



An Bille um Maoin Intleachtúil (Forálacha Ilghnéitheacha), 2014
Intellectual Property (Miscellaneous Provisions) Bill 2014

Mar a tionscnaíodh

As initiated



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

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ACTS REFERRED TO

Patents Act 1992 (No. 1)

Patents Acts 1992 to 2012

Trade Marks Act 1996 (No. 6)



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

Bill

entitled

An Act to amend the Patents Act 1992; to give effect to Article 19(2) of the Singapore Treaty on the Law of Trademarks done at Singapore on 27 March 2006; to amend the Trade Marks Act 1996; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Act of 1996” means the Trade Marks Act 1996. 10

Amendment of section 42 of Patents Act 1992

2. Section 42 of the Patents Act 1992 is amended—

(a) in paragraph (g) (inserted by Regulation 2(b) of the European Communities (Limitation of Effect of Patent) Regulations 2006 (S.I. No. 50 of 2006)), by the substitution of “appropriate;” for “appropriate.”, and 15

(b) by the insertion of the following paragraph after paragraph (g):

“(h) insofar as paragraph (g) does not apply, acts done in relation to the subject matter of the relevant patented invention which consist of—

(i) acts done in conducting studies, tests, experiments and trials (including clinical trials and field trials) with a view to satisfying the application requirements for a marketing authorisation or similar instrument (howsoever described) required by the law of the State or of any other state in order to sell or supply— 20

(I) a medicinal product for human use of a type that, on the day immediately preceding the date of the passing of the *Intellectual Property (Miscellaneous Provisions) Act 2014*, stood described in Article 1 of Directive 2001/83/EC of 6 November 2001¹ on the Community code relating to medicinal products for human use, or 25
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¹ OJ L 311, 28.11.2001, p.67.

(II) a veterinary medicinal product of a type that, on the day immediately preceding the date of the passing of the *Intellectual Property (Miscellaneous Provisions) Act 2014*, stood described in Article 1 of Directive 2001/82/EC of 6 November 2001² on the Community code relating to veterinary medicinal products, 5

or

(ii) any other act done which is required as a consequence of the acts referred to in subparagraph (i) for the purposes specified in that subparagraph, as appropriate.”. 10

Amendment of section 29 of Act of 1996

3. (1) Section 29 of the Act of 1996 is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Until an application has been made to enter the particulars of a registrable transaction in the register pursuant to subsection (1), the transaction shall be ineffective as against a person acquiring a conflicting interest in or under the registered trade mark in ignorance of that transaction.”, 15

and

(b) by the substitution of the following subsection for subsection (4): 20

“(4) Where a person becomes the proprietor or a licensee of a registered trade mark by virtue of a registrable transaction and the trade mark is infringed—

(a) on or after the date of the registrable transaction, and

(b) at a time when no application has been made to enter the particulars of the registrable transaction in the register pursuant to subsection (1), 25

the Court shall not award the person his or her costs in proceedings for such an infringement of the trade mark unless—

(i) an application for registration of the particulars of the registrable transaction was made not later than 6 months from the date of the transaction, or 30

(ii) the Court is satisfied that it was not practicable for such an application to be made in the period referred to in paragraph (i) and that an application was made as soon as practicable after the expiry of that period.”. 35

(2) (a) The amendments to the Act of 1996 effected by this section shall not apply to any infringement of a registered trade mark that occurred before the commencement of this section.

2 OJ L 311, 28.11.2001, p.1.

(b) In this subsection—

“infringement of a registered trade mark” shall be construed in accordance with section 14 of the Act of 1996;

“registered trade mark” shall be construed in accordance with section 7 of the Act of 1996.

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Short title and collective citation

4. (1) This Act may be cited as the Intellectual Property (Miscellaneous Provisions) Act 2014.

(2) The Patents Acts 1992 to 2012 and *section 2* may be cited together as the Patents Acts 1992 to 2014.

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An Bille um Maoin Intleachtúil (Forálacha
Ilghnéitheacha), 2014

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú Acht na bPaitinní, 1992; do thabhairt éifeacht d'Airteagal 19(2) de Chonradh Shingeapór ar Dhlí na dTrádmharcanna a rinneadh i Singeapór an 27 Márta 2006; do leasú Acht na dTrádmharcanna, 1996; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Post, Fiontar agus Nuálaíochta a thíolaic,

31 Iúil, 2014

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Provisions) Bill 2014

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*Presented by the Minister for Jobs, Enterprise and
Innovation*

31st July, 2014

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