WORLD TRADE ORGANIZATION

IP/N/1/IRL/118, IP/N/1/IRL/D/17
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21 December 2023

(23-8780)

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: PATENTS, TRADE MARKS AND DESIGNS (FEES) (AMENDMENT) RULES 2018 (S.I. NO. 564/2018)

Notifying Member	**IRELAND**

Details of the notified legal text

Title	Patents, Trade Marks and Designs (Fees) (Amendment) Rules 2018 (S.I. No. 564/2018)
Subject matter	Trademarks; Industrial designs; Patents (including plant variety protection)
Nature of notification	[X] Main dedicated intellectual property law or regulation [ ] Other law or regulation
Link to legal text*	https://ip-documents.info/2023/IP/IRL/23_10888_00_e.pdf
Notification status	[ ] First notification [X] Amendment or revision to notified legal text [ ] Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/IRL/29

Brief description of the notified legal text

This Statutory Instrument introduces amendments to the Patents, Trade Marks and Designs (Fees) Rules 2001 (S.I. No. 482 of 2001). Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 introduces a new provision whereby the proprietor of a registered trademark can avail of the option to divide the registration into two or more separate registrations. Prior to the Directive, only applicants of pending trademarks could avail of this option. The division of a trademark, in general, allows for particular benefits to accrue, particularly in relation to on-going or potential disputes. Accordingly, it is necessary to prescribe a new fee of €125 for the division of a trademark registration which corresponds directly with that as prescribed for the division of a pending trademark.

In addition, this Statutory Instrument introduces amendments not required by the Directive, but rather are aimed at complying with the charging structure set out in the Department of Public Expenditure and Reform (DPER) in relation to the re-use of public sector information. Due to the improvements and streamlining of the technical methodology used to provide copies of the trademark and patent databases, the Patents Office considers that some of the current statutory fees are not in line with the general principles provided for by Directive 2013/37/EU and reflected in the European Communities (Re-use of Public Sector Information) (Amendment) Regulations 2015 (S.I. No. 525 of 2015); and do not reflect the appropriate charging structure set out in the Department of Public Expenditure and Reform (DPER) Circular 16/15: Re-use of Public Sector

Information – Criteria for charges that may be applied by certain categories of public service body in permitting re-use of information. Accordingly, in order to adhere to the provisions of the Circular and to reflect the technical advances in the manner in which the trademark and patent databases can now be updated and made available for re-use, the amendment set out in this Statutory Instrument sees the initial once-off connection fee in respect of on-line dial-in access for searches and inspections of the trademark and patent registers removed from Schedule I of the Trade Marks Rules 1996, and prescribes a reduced fee of €70 for each update of the Patents Office's computerized trademark database, licensed under Rule 77 of the Trade Marks Rules 1996.	
Language(s) of notified legal text	English
Entry into force	14 January 2019
Other date	Adoption: 18 December 2018

Notification details

Submission date of notification	27 April 2023
Other information	See also: IP/N/1/EU/T/5 *(Directive (EU) 2015/2436)*
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.