



Law Society of Ireland

News Release

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LAW SOCIETY CALLS ON GOVERNMENT TO REMOVE THREAT TO IRELAND'S 'PATENT AUTONOMY'

Government urged to refuse to join 'regional division' – electing instead to host a local division of the Unified Patent Court (UPC) in Ireland

The Law Society of Ireland is calling on the Irish Government to elect to host a local division of the Unified Patent Court (UPC) in Ireland – rather than joining a regional division with other countries, such as Britain.

The Law Society argues that taking the regional approach would result in a significant loss to Ireland's 'patent autonomy'. Joining a regional division, rather than electing to host a local division of the UPC here, would result in important patent litigation concerning Ireland being determined by a court elsewhere, most likely in London.

The Law Society argues that it is imperative that Ireland does not remove the right of Irish SMEs and of multinational companies based here to litigate or defend patent disputes in Ireland. Obligating them to litigate in a foreign location, such as London, will only serve to increase the costs and management time involved in such litigation. Local expertise in this area will diminish and it will no longer be possible to present Ireland as a true 'smart economy' location with a full intellectual property legal service offering for the benefit of SMEs and multinational companies.

[MORE...]

This would disadvantage Irish SMEs by making litigation more costly. In addition, it would lead to a substantial reduction of local intellectual property (IP) legal expertise in Ireland – quite apart from it being completely at odds with Ireland’s ‘smart economy’ agenda.

In December 2012, the European Parliament approved a package relating to an EU-wide patent system, including the creation of a ‘Unitary Patent’ and the Unified Patent Court, under the enhanced cooperation procedure.

On 19 February 2013, Ireland (along with 24 other EU Member States) signed the international agreement establishing the UPC, which will have exclusive competence to deal with all infringement and revocation disputes relating to European patents and the new Unitary Patent. As this involves giving up a degree of sovereignty, Ireland will have to hold a referendum to amend the Constitution in order to ratify the international agreement.

Ireland’s economic future rests with its ability to remain attractive as a base from which both SMEs and multi-national companies can operate. Irish SMEs and multi-national companies based in Ireland should not be disadvantaged by the introduction of the Unified Patent system. The Law Society of Ireland believes that the interests of such companies (as well as the Irish economy as a whole) would be best served by Ireland hosting a local division of the UPC.