous years. The main growth areas in the economy were the pharmaceutical and ICT sectors who performed well. The economy grew in GDP by 12.2% compared to the expected growth of 10%². Multinationals and their increased performance boosted Ireland’s economy at a faster pace than that of the euro area average. Following joint studies by the European Patent Office (EPO) and the European Union Intellectual Property Office (EUIPO) the third update published in October 2022 stated that, “*IPR-intensive industries have become even more integral to GDP, employment and trade in Europe*”³. The study shows 21.6% of jobs in the EU in intellectual property rights (IPRs) are generated by companies who are based in another EU member state. Ireland, Cyprus and Netherlands show non-EU companies create more jobs in these countries than companies from EU member states. Ireland performs well on its above average share of its contribution to patent intensive industries and in terms of GDP has shares above the EU average⁴.

1 Global Innovation Index 2022: What is the future of innovation-driven growth? (wipo.int)
2 Headline Economic Results - CSO - Central Statistics Office
3 2022_IPR_Intensive_Industries_FullR_en.pdf (europa.eu)
4 2022_IPR_Intensive_Industries_FullR_en.pdf (europa.eu)

2.1 Patents

2.1.1 National patent applications

The total number of national patent applications filed in 2022 showed a decrease of over 9.6% on 2021 (from 228 to 206). Within that overall figure, national short term patent filings received during 2022 increased on the 2021 total (from 112 to 117) with the number of long-term patent applications falling from 116 to 89.

2.1.2 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 to recoup the costs of investments in research and development. A total of 62 SPC applications were received in 2022, which is an increase of 10% over the 2021 total of 56 applications.



2.1.3 European Patents designating Ireland

The number of patent applications received at the EPO in 2022 remained stable overall, at 193,460 (an increase of 2.5% on 2021). 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 2017.

	2017	2018	2018/ 2017	2019	2019/ 2018	2020	2020/ 2019	2021	2021/ 2020	2022	2022/ 2021
EP applications from Irish resident companies ¹	660	826	25.2%	882	6.8%	980	11.1%	1015	3.6%	1140	12.3%

Source: EPO Patent Index 2022 data for Ireland. Historical filing figures shown in previous years may vary from year to year because of the updating of database by the relevant patent authorities.
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 2021 report, I indicated 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 expected to benefit. The EPO's Patent Index for 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.

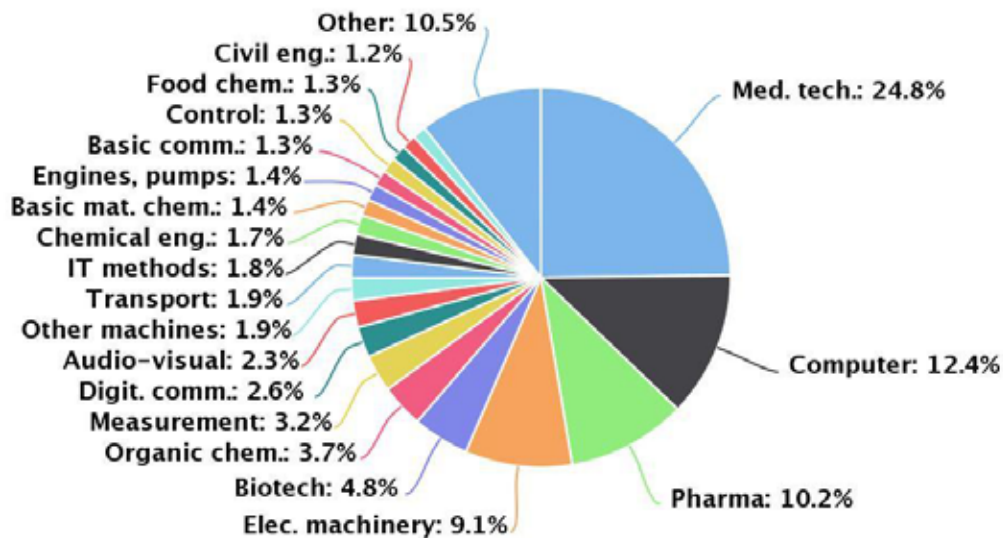
TECHNOLOGY FIELD ¹	2021	2022	2021/2022
Medical technology	237	283	19.4%
Computer technology	121	141	16.5%
Pharmaceuticals	91	116	27.5%
Electrical machinery, apparatus, energy	95	104	9.5%
Biotechnology	36	55	52.8%

Source: EPO Patent Index 2022 data for Ireland. <https://new.epo.org/en/statistics-centre>
¹ The definition of the fields is based on the WIPO IPC technology concordance.
 The information is available at: https://www.wipo.int/export/sites/www/ipstats/en/docs/wipo_ipc_technology.pdf

Overall European patent applications filed by Irish resident companies increased by 2.5% in 2022 as compared to 2021. A total of 1,140 applications filed by those companies in 2022 means that Ireland is now ranked in 8th place in terms of European patent applications per million of inhabitants up from 13th position in 2021.

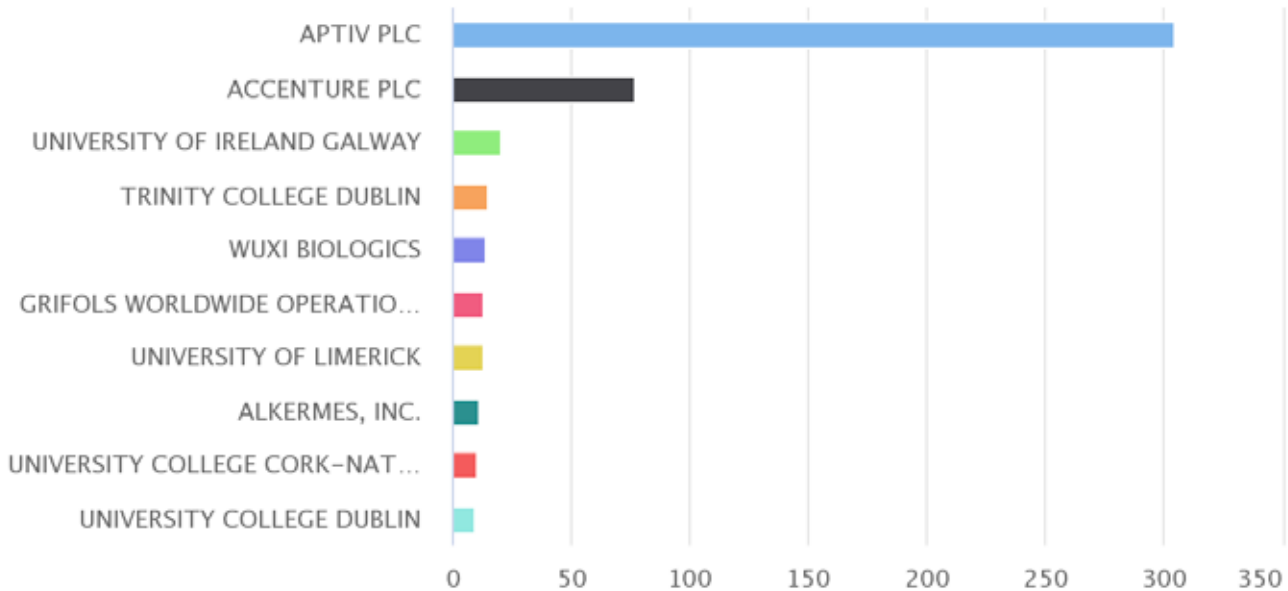


Ireland Number of patent applications per technology field 2022



Source: EPO - Patent Index 2022

Ireland Top 10 applicants 2022



Source: EPO - Patent Index 2022

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

	2018	2019	2020	2021	2022
PCT ¹	628	640	762	908	806*
EPO ²	826	882	980	1,015	1,140
USA ³	1,612	1,118	1,271	1,226	n/a
UK ⁴	353	361	366	296	n/a

Sources: WIPO Statistics Database, EPO Statistics Database, UKIPO Facts & Figures & USPTO FY 2021 and 2022 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 2022 UK figure is not available.
- *2022 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.

2.2 Trade Marks and Designs

Despite the steady rise in the number of national trade mark applications filed over the past few years, due to continuing growth in the economy, the number of applications received in 2022 showed a 24% decrease over the 2021 figure from 2,656 to 2,019. This is in line with the recent global economic downturn.

The number of Industrial Design applications received by the Office has been unpredictable and has fluctuated in recent years. In 2022 a total number of 106 individual design applications were received, a 7% decrease on the 2021 figure.

2.2.1 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. The number of filings of EUTM applications by Irish resident applicants decreased from 1,667 applications in 2021 to 1,266 applications in 2022. Community Design applications filed by Irish resident applicants decreased by 45% on 2021 (from 574 to 313).

Table 4. EUTM and RCD applications by Irish resident applicants

	2020	2021	2022
EUTM applications	1,331	1,667	1,266
EUTM registrations	1,113	1,465	1,213
RCD applications	611	574	313
RCD registrations published	601	566	192

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

2.2.2. 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 Union currently has 114 members, covering 130 countries. These members represent more than 80% of world trade.

2.3 Madrid Applications

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

	2020	2021	2022
Madrid Applications where country of holder is Ireland (by filing date)	293	334	288
Number of International Registrations where country of holder is Ireland	244	329	264
Designations in registrations where country of holder is Ireland	2,173	2,281	2,219
Subsequent Designations where country of holder is Ireland	379	378	438

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

WIPO recorded 264 international registrations for holders of trade marks domiciled in Ireland in 2022 down 20% on 2021. These registrations include 2,219 designations of other Madrid members in which the holders sought to extend protection for their trade marks. A total of 438 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 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 patent, trade mark or design by clicking on a hyperlink within that journal. A major project to modernise some of the production aspects of the Journal commenced in 2022.

3.0 International Co-operation

The Office participates in co-operation activities with its international counterparts, the EUIPO and the EPO on several 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 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 continues to receive support from the EUIPO to maintain our data input to their 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 Trademark and Community Design Systems was disseminated.

The Office continues to actively contribute to many initiatives and projects managed by the EUIPO under their Strategic Plan 2025 and renewed the Office's commitment to continue to do so in the coming years. As part of this, the Office participated in and presented at a Workshop on Integration and Implementation of IP Tools for ARIPO Member States in Zimbabwe.

The Office commenced a project in 2022 that will result in its processes and procedures being audited with the aim of achieving the International Organisation for Standardisation (ISO) 9001 Quality certification. This project was greatly helped by financial and expert assistance from the EUIPO.

The SME Fund, launched by EUIPO in 2021, continued to successfully grow and expand. This scheme was 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 fund is operated by the EUIPO in conjunction with the national IP Offices including the Intellectual Property Office of Ireland. Under the terms of the scheme, Irish SME's could be eligible to receive 75% off the basic application and registration 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. The SME Fund may also reimburse the search fees that are part of the application procedure for a national patent.

3.2 World Intellectual Property Organisation (WIPO)



The IPOI 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. In 2022, officers from the IPOI participated in the Standing Committee on Patents, the International Patent Classification (IPC) Committee of Experts and the IPC Working Group.

In 2022, the IPOI also commenced a requirements analysis exercise on establishing Ireland as a participating National Office in the WIPO Priority Document Access Service (WIPO DAS) which will allow applicants to meet the priority document requirements without having to physically obtain and submit certified copies.

3.3 European Patent Office (EPO)



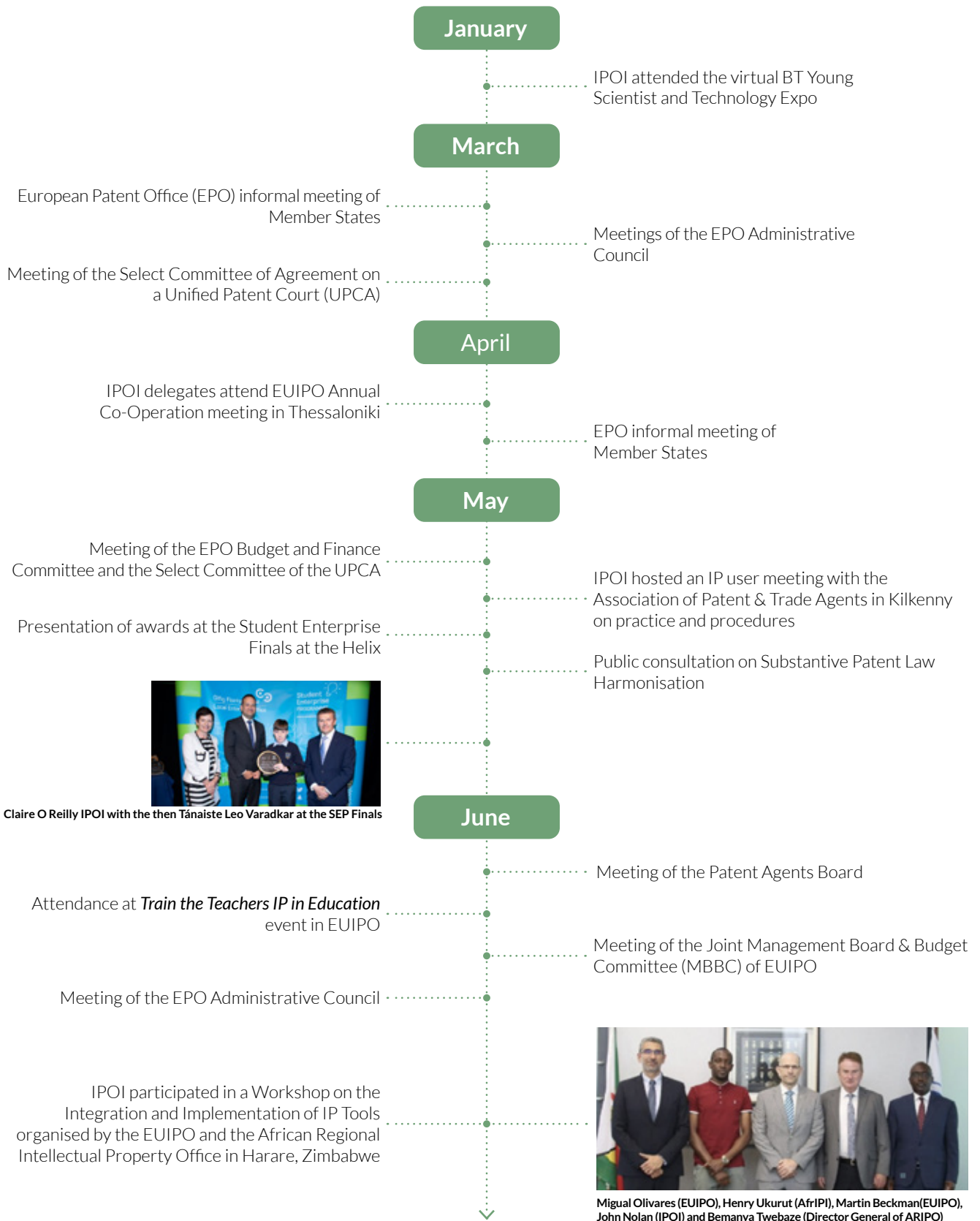
IPOI staff were involved in activities of the various bodies and committees of the EPO throughout 2022, which saw a return to in-person meetings. Representatives from the Office took part in meetings of the Administrative Council, Budget and Finance Committee, Technical Co-Operation and Support Committee and the Patent Law Committee. The IPOI has a co-operation agreement with the EPO for the period 2021-2023 which will provide funding and technical assistance in the areas of data quality, fostering innovation and building expertise at national offices.

These three projects, outlined below, will enhance the digital and information services provided by the Office as well as strengthening knowledge transfer between the EPO and the IPOI.

- **Data Quality:** To strengthen the data management capabilities of the IPOI by maximising the use of digital technologies.
- **Fostering Innovation:** To improve the delivery of innovative and responsive information awareness services to SMEs, research organisations and the education sector.
- **Building expertise:** To enhance the competencies, skills and knowledge of staff working in existing areas of expertise.

4.0 2022 Events

In 2022, the IPOI organised or offered support in the organisation of many conferences, webinars, lectures, and workshops addressed at entrepreneurs, representatives of companies, and students. This is a snapshot of some of the main events the IPOI attended in 2022:



July

IPOI hosted a meeting with IBEC IP Group

IPOI met with IPU and Law Society's Data Protection Law Committee

IPOI hosted a meeting with National Standards Authority of Ireland

Written interventions in CJEU cases C-119/22 and C-149/22

August

IPOI participated in a Public Consultation on the proposal for a Regulation on geographical indication protection for craft and industrial products

IPOI attended the Tullamore Show

Launch of the IPOI Communications and Outreach Strategy

September

IPOI hosted a cooperation meeting with the EUIPO

Launch of the *IP In Education* pilot programme in Kilkenny Secondary Schools



IPOI Staff with students at CBS Kilkenny

IPOI hosted a bilateral meeting with UK IPO

Visit of Secretary General Dr Orlaigh Quinn to IPOI for Management Board Meeting in Kilkenny

IPOI attend the National Ploughing Championships

October

Meeting of the Select Committee of the UPCA

Meeting of the EPO Budget and Finance Committee

Meeting of the EPO Administrative Council

Launch of DETE Innovation Week from IPOI

Presentation by Dr Dolores Cassidy, Senior Examiner of Patents, at the *"Life Sciences Strategy Summit on Intellectual Property Exclusivity"* in Munich



IPOI Controller James Kelly and Edyta Demby-Siwiek, President of the Polish Office in Warsaw



Dr Dolores Cassidy presenting at the "Life Sciences Strategy Summit on Intellectual Property Exclusivity" in Munich

November

IPOI Senior Management bilateral meeting with the Polish Patent Office

Attended the UPCA Conference in Brussels

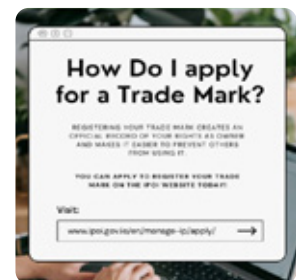
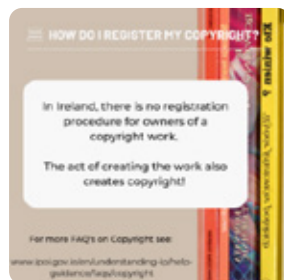
Meeting of the Patent Agents Board meeting

Meeting of the EUIPO Joint MBBC

5.0 Website and Social Media

The website continued to provide access to an efficient range of online interactive search and fee payment services on a 24/7 basis throughout 2022. 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, the 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 website received just over a total of 141,000 page views throughout 2022. As in previous years the interactive online register search pages continue to remain the most popular pages on the website. In 2022 the Office focused on increasing communications via social media platforms. Throughout the year three IPOI social media accounts were created, and, in addition to the existing Facebook (Meta) account the Office can now also be found on Twitter, LinkedIn and most recently Instagram. Office updates, outreach activities and topical IP updates were amongst the common posts across all platforms. During the month of September, the IPOI posted a weekly organic "How Do I?" post featuring a commonly asked question on each IP right. This campaign was very well received garnering significant interaction and re-posts.



5.1 Intellectual Property in Education Programme

During 2022, the IPOI adapted its approach to its information and outreach activities. Research has shown a correlation between a company's ability to capitalise its intellectual property (IP) and its corresponding commercial success. With this in mind and knowing that IP is not on the school curriculum the IPOI felt that it was important to reach out and impart an understanding of the relevance and value of IP to young people as they are the inventors, innovators and entrepreneurs of the future. In preparation for this project IPOI staff attended an intensive training course at the EUIPO as part of the Ideas Powered @School programme. This training provided a greater insight and understanding of how to effectively impart information on IP to teenagers. In 2022 the IPOI Information Centre launched the *IP in Education* pilot project and successfully delivered several presentations entitled "What is Intellectual Property?". These sessions are specifically targeted at Transition Year students who typically take part in events such as the BT Young Scientist and the Student Enterprise Awards where IP should be considered in their entries. The overwhelming success of the 2022 pilot has resulted in an upscaling of the project and planned delivery of the presentation nationwide in 2023.



A presentation to students in CBS Secondary School Kilkenny

The format of the presentation is very interactive with several speakers presenting on the different IP rights. The students are encouraged to take part in the presentation by integrating question and answer segments throughout. Everyday products and logos are used during the presentation to help students identify with the various IP rights, such as patents, trade marks, copyrights, designs and trade secrets. The presentation also covers artificial intelligence and how IP may be incorporated into our lives in the future.

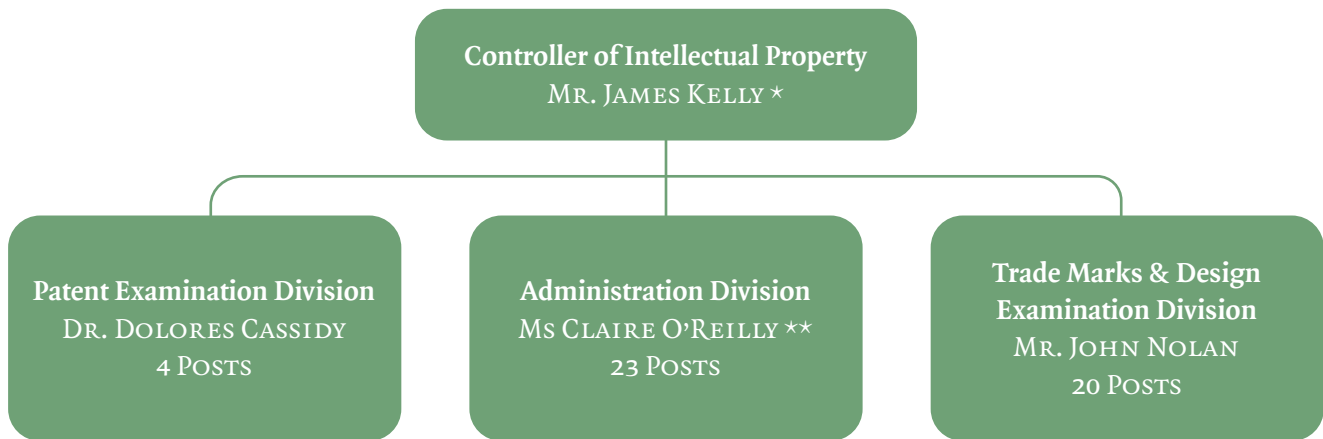
6.0 Public Sector Duty Statement

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 and the appointment of an IPOI Access Officer.
- 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.

7.0 Organisation and staffing



Title	Posts
Controller of Int. Property	1
Senior Patent Examiner	1
Assistant Principal	2
Higher Executive Officer	5
Patent Examiner	3
Executive Officer	19
Clerical Officer	15
Services Officer	1
Total	47

On 31 December 2022, the 47 posts were filled by 45.46 whole time equivalents. In addition, a total of 6 permanent staff – 3 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.

*Appointed March 2022

**Appointed July 2022

8.0 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. The most significant initiative introduced in 2022 was the implementation of SEAI's Reduce Your Use (RYU) campaign. The main objective of this campaign is to reduce space temperature settings to 19 degrees, where possible, and reduce the number of hours the heating system is running for. The results so far have been very positive and good energy reductions are being seen across both electricity and gas.

Based on end of year 2022 data, the Office has saved 52% overall on energy consumption since joining the campaign. The Office has managed to save an additional 10% over 2021's consumption figures which comes from a 63% reduction in electricity (whole building) and 14% savings in heating. This year, the IPOI along with the other offices in the building, have reduced its carbon footprint by over 55% compared to the benchmark year or a staggering 170 Tonnes of CO₂. 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. The appointment of a Services Officer with responsibility for regulating and controlling the heating and electrical systems, has paid dividends, and contributed immensely to the significant reductions in 2022 and will assist greatly in further reductions throughout 2023.

The proposed installation of a Solar PV system for the whole building is expected to see further significant reductions in imported grid electricity.

9.0 Internal Audit

The Internal Audit Unit (IAU) of the Department conducted an audit of the Office in November 2022. The IAU provided independent assurance as to the adequacy and effectiveness of management and control procedures in place in the IPOI. The objectives agreed for the audit were:

- to form an opinion on the effectiveness of the communication structures between the Department's Liaison Unit and the IPOI and the monitoring of the IPOI's performance in respect of the Memorandum of Understanding requirements.
- to form an opinion on the effectiveness of controls in place and systems employed in the IPOI for accounting for receipts and expenditure.
- to consider the effectiveness of the process established by the IPOI to ensure its obligations under relevant legislation is implemented.
- to form an opinion on whether the audit identified other recommendations to improve practices and procedures in the Office, to meet the Department's obligations.
- to conduct a high-level health check on records management processes in place.

Following a very positive review, Internal Audit was able to provide independent assurance as to the adequacy and effectiveness of management and control procedures in place across the Office.



IPOI Senior Management Team

Pictured left to right: Mr John Nolan, Head of Trade Mark and Design Examination, Ms Claire O'Reilly, Head of Administration Division, Dr Dolores Cassidy, Senior Examiner of Patents and Mr James Kelly, Controller.

10.0 Business Statistics

10.1.1 Patents

As of 31 December 2022, there was a total of 445 pending patent applications on hand in the IPOI, which is an 11% decrease over the 2021 figure of 505. 185 applications were awaiting the submission of evidence of novelty, down from the 2021 figure of 219. This historically high figure has been reducing steadily over the past number of years. The number of applications received from applicants in the State was 169 compared with 164 in 2021.

Table 6. Patents

APPLICATIONS RECEIVED			YEAR	PATENTS GRANTED		
Full Term	Short Term	Total		Full Term	Short Term	Total
129	163	292	2020	42	73	115
116	112	228	2021	43	48	91
89	117	206	2022	37	34	71

10.1.2 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, 8 certificates were granted (medicinal and plant protection), 5 were rejected and 7 requests were withdrawn. At the end of the year there were 188 requests pending, compared to 146 in 2021.

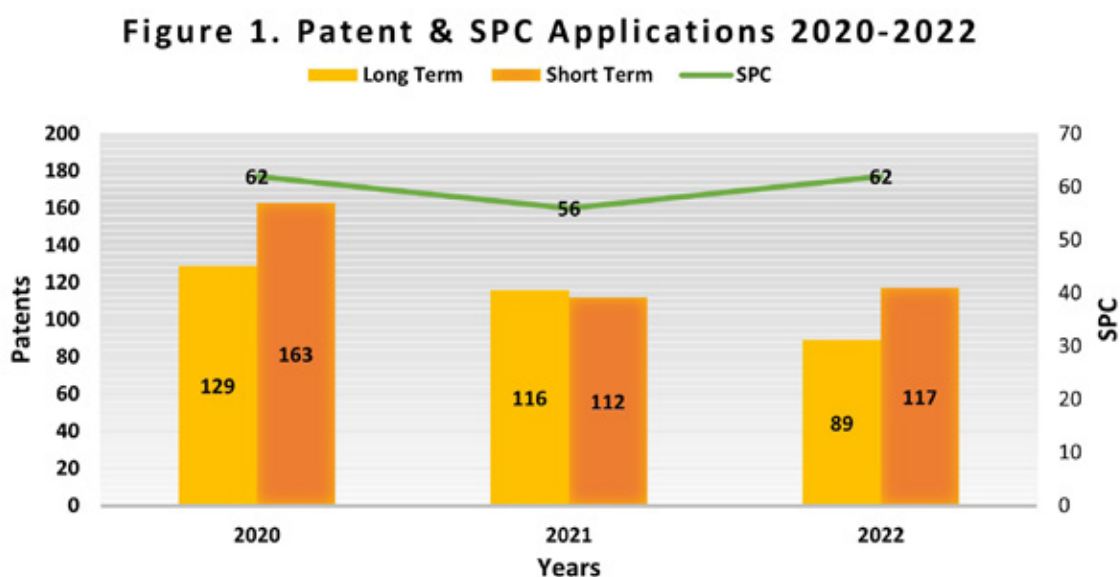
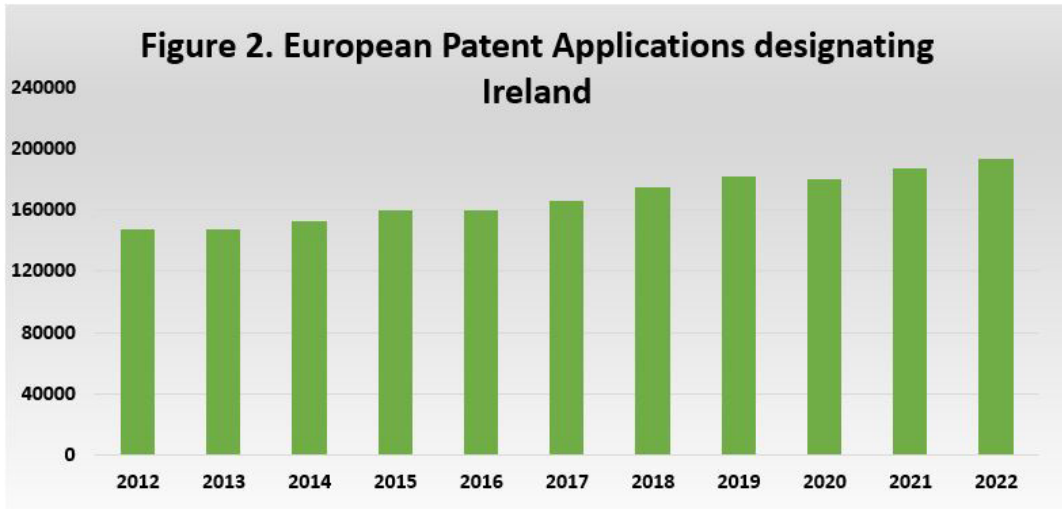


Figure 2 shows the total number of European applications designating Ireland. This figure is not included in the total number of patents granted in 2022 having effect in the State.



There were 193,442 European Patent Applications designating Ireland in 2022 (72,874 Euro-direct and 120,568 PCT applications entering the regional phase). The total number of European Patent Applications in 2022 was 193,460. 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 81,512 granted European Patents designating Ireland in 2022.

Figure 3. European Patent Applications designating Ireland 1994-2022

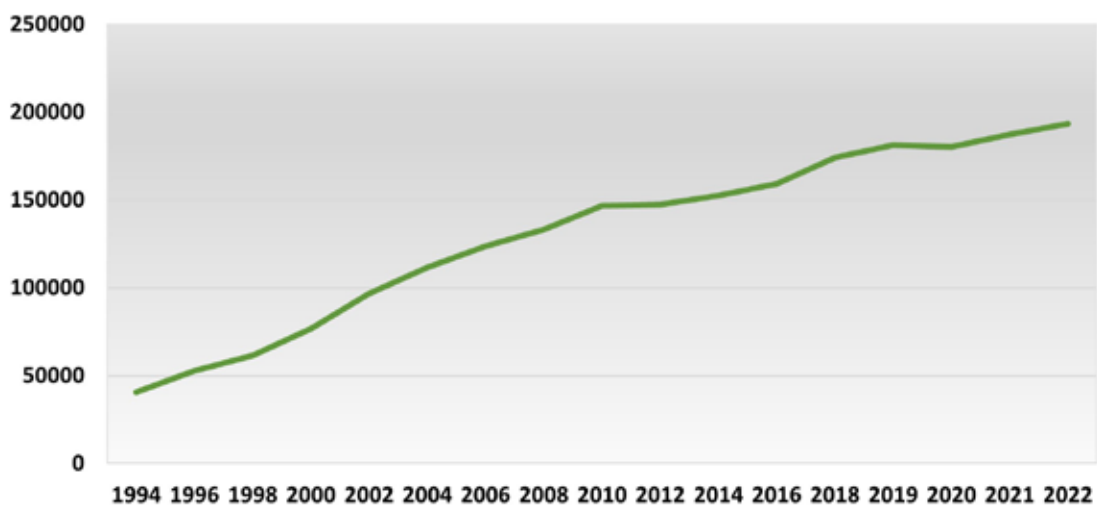


Table 7. Patents granted in 2022 having effect in the State

2022	Total	Number of patents granted to Applicants from within the State	% of patents granted to Applicants from within the State
Granted by Office	71	36	51%
Granted by EPO	81,512	401	0.49%
Total Grants	81,583	437	0.50%

Table 8. Patent Register Data

	2020	2021	2022
Patents and patent applications the subject of assignments	1,830	1,499	1,161
Patents surrendered	0	1	0
Patents lapsed	133,313	128,720	109,497
Patents restored/reinstated	15	15	19
Patents renewed	58,163	61,129	61,730
Patents expired	1,508	1,524	1,581
Patents & SPCs in force	217,730	197,556	167,727
Hearings (ex-parte)	4	3	0
PCT applications received for transmission to WIPO	8	12	9
European patent applications received for transmission to EPO	0	0	0

10.1.3 Register of Patent Agents

At the end of 2022, there were 82 individuals and 8 partnerships entered in the Register of Patent Agents. As in 2021, the Law & Practice of Patents Examinations were held online. A total of 5 candidates sat the exam in April 2022 with an overall success rate of 80%.



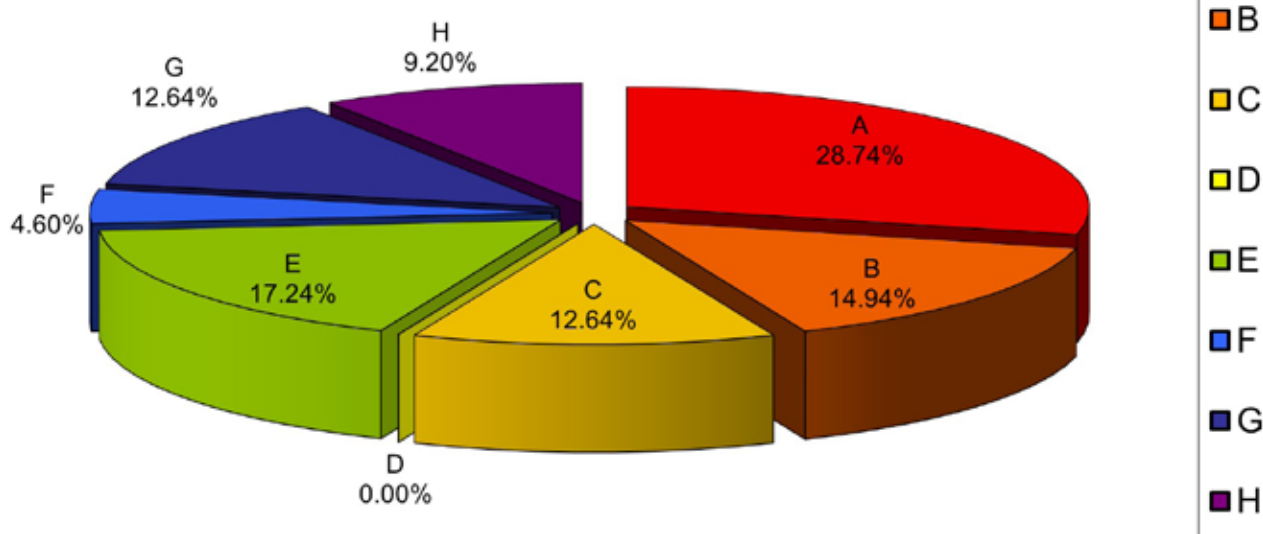
10.1.4 Classification of Patents Granted in 2022

CLASSIFICATION	No of grants*
A. HUMAN NECESSITIES: e.g. Foodstuffs, Health, Personal Articles	25
B. PERFORMING OPERATIONS: TRANSPORTING: e.g., Shaping, printing, vehicle technology	13
C. CHEMISTRY: METALLURGY	11
D. TEXTILES: PAPER	0
E. FIXED CONSTRUCTIONS: e.g. Building, drilling, mining	15
F. MECHANICAL ENGINEERING: LIGHTING; HEATING; WEAPONS; BLASTING	4
G. PHYSICS: e.g. Optics, computing, nuclear physics	11
H. ELECTRICITY: e.g. Electronic circuits, electricity generation and distribution	8

*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 several 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 2022. 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 2022



10.2 Trade Marks

The following tables set out the main business statistics in relation to Trade Marks for the year under review. As of 31 December 2022, a total of 2,019 National Trade Mark Applications were received, a decrease of 637 when compared with 2021. Of these, 1,675 applications were registered. A total of 1,123 International Trade Mark Registrations were received, which is a slight increase on the 2021 figures. Of these, 940 International Trade Mark Registrations were protected.

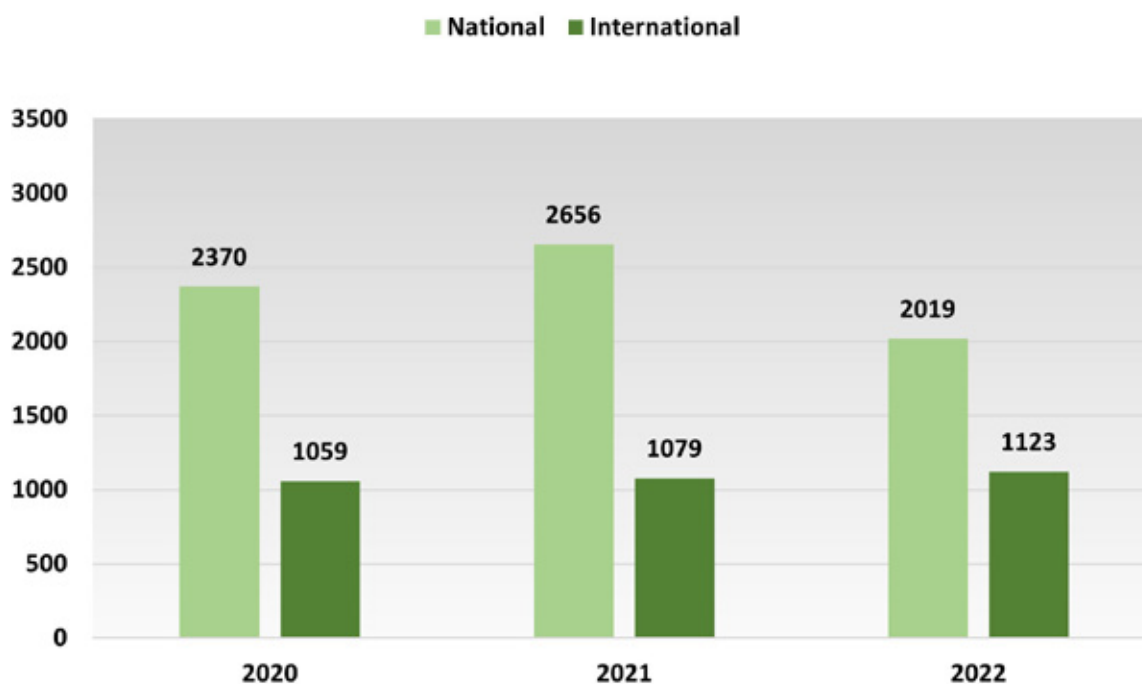
Table 9. National Trade Mark Applications

Year	Received	Advertised	Opposed	Registered
2020	2,370	1,860	30	1,760
2021	2,656	2,188	53	1,803
2022	2,019	1,590	43	1,675

Table 10. International Trade Mark Registrations

Year	Received	Advertised	Opposed	Registered
2020	1,059	990	5	1039
2021	1,079	909	5	868
2022	1,123	947	13	940

Figure 4 Trade Mark Applications 2020-2022



10.2.1 Classification of Trade Marks Registered 2022

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, 2022

Class	Classification of Goods	No. of marks in classification	Class	Classification of Goods	No. of marks in classification
1	Chemical Products, etc.	48	24	Tissues (piece goods), etc.	28
2	Paints, etc.	8	25	Clothing, including Boots, Shoes and Slippers	136
3	Bleaching Preparations, etc.	71	26	Lace and Embroidery, etc.	7
4	Industrial Oils, etc.	34	27	Carpets, etc.	9
5	Pharmaceutical Substances, etc.	173	28	Games, etc.	63
6	Unwrought & Partly Wrought Common Metals and their Alloys	55	29	Meat, Fish, Poultry and Game, etc.	132
7	Machines and Machine Tools, etc.	39	30	Coffee, Tea, Cocoa, Sugar, Rice, etc.	193
8	Hand Tools and Instruments, Cutlery, etc.	21	31	Agricultural Products, etc.	55
9	Scientific Apparatus and Instruments, etc.	236	32	Beer, etc.	94
10	Surgical Instruments, etc.	27	33	Wines, Spirits and Liqueurs	95
11	Installations for Lighting, etc.	62	34	Tobacco, etc.	9
12	Vehicles; Apparatus for Locomotion by Land, Air or Water	43	35	Advertising, Business Management, etc.	337
13	Firearms, Ammunition and Projectiles; Explosive Substances; Fireworks	2	36	Insurance, Financial Affairs, etc.	167
14	Precious Metals and their Alloys, etc.	30	37	Building Construction, Repair, Installation Services.	104
15	Musical Instruments (other than talking machines and wireless apparatus)	2	38	Telecommunications	56
16	Paper, etc.	149	39	Transport, Packaging and Storage of Goods, etc.	102
17	Gutta Percha, India Rubber, etc.	27	40	Treatment of Materials	66
18	Leather, etc.	45	41	Education, Entertainment, etc.	261
19	Building Materials, etc.	62	42	Scientific and technological services	182
20	Furniture, etc.	93	43	Providing food and drink	133
21	Small Domestic Utensils, etc.	72	44	Medical services, etc	129
22	Ropes, etc.	8	45	Personal and social services	87
23	Yarns, Threads	1			

Figure 5. Top 5 Classes of Goods and Services 2022

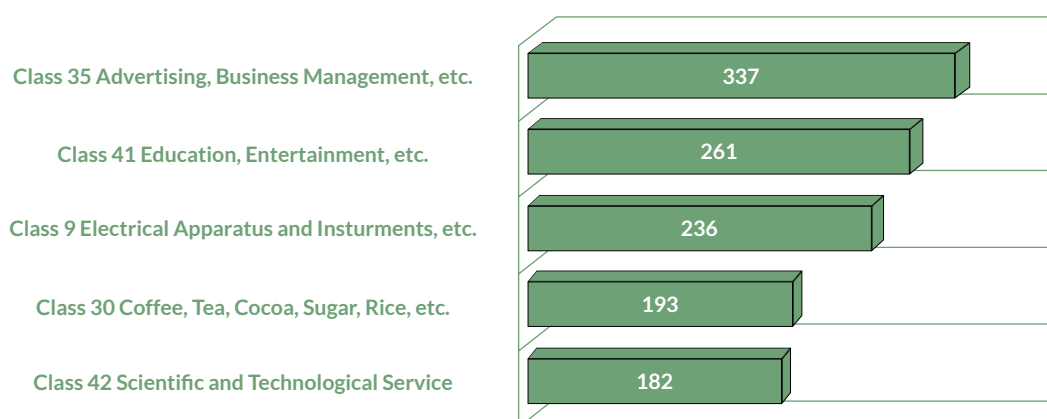


Table 12. Trade Marks Register Data

	2020	2021	2022
Number of trade marks the subject of assignments	1,103	1,604	1,161
Number of licences of trade marks recorded in the register	43	6	10
Trade mark registrations removed non-payment of renewal fees	3,504	2,793	2,380
Trade mark registrations surrendered	1	4	19
Trade mark registrations restored	7	5	3
Trade mark registrations renewed	4,319	3,642	4,144
National trade marks revoked in full and in part	3	3	3
International trade marks revoked in full and in part	2	2	0
National trade marks declared invalid	1	0	0
International trade marks declared invalid	0	0	0
National registered trade marks in force	51,655	50,620	50,619
International trade marks in force	20,815	20,603	20,417
Total trade marks in force	72,470	71,223	71,036

Hearings	2020	2021	2022
Hearings (<i>ex-parte</i>)	10	11	7
Hearings (<i>inter-partes</i>)	3	2	0
Hearings (<i>inter-partes by way of written submission or papers filed</i>)	12	7	5
Applications to convert EU Trade Mark applications into national applications	31	53	35
International Trade Mark applications filed and transmitted to WIPO	91	55	64

10.2.2 Register of Trade Mark Agents

At the end of 2022, there were 226 individuals and 14 partnerships entered on the Register. As in 2021 the Law & Practice of Trade Marks examinations were held online. A total of 32 candidates sat the exam in April 2022 with an overall success rate of 53%.

10.3 Designs

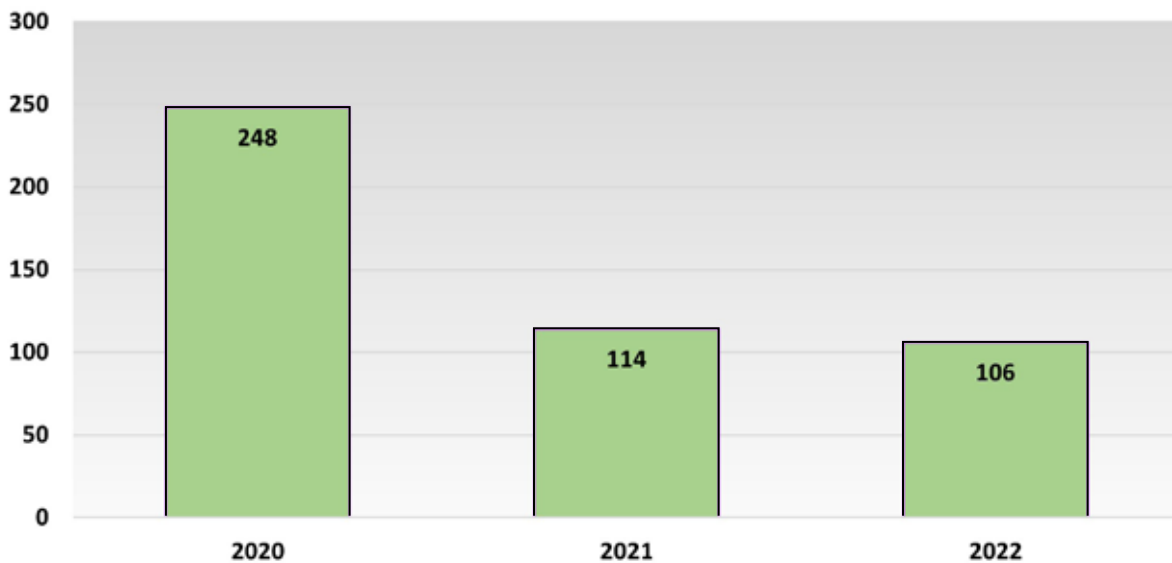
The following tables set out the main business statistics in relation to Industrial Designs for the year under review. As of 31 December 2022, a total of 50 National Design applications, incorporating 106 Designs, were received. 102 Designs were registered during the year. A total of 1,587 National Designs remained in force at the end of year.

Table 13. Design Register Data

	2020	2021	2022
Design Applications*	67	69	50
Number of Designs applied for*	248	114	106
Designs Registered	234	117	102
Designs Expired	89	96	91
Designs Renewed	105	67	75
Designs in force	1,641	1,576	1,587

*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 2020-2022



10.3.1 Classification of Designs Registered In 2022

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.

Table 14. Classification of Designs

Class	Classification	Designs Registered*
1	Foodstuffs	0
2	Articles of Clothing and Haberdashery	4
3	Travel Goods, Cases, Parasols and Personal Belongings, not elsewhere specified	13
4	Brushware	0
5	Textile Piecegood Articles, Artificial and Natural Sheet Material	9
6	Furnishings	10
7	Household Goods, not elsewhere specified	0
8	Tools and Hardware	3
9	Packages and Containers for the Transport or Handling of Goods	4
10	Clocks and Watches and other Measuring Instruments, Checking and Signalling Instruments	0
11	Articles of Adornment	31
12	Means of Transport or Hoisting	0
13	Equipment for Production, Distribution or Transformation of Electricity	3
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	1
20	Sales and Advertising Equipment, Signs	1
21	Games, Toys, Tents and Sports Goods	4
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	3
24	Medical and Laboratory Equipment	0
25	Building Units and Construction Elements	3
26	Lighting Apparatus	1
27	Tobacco and Smokers' Supplies	0
28	Pharmaceutical Products and Cosmetic Products, Toilet Articles and Apparatus	4
29	Devices and Equipment Against Fire Hazards, for Accident Prevention and for Rescue	0
30	Articles for the Care and Handling of Animals	1
31	Machines and Appliances for Preparing Food or Drink, not elsewhere specified	0
32	Graphic Symbols and Logos, Surface Patterns, Ornamentation	7
Total		102

*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.

10.4 Copyright

10.4.1 Collective Rights Management (CRM)

The European Union (Collective Rights Management) (Directive 2014/26/EU) Regulations 2014 (“the CRM Regulations”) were transposed into Irish law through S.I. No.156 of 2016 with effect from 10 April 2016.

The Regulations act to incorporate into Irish law EU Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (“the CRM Directive”). 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 9 of the 16 registered copyright licensing bodies operating in the State.

10.4.2 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 2022 there were no references made to the Controller under Section 38 and there are currently no references pending before the Controller.

10.4.3 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 2022, one entity failed to renew their licence, 14 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/>.

10.4.4 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.



11.0 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.

11.1 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 2022, there were no applications received for a KDB certificate.



12.0 Legislation

Section 103(1)(b) of the Patents Act 1992, requires the Controller to include particulars of all legislation made in 2022, the administration of which the Controller is responsible.

European Union (Artist's Resale Right) (Amendment) Regulations 2022 (S.I. No 375 of 2022)

The Artist's Resale Right allows creators of original works of visual and plastic art, through a system of royalty payments, to benefit from resales of those works when they are sold through the professional art market.

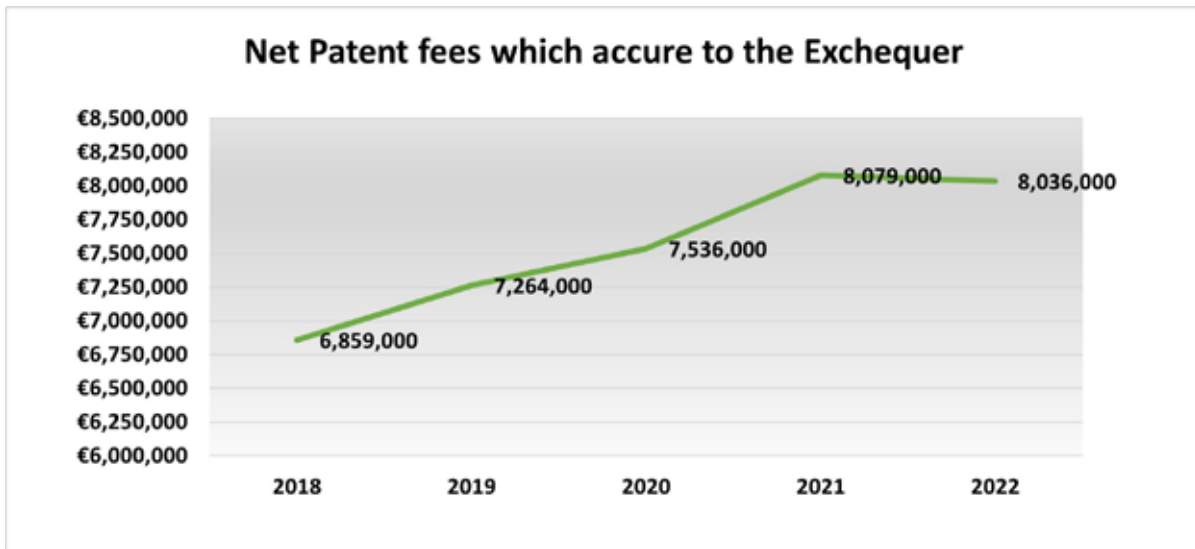
These Regulations, which came into effect on 21 July 2022, further amend the European Communities (Artist's Resale Right) Regulations 2006 and will better support creators of original works of visual and plastic art in claiming resale royalties arising from the resale of works sold through the professional art market.

Official Languages (Amendment) Act 2021

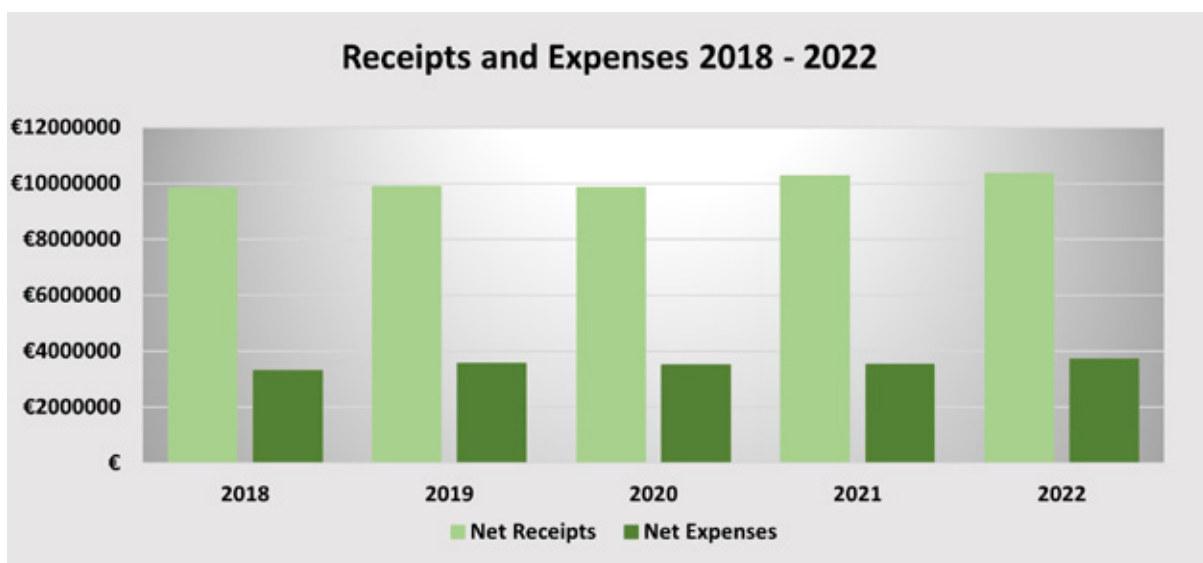
In accordance with Section 3 of the Official Languages (Amendment) Act 2021, the Controller can confirm that the IPOI met all obligations under the Act in 2022 and that there were no matters to report.

13.0 Financial Information

Net receipts accruing to the Exchequer in 2022 amounted to €10.336m, an increase of €69,000 or 0.67% on the 2021 figure of €10.267m. The greater proportion of the Office's fee income comes from renewal fees on European Patents. In 2022, the Office received a net amount of €7.545m in renewal fees for granted European Patents designating Ireland, which was an increase of 0.42% (€0.032m) over the 2021 figure. The combined net income from European and National patent renewal fees amounted to €8.036m in 2022. The 2022 net figure has increased by 17% over the corresponding 2018 figure.



The combined income from patent, design, and trade mark fees (including international trade mark fees) of €10.528m increased by €0.058m or 0.55% over the 2021 figure of €10.470m. The Office's net expenses for 2022 amounted to €3.72m which represented an increase of €0.19m over the corresponding 2021 figure of €3.53m.



13.1 Receipts And Expenses - Year Ended 31 December 2022⁵

Receipts	€000
Patent fees (Notes 1 & 2)	8,036
Trade Mark fees	1,546
International Trade Mark Registration – fees received from WIPO (Note 3)	935
Design fees	11
Other fees	93
Less refunds made in respect of fees paid to the Office in error	84
Less transaction fees arising in respect of online credit card payments	201
Net receipts accruing to the exchequer	10,336

Expenses	€000
Salaries	2,380
Travel & Subsistence	27
Miscellaneous & Incidental expenses	97
Postal & Telecommunications Services	94
Office Equipment and Supplies & Related Services	552
Office Premises Expenses	99
Information resources, books periodicals, etc.	4
Subscriptions to Industrial Property Unions	467
Net expenses	3,720

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	15,581
Less Proportion of patent renewal fees transferred to the EPO	7,545
Net Patent fees which accrue to the Exchequer	8,036

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 2022 are shown below:

	€000
PCT Basic & Designation Fees transferred to WIPO	10
PCT Search fees transferred to EPO	12
Total	22

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).

⁵ The income and expenditure figures above are included in the unaudited 2022 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.

14.0 Performance Targets 2022

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	Issue 100% of formal filing receipts for e-filed Patent applications within 4 working days.		92
2	Issue 90% of notifications of formal defects within 7 working days of filing	60	Issue 100% of notifications of formal defects within 15 working days of filing.		90
3	Issue 90% of notifications of substantive defects within 2 months of filing.	46	Issue 100% of notifications of substantive defects within 3 months of filing		65
4	Grant 90% of patents and issue grant certificates within 1 day of receipt of the grant fee.	100	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.	20	Approve the grant of 100% of valid short term patent applications within a period of 18 months from the filing of an application.		73
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.		74
7	Process 90% of applications for registration of patent assignments within 5 working days of submission of a fully completed application.	90	Process 100% of applications for registration of patent assignments within 7 working days of submission of a fully completed application.		97
Supplementary Protection Certificates		%			%
8	Issue 90% of formal filing receipts for e-filed SPC applications on the next working day.	83	Issue 100% of formal filing receipts for e-filed SPC applications within 3 working days.		96
9	Issue 90% of notifications of formal defects within 10 working days of SPC filing date.	88	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. (Only refers to those applications which are received earlier than 12 months before the expiry date.)	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	Register 100% of trade marks and issue registration certificates within 3 days of receipt of the registration fee.		98
12	Conduct formalities check and issue 90% of formal filing receipts for e-filed Trade Mark applications within 2 working days.	98	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.	78	Determine 95% of National TM applications for acceptance or initial objection within 60 working days of filing of the application.		95
14	Conduct initial search in respect of 90% of new TM applications within 5 working days of receipt.	100	Conduct initial search in respect of 100% of new TM applications within 8 working days of receipt.		100
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.	91	Process 100% of applications for registration of trade mark assignments within 7 working days of submission of a fully completed application.		94
Industrial Designs		%			%
17	Carry out formalities check and issue formal filing receipts for 90% of e-filed Design applications within 2 working days.	64	Carry out formalities check and issue formal filing receipts for 100% of e-filed Design applications within 4 working days.		95
18	Register 90% of designs and issue registration certificates within 3 working days of receipt of the registration fee.	99	Register 100% of designs and issue registration certificates within 5 days of receipt of the registration fee.		100
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	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
General		%			%
20	Issue 90% of payment receipts for fees received (excluding on-line payments) within 2 working days.	98	Issue 100% of payment receipts for fees received (excluding on-line payments) within 4 working days.		100

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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