



**AN BILLE UM MAOIN INTLEACHTÚIL (FORÁLACHA
ILGHNÉITHEACHA), 2014**
**INTELLECTUAL PROPERTY (MISCELLANEOUS
PROVISIONS) BILL 2014**

EXPLANATORY MEMORANDUM

Introduction

The purpose of this Bill is twofold. Firstly, it amends the Patents Act 1992 by providing legal certainty that the research exemption enables developers of innovative medicinal products and veterinary medicinal products to undertake the legitimate research and tests required to obtain marketing authorisation without being in breach of existing patents. Secondly, the Bill gives effect in Irish legislation to the Singapore Treaty on the Law of Trademarks. The objective of the Singapore Treaty is to create a modern and dynamic international framework for the harmonisation of administrative trade mark registration procedures. While Ireland's legislation is broadly consistent with the requirements of the Treaty, in order to accede to the Treaty, changes to section 29(3) and section 29(4) of the Trade Marks Act 1996 are required.

Provisions of the Bill

Section 1 contains a definition.

Section 2 amends section 42(g) of the Patents Act 1992, by inserting paragraph (h) which expands the limitation of effect of a patent for acts done in order to satisfy the application requirements for marketing authorisation for a medicinal product or a veterinary medicinal product in any State.

Section 3(1) amends section 29(3) and 29(4) of the Trade Marks Act 1996. The amendments ensure compliance with Article 19(2) of the Singapore Treaty by allowing unregistered trade mark licensees to join the registered proprietor in infringement proceedings and by requiring the registration of the licence for the sole purpose of claiming costs arising in the course of those proceedings. These changes will enable Ireland to accede to the Treaty.

Section 3(2) contains transitional provisions in relation to the trade mark provisions of the Bill.

Section 4 provides for the short title and collective citation of the Bill.

*An Roinn Post, Fiontar agus Nuálaíochta,
Iúil, 2014.*

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