



7 June 2023

(23-3887)

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

IRELAND: EUROPEAN COMMUNITIES (LEGAL PROTECTION OF
BIOTECHNOLOGICAL INVENTIONS) REGULATIONS, 2000
(S.I. NO. 247 OF 2000)

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| Notifying Member | IRELAND |
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Details of the notified legal text

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| Title | European Communities (Legal Protection of Biotechnological Inventions) Regulations, 2000 (S.I. No. 247 of 2000) |
| Subject matter | Patents (including plant variety protection) |
| Nature of notification | <input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation |
| Link to legal text* | https://ip-documents.info/2023/IP/IRL/23_09590_00_e.pdf |
| Notification status | <input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s) |
| Previous notification(s) referred to | IP/N/1/IRL/P/1 |

Brief description of the notified legal text

The purpose of these Regulations is to give statutory effect in the State to the requirements of Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions.

Inventions in the field of biotechnology must meet patentability requirements in the same way as inventions in other technical areas. The Regulations contain a non-exclusive list of subject-matters which are considered patentable and non-patentable.

The Regulations include provisions concerning the scope of protection of a patent for self-replicable material or material containing genetic information which permits its multiplication or propagation. The protection conferred by such a patent will extend to all material obtained from the multiplication or propagation. An exemption is made for farmers to whom the Regulations give an implied right to use the seed obtained from their harvest for further propagation on their own farm.

The Regulations also deal with compulsory licences and cross-licences between the proprietor of a patent and the holder of a plant variety right where one cannot be exploited without infringement of the other.

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| 1 O.J. No. L.213, 30.07.1998, p.13 | |
| 2 O.J. No. L.277, 01.09.1994, p.1 | |
| 3 O.J. No. L.213, 30.07.1998, p.13 | |
| Language(s) of notified legal text | English |
| Entry into force | 30 July 2000 |
| Other date | Enactment: 28 July 2000 |

Notification details

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| Submission date of notification | 17 April 2023 |
| Other information | IP/N/1/EEC/P/4 (Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions) |
| Agency or authority responsible | Intellectual Property Unit Department of Enterprise, Trade and Employment trademarks@enterprise.gov.ie |

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.