

Oifig na bPaitinní



The Patents Office

Seventy Fourth Annual Report
of the
Controller of Patents,
Designs and Trade Marks
2001

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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INTRODUCTION

I have the honour to submit to the Oireachtas, in accordance with the provisions of Section 103 of the Patents Act, 1992, a Report for the year ended 31 December 2001.

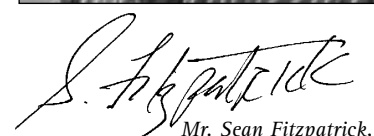
My functions are set out in the Industrial and Commercial Property (Protection) Acts, 1927-1958, the Patents Act, 1992, the Trade Marks Act, 1996; the Industrial Designs Act, 2001, the Statutory Rules made under these Acts; and the European Communities (Supplementary Protection Certificate) Regulations. Decisions under these Acts, Rules and Regulations rest with me in my statutory capacity, subject to certain rights of appeal to the High Court.

I have had certain limited statutory functions under the now revoked Copyright Act, 1963 viz. the resolution of disputes regarding amounts payable mainly in respect of public performance of sound recordings. The Copyright and Related Rights Act 2000 which came into operation on 1 January 2001, considerably extended my statutory functions in the copyright domain. In addition to the dispute resolution functions of the 1963 Act, I now have to deal with references to me of licensing schemes and proposed licensing schemes in relation to various areas which are subject to copyright and other rights; with references relating to the terms of a licence; with applications for licences where operators of schemes have refused to grant licences; in certain cases where licences are expiring; and with registration of licensing bodies. In addition, I make available information about Industrial and Intellectual Property.

The Intellectual Property Unit of the Department of Enterprise, Trade and Employment has responsibility for intellectual property policy and preparation of legislation in this field. The Office furnishes advice in these matters to the Department, including comments on the impact for the work of the Office of proposed changes.

Throughout the remainder of this Report, unless the context otherwise requires, a reference to the 1963 Act means a reference to the Trade Marks Act, 1963; a reference to the 1964 Act means a reference to the Patents Act, 1964; a reference to the 1992 Act means a reference to the Patents Act, 1992 and a reference to the 1996 Act means a reference to the Trade Marks Act, 1996.




Mr. Sean Fitzpatrick,
Controller of Patents, Designs
and Trademarks

The Patents Office,
Government Buildings,
Hebron Road,
Kilkenny.



Section One:

General.

GENERAL

The year 2001 marked a period of considerable progress in the development and modernisation of the Patents Office computer systems. Several new modules were installed which were essential for the strengthening of the Office's business processes and fulfilling certain international obligations. These concerned a more automated search system for searching Community Trade Marks (which had been suspended for reasons outlined in my 1999 report), a module to facilitate the automatic take on and subsequent administration of International Trade Marks under the Madrid Protocol, and the basic elements of a fees module for the purpose of accounting for and receipting all fee payments received by the Office. The development of these modules necessitated considerable involvement on the part of Patents Office staff particularly in testing and validation. This additional work needed to be carried out against tight deadlines and I wish to thank all the staff involved for their efforts and commitment to deliver the best possible service even under the most difficult circumstances.

My Office aims to provide business, industry and individual entrepreneurs with an effective system of protection for their industrial property rights. The ability to deliver this is very much dependant on the knowledge, skills and competencies of all Patents Office staff. During 2001, the unexpected turnover in staff arising from transfers and promotions necessitated an emphasis on training in order to continue to provide an effective and efficient service. Of assistance in this respect was the implementation of the Performance Management Development System. The system provides for a more structured and strategic approach to staff development involving consideration of the individual's role, competencies and development needs. In parallel with Performance Management, my Office engaged in a business planning and review process and prepared a Strategy Statement for the Office for the period 2001 to 2003.

Mission Statement and Objectives

The role of the Patents Office involves the grant of rights in the fields of inventions, trade marks and designs and the dissemination of relevant knowledge in conjunction with each of these activities. Bearing this in mind, the central mission of the Patents Office is:

"To provide an efficient and effective system of industrial property protection that will encourage technological progress and promote enterprise through the implementation by the Office of the relevant legislation".

Objectives

The Office's Strategy Statement for the period 2001 to 2003 sets out the following four objectives which are seen as central to the mission of the Office.

Objective (1)

Grant patents and register trade marks and designs based on efficient procedures and standards of service which reflects best international practice and meets the needs of customers.

Objective (2)

Continue to pursue a modernisation programme which will incorporate new technology in order to improve systems and procedures and service to customers and which will also have regard to the demands of the information society and e-business.

Objective (3)

Implement any new IP legislation which creates functions for the Controller.

Objective (4)

Consolidation and development of business skills including business planning and individual performance management and development which will enhance organisational effectiveness.

These objectives tie in with the wider national objectives of supporting and encouraging enterprise and innovation and the fostering of an effective business environment in Ireland. Additionally, through our work in the e-commerce area we expect to make a contribution to the Government's commitment to implementing an information society in Ireland and in particular, to the electronic delivery of public services.

Receipts and Expenses

The receipts and expenses for the year amounted to £5,937,921 (€7,539,605) and £2,982,114 (€3,786,503) respectively. Particulars are given in Appendix B.

In 2001, fees received in connection with patents amounted to over £3,079,280 (€3,909,879); trade marks accounted for over £2,840,233 (€3,606,352); design fees amounted to £67,116 (€85,220).

Office - Staff and Structure

In recent annual reports I indicated that the staff complement of the Office had been reduced from 88 to 72 upon the decentralisation of the Office to Kilkenny in August 1998. The number of staff serving as at 31 December 2001 was 72.



The Patents Office, Kilkenny.

Sanction was sought by the Office for additional staff to perform the new duties which I will have to discharge upon ratification of the Protocol to the Madrid Agreement on the International Registration of Trade Marks. (Information about the Protocol is given in page 22). Although this is a permanent new area of work, I understand that the additional staff agreed to by the Department of Finance and allocated were sanctioned on a supernumerary basis, the position to be reviewed in about 2 years time. During the year I also informed the Department of Enterprise, Trade & Employment that the functions allocated to me under the Copyright and Related Rights Act, 2000 would require special staff for their discharge and I gave an estimate of the kind and number of staff required: I understand that to date, the Department is not satisfied that a case exists for the provision of such staff.

A breakdown of the staff serving at the end of the year is given in Appendix A.

Information

Whilst the Office library continues to maintain a paper document collection comprising Irish, European (EP), International (PCT) and British published applications, it has in recent years placed a greater emphasis on expanding its collection of patent information in electronic format. The Patents Office Information Centres now provide access to an extensive collection of several thousand CD-ROMs and DVDs containing several of the ESPACE series of disks produced by the European Patent Office (EPO) comprising information on EP, PCT and GB patents. In addition the Office maintains collections of published patents

from the United States Patent Office (USAPat) and the Japanese Patent Office (PAJ) as well as the GlobalPat first page series. These disks contain bibliographic data, text-searchable abstracts, allow cross-referencing to EP and PCT patents, and may be accessed directly by visitors to the information centres. A network of CD-ROM/EPOQUE workstations linked to a number of high capacity CD-ROM jukeboxes links the library in Kilkenny with the patent information centre in Dublin in such a way that the 3000 plus CD-ROMs and DVDs in the jukeboxes in Kilkenny are accessible by visitors to the Dublin Patent Information centre. The network also allows library staff to access the internal databases of the EPO via an ISDN line so that older patent documents not currently available in the Office can be downloaded and printed on request.

A computerised patents and trade marks search facility is also available via the new Ptolemy computer system, whereby details of Irish patent applications and granted patents and pending and registered marks are available for inspection. In addition, it is possible to licence from the Controller the part of the trade mark database consisting of all trade marks (excluding device representations).

The Kilkenny Information Centre provides a document delivery service to patent and trade mark agents and to members of the public. This Centre also contains many legal and technical works of interest to inventors and those interested in patents, designs and trade marks.

Internet

The Office website provides detailed information about the Office and its services including dissemination of information on trade marks and designs.

During 2001 some preparatory work took place with a view to improving the appearance and content of the site. An updated web site which will facilitate easier navigation and include additional information will be launched in 2002. Currently, the Office's web site (located at www.patentsoffice.ie) facilitates free access to over 30 million patent documents online. By logging on the Office's website it is possible to access, via the EPO's Esp@cenet patent search engine, the largest volume of patent documentation available anywhere on the Internet and to search it via a standardised search interface.

Exhibitions/Seminars



Sean McClory and Mark Rice, (Abbey Grammar School, Newry, Co. Down) winners of the Patents Office Prize for Innovation at the 2001 Young Scientists Exhibition, with their invention entitled "A Saucepan boil-over alarm"

During 2001, Patents Office staff continued to promote awareness of industrial property protection and information through attendance at a number of exhibitions and seminars. In January, the Office attended the "Young Scientist & Technology Exhibition" in the RDS and sponsored a prize in that competition. The Patents Office special award was won by Seán McClory and Mark Rice of the Abbey Grammar School, Newry, Co Down for their project - a device to protect a pot or saucepan from boiling over.

The Office was also a participant at the "E-Ireland Exhibition", held in the RDS in October. During the year staff from the Office visited and provided advice to several undertakings which were interested in learning more about aspects of intellectual property. In addition, patent examination staff gave lectures to post graduates and academics in the University of Limerick on patenting and the availability of patent information on the internet. A presentation was also given at a seminar on intellectual property organised by the Irish Exporters Association.

As in the case of previous years, a significant volume of enquiries were received at these events indicating an ongoing interest and demand for information on all aspects of intellectual property.

During 2001 staff from the Trade Mark Division attended and participated at seminars and workshops organised by the Office for Harmonisation in the Internal Market (OHIM), and the World Intellectual Property Organisation (WIPO). Staff from the Patents Division attended seminars organised by the European Patent Office (EPO) and WIPO for discussions on issues such as International Patent Classification.

PATLIB Conference 2001

Perhaps the most significant event in the Intellectual Property awareness promotion area was the twelfth annual PATLIB Conference, the first of the 21st Century which was hosted by the Irish Patents Office in Dublin Castle in May 2001 in conjunction with the European Patent Office.

PATLIB is a network of patent information centres throughout Europe. The PATLIB Network was created by the national offices of the member states of the European Patent Organisation and their regional patent information centres. The goal of PATLIB is to provide a network which allows the patent information centres in different countries to be able to communicate and to work with each other in a feasible and convenient way.



Minister Tom Kitt with Mr. Sean Fitzpatrick, Controller and Dolores Cassidy and Gerry Barrett, Patents Office at the Patlib conference.

The theme of the 2001 Conference was "Diversification - the provision of customer orientated additional information packages and services". The theme was chosen because in recent years the role of both Patent Offices and PATLIB centres has begun to evolve and change. Where previously considerable emphasis had been placed on the role of National Offices in the granting of industrial property rights, the importance of the dissemination of relevant information to both industry and academia is becoming increasingly obvious. For example, by not being aware of the vast amount of information freely available through published patent documents and readily accessible through both Patent Offices and PATLIB centres and increasingly made available over the internet; (information, which, it is estimated, is doubling in size every eight to ten months), research and development departments run the risk of duplicating work and effort already freely available through the international patents system. This message was conveyed to participants at the Conference through a variety of seminars and workshops which, in line with the theme of the Conference, were aimed at exploring better ways of disseminating intellectual property information. The Conference was attended by 200 delegates and was deemed a great success. I would like to take this opportunity to thank all those involved in the organisation of and participation in such an important event.

Publications

The Office is intent upon ensuring its information publications are as informative and as user-friendly as possible. Information booklets on patents, trade marks and designs were all updated towards the year end to include the revised Schedules of Fees which were introduced in conjunction with the introduction of the euro. These publications are available, free of charge, from the two information centres which the Office operates, located in Dublin and Kilkenny.

Service Standards

A review of the Office's customer service standards took place during 2001. This review had regard to new procedures introduced on the implementation of the Office's new Ptolemy computer system. Arising from the review, the Office prepared a new Customer Services Action Plan for the period 2002 to 2005. The plan, which was published in 2002 and is available on the Office's web site (www.patentsoffice.ie) is aimed at further improvement of performance and service. The new plan and the standards which have been set out take account of the generally accepted principles of quality customer service and in addition, as was the case with the previous plan, sets out specific standards and targets which the Office sees as essential to providing a quality service. The Office will, through the relevant bodies and the Users' Council, continue to consult users/customers about the discharge of the Office's functions vis-à-vis their expectations.

Changeover to the euro

The preparation for the euro Changeover on 1 January 2002 involved great commitment from staff throughout 2001 in ensuring a smooth transition to the euro. The core principle of the approach was that the level of service provided to customers was not affected and that customers would not be adversely affected financially as a result of the conversion.

Preparatory meetings were held with the euro Changeover Board of Ireland, the Department's Action Group, as well as between management and staff within the Office. A new euro compliant fees module was developed and installed as part of the Office's Ptolemy computer system. In light of the changeover to the euro, a review of the Office's fees took place in conjunction with the Intellectual Property Unit of the Department of Enterprise, Trade and Employment. The review and conversion process resulted in some fees being eliminated and all other fees being reduced. Statutory Instrument No. 482 of 2001 (Patents, Trade Marks and Designs (Fees) Rules, 2001) contains details of such fees. In addition, information booklets on patents, trade marks and designs were all updated to include the new Schedules of Fees denominated in euro and application forms were revised. All staff were provided with training on the euro and particular attention was given to those staff dealing with fee payments so as to ensure a smooth transition.

Training and Development

2001 saw an increased emphasis within the Office on the consolidation and development of skills.

A development plan for training was drafted to meet the training needs that staff had identified under the Performance Management Development System (PMDS) through their development plans. A priority in 2001 was to ensure that role profile forms and development plans were completed by all staff in tandem with similar activity taking place throughout Government Departments.

Training courses were organised and delivered in areas such as IT, effective writing, telephone techniques, management development and the introduction of the euro. Effective induction training in my Office was delivered to all new staff within 3 months of arrival. A presentation was given on the implementation of the provisions of the Madrid Protocol on Trade Marks. Training was also provided to staff on enhancements to the Ptolemy computer system which were delivered as part of the modernisation of the computer system of my Office.

The Training Officer liaised closely with the Departmental Training and Development Unit in organising training that could not be delivered in Kilkenny. Staff of my Office also attended advanced PCT training, project management and presentation skills programmes. Training and Development Unit also provided a one day training course in the Performance Management Development System (PMDS) for all new entrants to the Patents Office.

My Office will continue to provide relevant training in 2002 aimed at developing and improving the skills and competencies of all staff through the ongoing implementation of PMDS. In addition, plans are well advanced to provide comprehensive in-house training on the Ptolemy system to all staff, in line with future developments.

Users Council

In May 1997, the Minister for Enterprise, Trade and Employment decided to establish a Patents Office Users' Council. The terms of reference given to the Council were:

"To consider and report to the Minister on the administration of industrial property protection by the Patents Office and to advise on appropriate changes and innovations in the operation of the Office."

The Council comprises the Controller and representatives of the Association of Patent and Trade Mark Agents, Enterprise Ireland, IBEC and University College Dublin, and is chaired by a senior official from the Department of Enterprise, Trade and Employment.

The Council met on three occasions in 2001. It provides a useful forum for the exchange of views on improving delivery of the Office's services and on domestic and international developments relating to industrial property protection. Among the issues discussed during 2001 were aspects of the new Copyright Act and the new Designs legislation, the implementation of the Protocol relating to the Madrid Agreement concerning the International Registration of Trade Marks, the revision of Patents Office fees, the role and membership of the Council, the filing of trade mark applications by facsimile and procedural issues of particular interest to the Association of Patent and Trade Mark Agents.

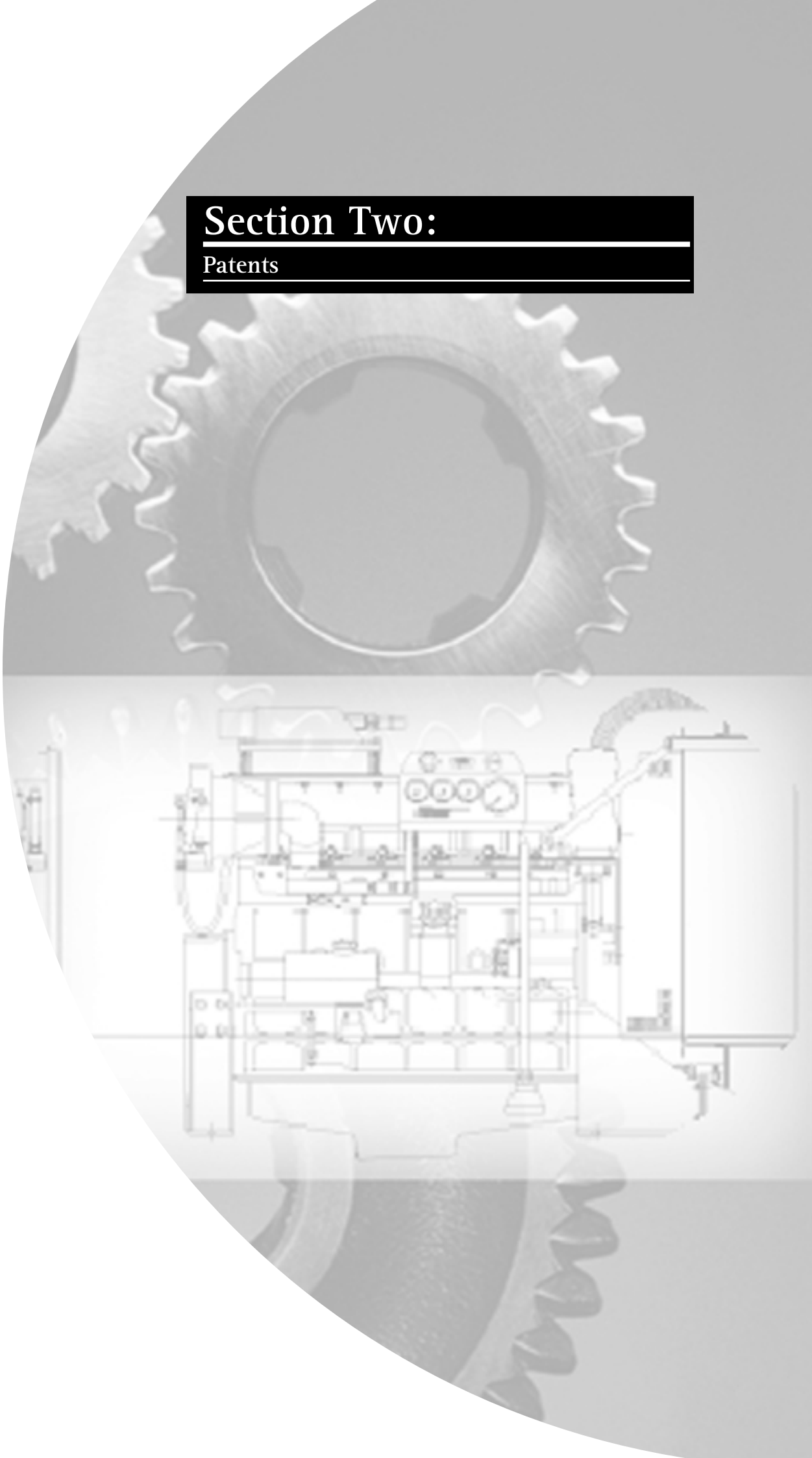
New Legislation

In my 1998 Annual Report I referred to the enactment of the Intellectual Property (Miscellaneous Provisions) Act, 1998 (which became law on 7th July, 1998) and the changes brought about by Sections 4 and 5 of that Act relating to the Office of Controller. The provisions of these sections were introduced and enacted while Judicial Review proceedings which I had initiated earlier in 1998 were still pending and no reference to the existence of these proceedings was contained in the relevant Dáil and Seanad debates dealing with the passage of the provisions of Sections 4 and 5. At the end of 2001, the Judicial Review proceedings before the High Court were still pending.

Appendix I lists the enactments and statutory instruments made during the year.

Section Two:

Patents



PATENTS

As at 31 December 2001, there were a total of 4,325 pending applications on hand. The bulk of these applications were awaiting the submission of evidence of novelty. While the number of applications on hands has reduced steadily over the years, the Office has taken steps to further reduce the number by seeking to identify applications with which applicants may no longer wish to proceed.

Applications and Grants

The number of applications for patents received was 1,169, 90 more than in 2000. Following Ireland's ratification of the European Patent Convention in 1992, there was a drop in the annual volume of patent applications being filed at the Office. The number of applications being received appears to have stabilised at around 25% of the pre - 1992 level. Applications claiming priority under the Paris Convention totalled 322.

Analyses by country of the applications received and patents granted are given in Appendix C and Appendix D, respectively. The number of applications received from applicants in the State was 1,019 compared with 925 in 2000.

Figures showing the numbers of patent applications received and patents granted by the Office during the past three years are shown in the following Table:

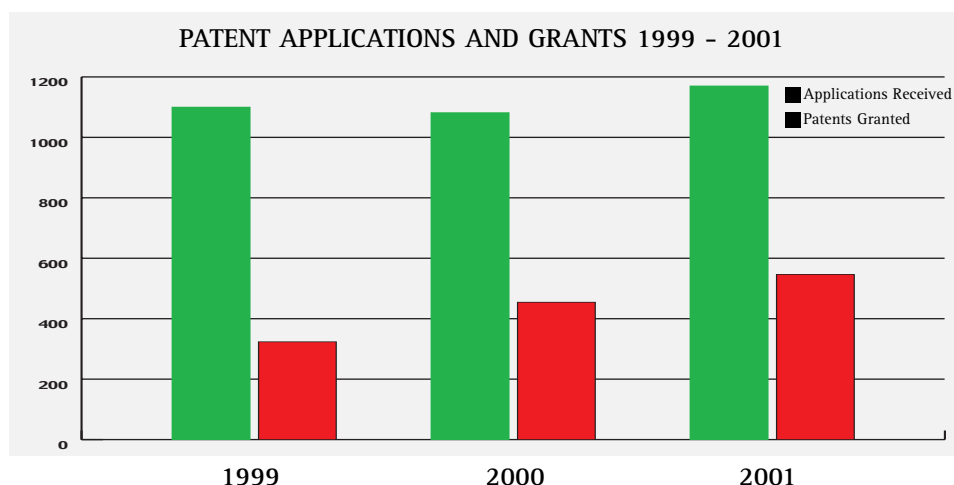
Year	Applications Received	Patents Granted
1999	1,114	320
2000	1,079	456
2001	1,169	551

Assignments and other miscellaneous matters

Applications approved under Section 85 of the 1992 Act for registration of assignments, etc. of patent applications, patents and supplementary protection certificates affected a total of 555 patents and patent applications.

The Office acts as a receiving office for European patent applications and for international applications filed under the Patent Co-Operation Treaty (PCT), which was ratified by Ireland during 1992. The number of international applications received at the Office, as a receiving office under the PCT, was 162. Following completion of the receiving office functions under the PCT, these applications are transmitted to the World Intellectual Property Organisation. The number of European applications filed for onward transmission to the European Patent Office was 157, 75 of which were filed by applicants whose places of residence or principal places of business were outside the State.

In 2001, the number of granted European patents designating Ireland was 7,922, a 34% increase over the 2000 figure of 5,916 patents. These patents were entered in the National Register of Patents. They have the same legal status in Ireland as if they had been granted by my Office.



European applications designating Ireland (first arising in 1992) are not included in the above chart and amount to:

Year	Filings
1993	35,762
1994	40,705
1995	44,161
1996	52,755
1997	41,875
1998	61,584
1999	65,708
2000	76,806
2001	103,659

The number of applications received in the year 2001 includes 648 applications for short-term patents under Part II of the 1992 Act, which came into force on 1 August 1992. The year 2001 figure for patents granted includes 302 short-term patents.

An analysis of the patents granted as classified according to the Subsections of the International Classification of Patents for Inventions is given in Appendix E.

Revocation of Patents

There were two applications to the Controller for revocation of patents pending at the end of 2001. The revocation proceedings in these cases had not been concluded by the end of the year.

Surrender of Patents

Offers to surrender patents may be made under Section 39 of the Patents Act 1992. One short-term patent was surrendered in 2001. This is the first patent to be surrendered under the Act. In this particular case, the surrender request was filed by the patent proprietors following threatened revocation proceedings by a third-party.

Mention of Inventors

One patent hearing took place in late 2001 in relation to an application under Section 17(1) of the Patents Act 1992 for additional persons to be mentioned in the Register of Patents as co-inventors in respect of a particular patented invention. The application will be decided upon in early 2002.

Petitions for Extensions of Terms of Patents under the 1964 Act

There were six petitions to the High Court pending at the start of 2001. These cases have been pending for a particularly long period of time. Consultation with the Chief State Solicitor's Office suggests that these petitions are unlikely to be pursued further.

Patents in force

The number of patents in force on the 31 December 2001 was 36,859. The number of patent renewal fees paid was 17,918 of which particulars are given in Appendix F, together with figures from the previous nine reports. Patents that lapsed due to the non-payment of renewal fees numbered 4,740, and 212 expired through effluxion of time.

Restoration of Lapsed Patents

At the end of 2000, twelve applications for restoration of lapsed patents were pending. Nine applications for restoration were received during the year. A total of twelve patents were restored during the year leaving a total of nine applications for restoration pending at the end of the year.

Requests for Supplementary Protection Certificates

A total of 31 requests for Supplementary Protection Certificates were received during the year under the European Communities (Supplementary Protection Certificates) Regulations, 1992 (medicinal) and 1996 (plant protection products). During the year, 3 certificates were granted (medicinal and plant protection). At the end of the year there were 103 requests pending.

Register of Patent Agents

At the end of the year, there were thirty seven individuals and five partnerships entered in the Register of Patent Agents.

Section Three:

Designs



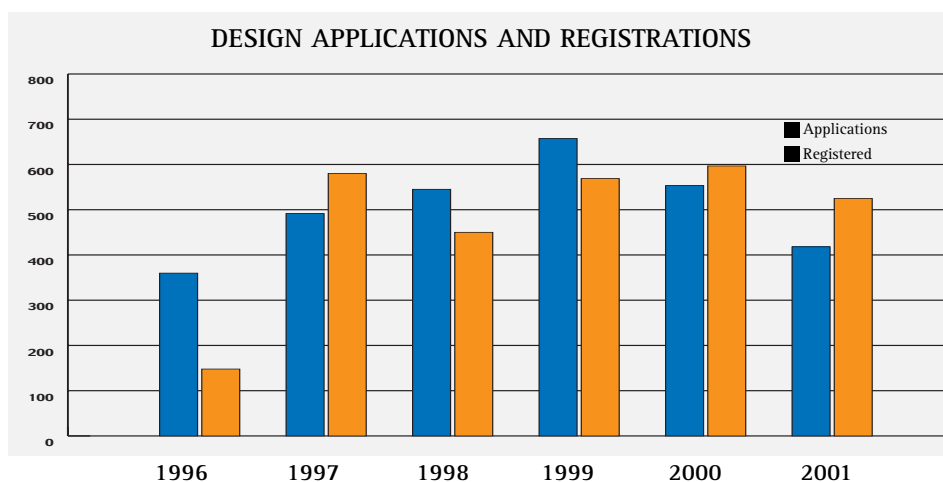
DESIGNS

Applications for the registration of designs received during the year totalled 414 – 144 less than in 2000.

An analysis by country of origin of the applications received is given in Appendix C. Applications filed by residents in the State totalled 123 compared to 147 in 2000.

The number of designs registered during the year was 525. Particulars of registration by Country of origin of proprietor are given in Appendix D. The period of protection was extended for a second period of five years in 212 cases and a third period of five years in 121 cases. 420 registrations lapsed. The total number of designs in force at the end of the year was 3,818.

The number of designs registered according to the International Classification of Designs is shown in Appendix H.



Industrial Designs Act 2001

The Industrial Design Act, 2001 was passed in November, 2001 and provides a new legal basis for the registration of designs, which has, hitherto, been governed by the Industrial and Commercial Property (Protection) Act, 1927, as amended. The new Act is intended to implement in Ireland the provisions of Directive No. 98/71/EC of the European Parliament and of the Council of 13 October, 1998 on the legal protection of designs. The primary aim of the Designs Directive is to harmonise national industrial designs law in the Member States of the EU in the context of the furtherance of the internal market.

The Industrial Designs Act, 2001 provides a new definition for the term design, which is defined as "the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colour, shape, texture or materials of the product itself or its ornamentation". It also establishes the criteria for registrability, being that the design must (i) be new and (ii) have individual character although the Act does not require the Controller to satisfy himself as to compliance with these criteria when considering an application for registration. The official examination will, it appears, concentrate on formal requirements.

As with other legislation in the IP field, the Industrial Designs Act, 2001 requires the making of detailed Rules setting out the specific procedures and requirements for the implementation of the registration system outlined in the Act. At the end of 2001, these Rules were in the course of drafting in the Department and the

DESIGNS

Office was actively reviewing the draft Rules with a view to formulating detailed observations, which were subsequently provided to the Department early in 2002.

Community Design Regulation

The Regulation on the Community Design (Council Regulation (EC) No. 6/2002 of 12 December 2001) was adopted by the Council of the European Union in December 2001. The Regulation, which will come into force in March, 2002, provides a system for protection of designs across the European Community through both unregistered and registered rights. An unregistered design right will accrue automatically to the proprietor of a new design who puts a product incorporating the design on the market within the Community. The right will exist for a period of three years from the date of disclosure of the design within the Community and will entitle the holder to prevent others from copying the design in their products.

The registered Community Design will be analogous to a registered Community Trade Mark in that it will have a unitary character throughout the Community and the registration process will be administered by the Office for Harmonisation in the Internal Market (OHIM) in Alicante, Spain. Registration will be for a period of 5 years initially and may be renewed for up to a maximum of 25 years. A Community Design registration will entitle the proprietor to prevent third parties both from copying the registered design in their products and from marketing products which, though not direct copies, do not produce a different overall impression from that created by the products of the proprietor, i.e. those incorporating the registered design. The registered Community Design system is scheduled to come into effect in 2003 by which time the detailed Implementing Regulations necessary to operate the system of registration are expected to be finalised. One of the implications of these developments for this Office will be the fact that we will serve as an "office of origin" for Community Design applications in the same way that applicants for Community Trade Marks may file their applications to the OHIM through the Office.



Reception Area in the Patents Office, Kilkenny



Section Four:

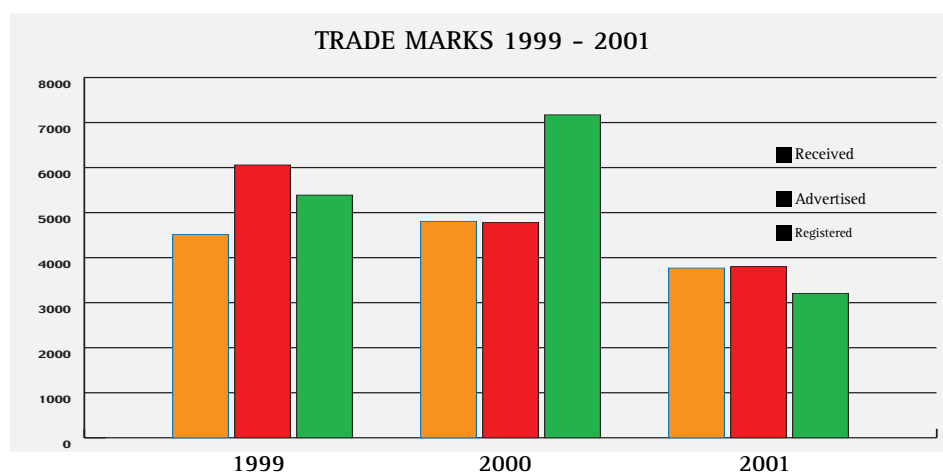
Trade Marks

TRADE MARKS

Applications and Registrations

The number of applications for the registration of trade marks received during the year, together with the number of marks advertised in the Journal and registered, are given in the table below, with comparative figures for the previous two years.

Year ended	Applications		Registered
	Received	Advertised	
1999	4,518	6,077	5,464
2000	4,781	4,742	7,264
2001	3,760	3,785	3,206



Commentary

The 3,760 trade mark applications received in 2001 includes 1,320 applications in respect of services.

During the year under review, over 4,600 applications were examined. This figure is a significant improvement on output in 2000 (3,200 applications examined) and is also greater than the number of new applications received in the year (3,760 applications). Continued improvement in this regard will serve to further reduce the time between the filing of an application and its examination, thereby enhancing the level of service delivered to customers of the Office. The improved output on examinations was achieved despite a continued high level of staff turnover in the Trade Marks Examination Division of the Office. The formal training programme for Examiners has been revised and is delivered to all new staff in conjunction with ongoing "on the job" training.

The number of trade marks registered in 2001 reflects the number of cases ready for registration in that year. While the figure is lower than the corresponding figure for 2000, the figure for 2000 was influenced by the disposal of a pre-existing backlog of cases awaiting registration carried forward from the immediately preceding year's examination output.

Analyses by country of the applications received and trade marks registered are given in Appendix C and Appendix D, respectively. Applications filed by persons resident in the State totalled 918 compared with 1258 in 2000. Details of the international classification of goods and services into which the trade marks registered in 2001 fall are shown in Appendix G. The number of registrations of

trade marks renewed was 4,845. The number removed from the Register for non-payment of renewal fees was 3,547. On 31st December 2001, the number of registered trade marks in force was 89,565.

Effect of Recent Decisions on Examination Practice

During the period under review, a number of judgements relating to trade mark protection were handed down by relevant European Courts and these have had an impact, both at national and international level, in relation to the manner in which trade marks are examined in respect of absolute grounds for refusal (i.e., under Section 8 of the Trade Marks Act, 1996). The judgements in question focussed on the extent to which particular marks were descriptive of the goods or services in respect of which registration was sought. Section 8 prohibits registration of such descriptive marks except in limited circumstances. In April, 2001, the European Court of First Instance overturned a decision of a Board Of Appeal of the Office for Harmonisation in the Internal Market (OHIM) to refuse registration of the mark "EASYBANK" applied for in relation to banking services. In October, the same court overturned a decision of a Board of Appeal of OHIM refusing registration of the mark "NEW BORN BABY" applied for in relation to dolls and accessories for dolls. In September, the European Court of Justice overturned a decision of the Court of First Instance refusing registration of "BABY-DRY" in respect of babies' nappies.

The decisions of these courts to accept the aforementioned marks have been the subject of much debate and deliberation within this Office and throughout other Trade Mark Offices in the European Union. In general, it may be said that they point towards a lowering of the threshold of acceptability for marks that might previously have been considered exclusively descriptive. This has to be taken on board in the ongoing review of trade mark examination policies that is required to reflect developments in a dynamic market-place. Of course, it must be borne in mind that the judgements cited are in respect of the specific applications concerned and it continues to be the practice of this Office to examine each trade mark application on its own merits having regard to the legislative provisions in force.

Hearings in Trade Mark cases

Section 71 of the Trade Marks Act, 1996 provides that the Controller shall not exercise any discretionary power adversely to an applicant for, or proprietor of, a trade mark or to any other person without first affording that person an opportunity of being heard on the matter. The year under review saw the departure from the Office of the designated Trade Mark Hearing Officer. This has resulted in some delays in scheduling hearings and at the end of 2001 there were approximately 130 ex-parte cases and 50 inter-partes cases awaiting hearing. I have taken steps to address this situation through the delegation of authority to take ex-parte hearings to three additional staff members in the Trade Marks Division and it is the intention that a significant number of hearings will be cleared in 2002. This intent is reflected in the targets set in the Patents Office Business Plan for 2002.

Appeals

There were no notices of Appeal to the High Court filed during 2001. During the year, I instituted an Appeal to the Supreme Court of a decision of the High Court in relation to the interpretation of Section 79 of the Trade Marks Act, 1996,

concerning the question of the time within which an appeal against a decision of the Controller may be made: that matter was still pending at the end of the year. Of the eight notices of Appeal to the High Court that were pending at the end of 2000, four were still pending at the end of 2001. The Appeal to the Supreme Court that was pending at the end of 2000 was dismissed in 2001

Oppositions to Registration

There were 415 notifications of opposition pending at the end of 2000. During the year, 102 further notifications were received. Taking into account cases decided during the year, withdrawals of oppositions and withdrawals of certain applications for registration following receipt of notice of opposition, there were 354 notifications of opposition pending at the end of 2001.

Assignments and Transmissions

During the year 815 persons were entered in the Register as proprietors of trade marks consequent on assignments or transmissions. The number of trade marks affected was 3,493.

Matters affecting the Register of Trade Marks

There were 9 applications under Section 34 of the 1963 Act for the removal of registered marks pending at the end of 2000. No further applications were received in 2001. During the year 3 cases were decided leaving 6 applications pending at the end of 2001. There were 13 applications under Section 40 of the 1963 Act for rectification of the Register pending at the end of 2000. No further applications were received in 2001. During the year 5 cases were decided leaving 8 applications pending at the end of 2001.

There were 22 applications under Section 51 of the 1996 Act for revocation of registration pending at the end of 2000. In 2001 a further 17 applications were received. During the year 15 cases were decided leaving 24 applications pending at the end of 2001.

There were 5 applications for declarations of invalidity of registration pending at the end of 2000. No further applications were received in 2001. During the year 3 cases were decided leaving 2 applications pending at the end of 2001.

Community Trade Mark Applications

During 2001, a total of 64 Community Trade Mark (C.T.M.) applications were filed through the Office and forwarded to the Office for Harmonisation in the Internal Market (O.H.I.M), Alicante, Spain. The Office received a £20/€25.39 handling fee in respect of each application.

Searching of Community Trade Mark (CTM) Applications

Under Article 39(3) of Council Regulation No. 40/94 of December 1993 on the Community Trade Mark, the Office may search C.T.M. applications and convey the results of its searches to O.H.I.M. The latter pays a search fee to National Offices for this service. I referred in my report last year to the difficulties that the Office had experienced in performing this work, these difficulties stemming from a lack

of essential human and IT resources. I am pleased to report that, following the development of a specialised automated searching tool, the Office was able to re-commence searching CTM applications in April 2001. Since that time, approximately 44,000 CTM applications have been searched and the results returned to OHIM.

Fees received in respect of searches carried out on CTM applications forwarded to the Office during 2001 totalled £680,924/€864,595.

Conversion of Community Trade Mark Applications

The Trade Marks Act, 1996 (Community Trade Marks) Regulations, 2000 (S.I. No. 229 of 2000) provides a legislative basis for the conversion of European Community Trade Mark applications into national applications in certain circumstances. The most significant effect of conversion is that the Community application retains its original filing date for the purposes of its examination and registration as a national mark. Such applications must first be examined for admissibility before the Office before being processed in the same way as national applications. Ninety two conversion applications were received in 2001, all of which were deemed admissible.

Protocol relating to the Madrid Agreement concerning the International Registration of Marks



Conference Room, Patents Office, Kilkenny

In my 2000 Report, I referred to the proposed ratification of the Madrid Protocol. This is an international agreement under the aegis of the World Intellectual Property Organisation (WIPO), which allows trade mark proprietors to make a single application to WIPO for registration of their mark in any or all of the countries that are party to the Protocol. In July 2001, the Trade Marks (Madrid Protocol) Regulations 2001 were enacted to allow the implementation of the international registration system in this country and Ireland ratified the Madrid Protocol on 19 July 2001. In accordance with the terms of the Protocol, this allowed for the designation of Ireland in international applications with effect from 19 October 2001 and 105 international registrations designating Ireland were notified to us in 2001. In addition, 2 applications were made to WIPO via this Office in its capacity as an "office of origin" for international applications.

Ireland's ratification of the Madrid Protocol gave rise to a considerable body of work for the Office during 2001 including close liaison with WIPO, development and testing of a dedicated IT system and training of staff in the specific requirements of examination of international applications. To meet the additional workload, a number of new staff, sanctioned as I mentioned earlier on a supernumerary basis, were assigned to the Office and I am pleased to report that despite some inevitable teething problems, the Office has coped well with its new responsibilities in this area.

International Classification of Goods and Services

The Nice Agreement concerning the International Classification of goods and services for the purposes of the registration of marks is an international agreement under the aegis of the World Intellectual Property Organisation. Its purpose is, as the name suggests, to provide an internationally recognised classification system of goods and services in respect of which trade marks may be registered. Ireland is a member of the Nice Union countries and this Office applies the classification system to the examination and registration of trade mark applications.

The eighth edition of the Nice Classification entered into force with effect from 1 January, 2002. The main change from the seventh to the eighth edition is the restructuring of Class 42 and the removal from that class of various services which will, henceforth, be classified in three newly introduced classes, Classes 43-45.

In the year under review, the Office undertook a number of tasks necessary to facilitate the introduction of the new edition of the classification. The automated administration and trade mark search systems were re-configured to reflect the revised classification and a review of the list of conflicting classes for search purposes was also undertaken in respect of existing and new classes. In addition, representatives of the Office participated in an extraordinary liaison meeting between the Office for Harmonisation in the Internal Market (OHIM) and experts from National Offices to consider the practical problems arising from the introduction of the new edition of the classification system. On foot of these discussions, the Office issued a notice to trade mark agents advising how the introduction of the new edition will be implemented in practice.

Licences/Registered Users

During the year, 101 applications under Section 29 of the 1996 Act were dealt with, leaving 91 applications pending at the end of the year.

Of the applications under the 1963 Act to register registered users of marks, which were pending on 1 July 1996, 44 such applications were pending at the end of 2001.

Register of Trade Mark Agents

At the end of the year under review, there were 148 individuals and 6 partnerships entered on the Register.

The background of the slide is a grayscale image of a newspaper. A large, semi-transparent circular graphic is overlaid on the left side of the image, partially obscuring the newspaper text. The text on the newspaper is mostly illegible due to the blur and the overlay.

Section Five:

Copyright

COPYRIGHT

Disputes Referred under Section 31 of the Copyright Act, 1963

Under this Section, disputes between persons using sound recordings in public, and the owner of the copyright subsisting in the recordings, regarding the equitable remuneration payable to the copyright owner, were referred to me for determination. In the period September 1989 to December 1995, 62 references were made by establishments using sound recordings.

Following lengthy legal proceedings before the High Court and Supreme Court, which I outlined in previous reports, I was able to appoint an arbitrator, who was agreed upon by the copyright licensing body and the legal representative of the establishments involved in the references. The arbitrator was appointed on 15 July, 1996 and his award was originally expected before the end of June 1998. However, the matter was still pending at the end of 2001 but I expect it to materialise in the course of 2002.

New Copyright Legislation

The Copyright and Related Rights Act 2000, which modernises Irish Copyright Law commenced on 1 January 2001 with the exceptions of Sections 98, 198, 199, and 247.

This new Act considerably extended my statutory functions in the copyright domain. As I mentioned in last year's report, I sought the assignment of additional staff to assist me in the discharge of my functions. However no additional staff have yet been assigned for this purpose. I received seven notifications of disputes under Section 38(4) in the latter half of 2001 and these are still pending.

The Act also makes provision for me to establish and maintain the following Registers;

- Register of Copyright Licensing Bodies
- Register of Licensing Bodies for Performers' Property Rights
- Register of Licensing Bodies for Database Rights

During the year under review I received three applications for registration in the Register of Copyright Licensing bodies, and one application for registration in the Register of Licensing bodies for Performers' Property Rights. However, due to the fact that the statutory instrument(s) regulating the registration procedure have not yet been made by the Minister, I have been unable, to date, to deal with the applications received.

Section Six:

International Matters



INTERNATIONAL MATTERS

European Union

At EU level, negotiations were successfully completed on two new copyright Directives. The Directive on the harmonisation of certain aspects of copyright and related rights in the information society (2001/29/EC) was approved by the Council and the European Parliament on 22 May, 2001, while the Directive on the resale right for the benefit of the author of an original work of art (2001/84/EC) received the assent of the Council and the European Parliament on 27 September, 2001. These Directives, respectively, modernise EU copyright law to enable it to meet the challenges of the Information Society, and provide for creators of original works of art to receive payments in respect of second and subsequent sales of their works.

* * * * *

Regulation (EC) No. 6/2002 on Community Designs was adopted by the Council of the European Union on 12 December 2001. This Regulation will come into force on 6 March 2002. The Regulation provides a system of Community-wide legal protection of designs and comprises two elements: An "Unregistered Community Design" which confers an automatic short-term protection against copying of designs. The unregistered design right is a right that will come into existence automatically by the mere fact of making the products incorporating the designs available to the public within the Community. The right is limited to three years and to forbidding the use of copies of original designs. The unregistered Community Design right will be available from the date the Regulation comes into force i.e. 6 March 2002.

The second right introduced will be a "registered Community Design Right", administered by the Office for Harmonisation in the Internal Market (OHIM) in Alicante, which establishes a system for registration of industrial designs conferring protection throughout the Community in the same manner as the Community Trade Mark system currently does for trademarks. Registered designs will be protected for a maximum period of twenty five years. The registered Community Design system will not be available before the year 2003 as the Implementing and Fees Regulations need to be adopted in 2002 by the European Commission.

* * * * *

A single patent to cover the whole of the European Union has been contemplated by European Intellectual Property circles for nearly 30 years. One of the main problems identified as facing patent applicants in Europe is that it allegedly costs up to five times more to get a patent covering eight member states of the European Union, than it does to get a United States patent. In addition, in the absence of a uniform patent system covering the whole EU, patentees are still subject to the national laws of each country when it comes to the determination of issues such as infringement and validity.

A Green Paper on the Community Patent and the Patent System in 1997 was followed by a lengthy consultation period after which the Commission adopted and published a proposal for a Council regulation on the Community Patent in August 2000. The draft Regulation based on Article 308 of the EC Treaty, provides for the creation of a unitary patent covering the entire territory of the Community. It is intended that the European Patent Office which already grants patents under the European Patent Convention, will be the agency for granting Community Patents. The Community Patent system would co-exist with existing European and national systems. It is proposed that costs will be reduced by not requiring

translation of the Community Patent once it had been granted in one of the three official languages of the European Patent Office. In addition, it is proposed that a new centralised European Community Patent Court would be established within the framework of the European Court of Justice to hear disputes and deal with questions relating to validity and infringement.

During 2001 discussions continued on the draft Council Regulation on the Community Patent and on related matters at various levels (principally the Working Party on Intellectual Property and the Committee of Permanent Representatives (Coreper)). It soon became apparent, however, that the issue of language was going to prove very controversial and this remains one of the major stumbling blocks to the Community Patent becoming a reality. Attempts to find a way forward collapsed in December 2001, when the 15 member states of the EU were unable to agree the framework of a working paper put forward by the Belgian government, which held the EU presidency at that time. Under the suggested compromise, it would be up to the patent applicant to decide whether claims should be in English, French or German, as well as the applicant's own language. In addition, a summary of the patent would be published in the languages of all the other member states. It was considered that proceeding in this way would mean the cost of patent translations could be reduced by around two thirds. However, in addition to the language question there is a major debate about the establishment of the legal system within which the Community Patent will function. These issues are likely to prevent any agreement being reached on the Community Patent for some time.

World Intellectual Property Organisation (WIPO)

Ireland ratified the Madrid Protocol on 19 July 2001 and it came into effect in Ireland on 19 October 2001. The Madrid Protocol is an international agreement dealing with trademarks (i.e., signs that distinguish a company's goods or services from those of its competitors) under the aegis of the World Intellectual Property Organisation (WIPO). It was adopted in 1989 and came into operation on 1 April 1996. Its key feature is to enable companies to submit a single application for protection of a trademark through their competent authorities (in Ireland's case, the Patents Office), designating any or all Contracting States. Each application is transmitted to WIPO, which treats it as an "international registration" and forwards it to the countries designated in the application, all of which then deal with the case in accordance with their national legislation. Fees are payable in respect of each designated country but they are all payable in a single currency (Swiss francs). This is a very convenient system, especially for exporters. It saves them from having to submit individual trademark applications to each of the countries concerned. In addition, any subsequent work in relation to the trademark, such as periodic renewal, or notification of a change of ownership or address, can be done in one transaction to cover all designated countries. Ireland was represented at the annual meeting of the WIPO Assemblies, which took place in Autumn 2001. The Assemblies take stock of the Organisation's work and set the agenda for the following year. In addition, Ireland was represented at a number of WIPO meetings in 2001 including:

- The first session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore which ran from 30 April to 3 May 2001. This first session concentrated on establishing, organising and prioritising the rules under, and areas on, which, the Committee would work during, (and in preparation for), future sessions.

- The first meeting of the WIPO working group on reform of the Patent Cooperation Treaty. A number of proposals, capable of implementation in the short-term and involving amendment of the PCT Regulations were considered. Final proposals, based on the outcome of this meeting, will be circulated by WIPO for consideration at a second meeting of the working group in Spring/Summer 2002.
- The Working Group on Constitutional Reform: This group was given a mandate to examine WIPO structures and procedures with a view to recommending changes to streamline operations and to improve the efficiency of the Organisation. It is expected that this Working Group will make its final report to the WIPO General Assemblies in September 2002.

In the area of copyright, effort was directed at the re-launch of negotiations on the proposed World Intellectual Property Organisation (WIPO) treaty on the rights of broadcasters. Ireland took part in the preparation of an EU draft of the proposed treaty, which will form part of future negotiations on the matter in WIPO.



Minister Tom Kitt officially opening 2001 Patlib Conference, Dublin Castle with (right) Sean Fitzpatrick, Controller and (left) Curt Edfjäll, Vice-President DG4 at the European Patent Office

A grayscale, high-magnification photograph of a microchip, showing its intricate circuitry and numerous pins. The image is partially obscured by a large, semi-transparent circular graphic on the left side.

Section Seven:

Information Technology

INFORMATION TECHNOLOGY

Responsibility for the provision of IT services at the Office, and the funding of the expenditure involved, rests with the Department of Enterprise, Trade and Employment.

In the first quarter of 2001 a major upgrade of the Office's Patent & Trade Mark administration system (Ptolemy) was implemented. Among the numerous enhancements delivered as part of this new version is an automatic overnight batch-processing facility for a number of procedures.

In March 2001 the Office launched a new dial-in search system for Patent and Trade Mark agents. This service provides agents with secure access to the Office's databases and registers and enables them to build, manage and download Trade Mark search reports.

Another significant new project implemented during 2001 is a Community Trade Mark (CTM) Search System that enables the Office to carry out database searches and compare CTM applications against existing Irish trade marks. The Office receives substantial income from the Community Trade Mark Office in Alicante for the provision of this service.

As part of the on-going enhancement of the Office's computer infrastructure the Office upgraded its Ptolemy application and databases servers. A programme to replace all PCs more than 4 years old was completed and a new desktop operating system (Windows 98) was introduced. Upgrades to the latest version of the Office's e-mail system (Lotus Notes version 5) and network operating system (Netware 5) also took place during 2001.

The Office viewed the introduction of the euro in 2002 as an opportunity to replace its financial and accounting system with one that would be both euro compliant and fully integrated into the Ptolemy system. Throughout 2001 work was carried out to ensure that version 1 of this new system would be developed, tested and ready for live implementation in the first week of January 2002. Further upgrades of the financial and accounting system are planned for 2002.

In last year's report I signaled that submissions had been made to the Department of Finance for the necessary funding and staff to enable a number of e-commerce projects to proceed. I am happy to report that the Office secured the necessary human and financial resources and a new e-commerce Unit will be established in January 2002 to deliver on these projects. It is hoped that on-line access to the Official Journal and the Patents & Trade Mark databases and registers will be available by the end of 2002.

These developments and planned initiatives will ensure that the Office continues to provide its customers and the general public with the most up-to-date and efficient facilities and services expected from an Intellectual Property Office.



Mr. Sean Fitzpatrick,
Controller of Patents, Designs
and Trademarks.

Dated this 31st day of May, 2002

Section Eight:

Appendices



APPENDIX A

STAFF SERVING AT 31 DECEMBER 2001

Number	Staff
1	Controller
2	Assistant Principal
1	Senior Patent Examiner
8	Higher Executive Officer
3	Patent Examiner
19	Executive Officer
4.5	Staff Officer
33.5	Clerical Officer
0	Services Officer
72	

In addition there are 3 staff members of the Department of Enterprise, Trade and Employment (1 HEO Systems Analyst, 1 EO and 1 CO) working in the Office providing information technology services.

STAFF SERVING AT 31 DECEMBER 2001

ADMINISTRATION DIVISION 1 Assistant Principal		
Finance & Customer Services	Grants & Registration	Maintenance
1 HEO	1 HEO	1 HEO
2 EO	1EO	2 EO
2 SO	2 SO	0.5 SO
14 CO	9 CO	5.5 CO

TRAINING
1 EO

PATENT EXAMINATION DIVISION	
	1 Senior Examiner
	3 Examiners

TRADE MARK EXAMINATION DIVISION	
	1 Assistant Principal
	5 HEO
	13 EO
	5 CO

I.T. UNIT (Department Staff working in the Office)	
	1 HEO Systems Analyst
	1 EO
	1 CO

APPENDIX B

RECEIPTS AND EXPENSES - YEAR ENDED 31 DECEMBER 2001

RECEIPTS		
	IR£	€
Patent Fees (Notes 1 and 2)	3,079,280	3,909,879
Trade Mark Fees	2,145,858	2,724,678
International Trade Mark Registration fees received from WIPO (Note 3)	13,451	17,079
Fees received for the searching of Community Trade Marks (Note 4)	680,924	864,595
Design Fees	67,116	85,220
Other Fees	24,524	31,139
Less Refunds made in respect of Patent and Trade Mark fees paid in error	(73,232)	(92,985)
Net receipts accruing to the Exchequer	5,937,921	7,539,605
EXPENSES		
	IR£	€
Salaries	1,580,871	2,007,292
Employers PRSI	69,403	88,124
Printing, Binding, etc.	32,605	41,400
Telephones	45,837	58,201
Postal Services	12,617	16,020
Subscriptions to Industrial Property Unions	305,000	387,270
Expenses of Representation at International Meetings and Travelling Expenses	57,534	73,053
Law Reporting and Legal Costs	28,402	36,063
Maintenance of Buildings, Rents, Rates, Heating, Furniture, etc.	75,638	96,040
Office Machinery, Computer Equipment, Stationary, etc.	774,207	983,040
Total	2,982,114	3,786,503

Note 1

In accordance with the European Patent Convention, to which Ireland is a party, the Patents Office is obliged to remit to the European Patent Office (EPO) 50 % of all renewal fees received in respect of European Patents which have been validated in Ireland and which are entered in the national register of patents.

	IRE	€
Patent fees	3,895,655	4,946,461
Less Proportion of patent renewal fees transferred to the European Patent Office, Munich.	816,375	1,036,582
Net patent fees which accrue to the exchequer	3,079,280	3,909,879

Note 2

The Patents Office acts as a receiving Office for patent applications made under the Patent Co-operation Treaty (PCT) and as such receives fees for onward transmission to both the European Patent Office and the World Intellectual Property Organisation (WIPO). These fees do not accrue to the Irish exchequer and are therefore not shown as receipts. Details of the fees received for subsequent transfer to the EPO and WIPO during 2001 are as follows:

	IRE	€
PCT Basic and Designation Fees received for subsequent transfer to WIPO, Geneva	129,850	164,875
PCT Search fees received for subsequent transfer to EPO, Munich	122,057	154,980
Total	251,907	319,855

Note 3

As a consequence of Ireland's ratification of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks (the Madrid Protocol) on 19 July 2001, the Office began to receive fees due in respect of International Trade Mark applications seeking protection in Ireland from the World Intellectual Property Organisation.

Note 4

Under Article 39(3) of Council Regulation No. 40/94 of December 1993 on the Community Trade Mark, the Office may search CTM applications and convey the result of its search to OHIM. OHIM pays a search fee to the Patents Office for this service.

APPENDIX C

APPLICATIONS ACCORDING TO COUNTRY OF ORIGIN OF APPLICANT

COUNTRY	PATENTS		TRADE MARKS		DESIGNS	
	No. of Applications	Percentage of total No.	No. of Applications	Percentage of total No.	No. of Applications	Percentage of total No.
REP. OF IRELAND	1019	87.17	918	24.41	123	29.71
ANDORRA			2	0.05		
ARGENTINA			3	0.08		
AUSTRALIA	2	0.17	17	0.45		
AUSTRIA	1	0.09	32	0.85	2	0.48
BARBADOS	7	0.60	2	0.05		
BAHAMAS	1	0.09			1	0.24
BELGIUM			48	1.28	5	1.21
BERMUDA			3	0.08		
BRAZIL					5	1.21
BRITISH VIRGIN ISLANDS			5	0.13		
CAYMAN ISLANDS			2	0.05		
CANADA	3	0.26	12	0.32	1	0.24
CHILE			15	0.40		
CHINA	3	0.26	3	0.08		
CROATIA			2	0.05		
CUBA			1	0.03		
CYPRUS	5	0.43				
CZECH REP.			7	0.19		
DENMARK	12	1.03			5	1.21
EGYPT			1	0.03		
FINLAND			4	0.11	1	0.24
FRANCE	4	0.34	292	7.77	25	6.04
GERMANY	2	0.17	492	13.09	26	6.28
GREECE			2	0.05		
HONG KONG			4	0.11	2	0.48
HUNGARY			3	0.08		
INDONESIA			1	0.03		
ISRAEL					2	0.48
ITALY	1	0.09	82	2.18	19	4.59

APPENDIX C *(Continued)*

APPLICATIONS ACCORDING TO COUNTRY OF ORIGIN OF APPLICANT

COUNTRY	PATENTS		TRADE MARKS		DESIGNS	
	No. of Applications	Percentage of total No.	No. of Applications	Percentage of total No.	No. of Applications	Percentage of total No.
JAPAN	3	0.26	73	1.94	6	1.45
KOREA (Republic)			15	0.40		
LIECHTENSTEIN			7	0.19		
LITHUANIA			1	0.03		
LUXEMBOURG			14	0.37	1	0.24
MALTA			2	0.05		
MEXICO			2	0.05		
MONACO			5	0.13		
NETHERLANDS	4	0.34	114	3.03	21	5.07
NEW ZEALAND	1	0.09	10	0.27	1	0.24
NORWAY	1	0.09	19	0.51		
OMAN	1	0.09				
PORTUGAL			9	0.24	2	0.48
PUERTO RICO			1	0.03		
ROMANIA			1	0.03		
RUSSIAN FEDERATION			4	0.11		
SINGAPORE	1	0.09	6	0.16	3	0.72
SLOVENIA			3	0.08		
SOUTH AFRICA	1	0.09	4	0.11		
SPAIN	2	0.17	31	0.82	8	1.93
SWEDEN			16	0.43	7	1.69
SWITZERLAND	3	0.26	246	6.54	13	3.14
TAIWAN			1	0.03		
TURKS & CAICOS ISLANDS	2	0.17				
UNITED KINGDOM	51	4.36	593	15.77	62	14.99
USA	39	3.34	629	16.73	73	17.64
YUGOSLAVIA			1	0.03		
TOTAL	1169	100	3760	100	414	100

APPENDIX D

PATENTS GRANTED AND DESIGNS AND TRADEMARKS REGISTERED ACCORDING TO COUNTRY OF ORIGIN OF PATENTEE OR PROPRIETOR

COUNTRY	PATENTS		TRADE MARKS		DESIGNS	
	No. Granted	Percentage of total No.	No. Registered	Percentage of total No.	No. Registered	Percentage of total No.
REP. OF IRELAND	377	68.42	704	21.96	133	25.33
AFRICAN REGIONAL INDUSTRIAL PROPERTY ORGANISATION			1	0.03		
ANTILLES (Netherlands)			8	0.25		
ARGENTINA			1	0.03		
AUSTRALIA	5	0.91	13	0.41		
AUSTRIA	3	0.54	10	0.31	2	0.38
BAHAMAS			1	0.03	1	0.19
BELGIUM	2	0.36	34	1.06	9	1.72
BERMUDA	1	0.18	4	0.12		
BRAZIL			2	0.06		
BRITISH VIRGIN ISLANDS			2	0.06		
CANADA			18	0.56	1	0.19
CAYMAN ISLS.			1	0.03		
CHILE			2	0.06		
CHINA			2	0.06		
CYPRUS	2	0.36				
CZECH REP.			3	0.09		
DENMARK	3	0.54	10	0.31	2	0.38
FINLAND	2	0.36	3	0.09	6	1.14
FRANCE	10	1.82	352	10.98	26	4.95
GERMANY	16	2.91	399	12.45	55	10.48
GREECE			2	0.06		
HONG KONG			3	0.09	4	0.76
INDIA			2	0.06		
ISRAEL	1	0.18	1	0.03		
ITALY	1	0.18	66	2.06	19	3.62
JAPAN	7	1.28	60	1.87	7	1.33

APPENDIX D (Continued)

PATENTS GRANTED AND DESIGNS AND TRADEMARKS REGISTERED ACCORDING TO COUNTRY OF ORIGIN OF PATENTEE OR PROPRIETOR

COUNTRY	PATENTS		TRADE MARKS		DESIGNS	
	No. Granted	Percentage of total No.	No. Registered	Percentage of total No.	No. Registered	Percentage of total No.
REPUBLIC OF KOREA	2	0.36	9	0.28		
LIECHTENSTEIN			3	0.09		
LUXEMBOURG	1	0.18	18	0.56	3	0.57
MEXICO			3	0.09		
MONACO	1	0.18	5	0.15		
NETHERLANDS	2	0.36	138	4.30	29	5.52
NEW ZEALAND			5	0.15	1	0.19
NORWAY			8	0.25		
PAKISTAN			1	0.03		
POLAND			2	0.06		
PORTUGAL			5	0.15	1	0.19
SINGAPORE			4	0.12		
SLOVENIA			2	0.06		
SOUTH AFRICA			9	0.28	1	0.19
SPAIN	3	0.54	29	0.90	13	2.48
SWEDEN	5	0.91	25	0.78	13	2.48
SYRIA	2	0.36				
SWITZERLAND	6	1.09	189	5.90	11	2.10
TAIWAN			4	0.12		
THAILAND			2	0.06		
TURKEY			4	0.12	8	1.52
UNITED KINGDOM	33	5.99	527	16.44	57	10.86
UKRAINE			1	0.03		
USA	66	11.99	509	15.87	120	22.86
WEST INDIES					3	0.57
TOTAL:	551	100	3206	100	525	100

COMMENTARY ON THE PATENTS STATISTICS IN APPENDICES C & D

Appendix C indicates that applications for patents from applicants within the State accounted for 87% of the total applications for patents received during the year. As regards patents granted during the year, Appendix D indicates that grants to applicants within the State accounted for 68% of the total grants. These figures, taken in isolation, might tend to suggest that the level of innovative activity within the State is significantly greater than in any of the other countries listed in the Appendices. While the figures show precisely the outcome for 2001 in relation to applications received and patents granted, they should not be taken in isolation. To put them into the appropriate context it is necessary to recall that Ireland is a contracting party to the European Patent Convention and, under that Convention, applications are made annually directly to the European Patent Office designating Ireland and patents are granted annually by the European Patent Office with effect in Ireland (the same effect as if they had been granted by my Office). Accordingly, when account is taken of the patents granted by the European Patent Office effective in the State in 2001, the following picture emerges:

Patents granted in 2001 having effect in the State

Granted by the Office	551
Granted by the EPO	7922
Total grants	8473

The percentage of total grants accounted for by applicants from within the State is 4%.

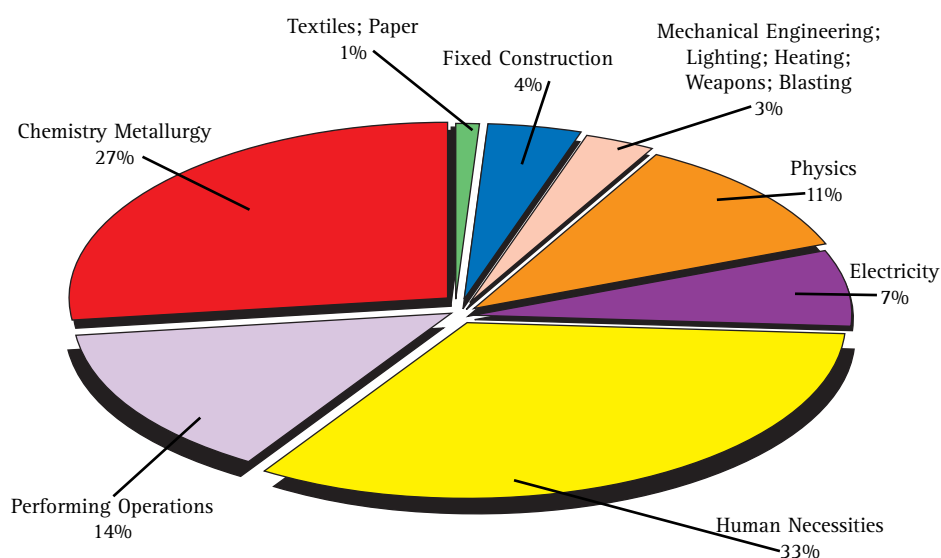
This situation is more akin to that which pertained in the years immediately preceding Ireland's ratification of the European Patent Convention (which took effect from 1st August 1992). At that time, applicants within the State accounted for some 3.5% - 4.5% of the total annual patents granted by the Office.

APPENDIX E

CLASSIFICATION OF PATENTS GRANTED BY THE OFFICE IN YEAR ENDED 31 DECEMBER 2001 ACCORDING TO THE INTERNATIONAL CLASSIFICATION

CLASSIFICATION	No of grants in Classification *
A. HUMAN NECESSITIES	352
B. PERFORMING OPERATIONS	237
C. CHEMISTRY; METALLURGY	261
D. TEXTILES; PAPER	5
E. FIXED CONSTRUCTIONS	83
F. MECHANICAL ENGINEERING; LIGHTING; HEATING; WEAPONS; BLASTING	52
G. PHYSICS	177
H. ELECTRICITY	132

** Because it is possible that a granted patent may be classified in more than one technical field, the number of classifications into which these patents fall will exceed the total number of patents granted*



APPENDIX F

RENEWAL FEES PAID TO KEEP PATENTS IN FORCE FOR YEARS 1992 TO 2001

Year for which paid	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
3rd year*	41	1,241	1,924	3,463	1,803	1,520	293	232	751	814
4th year*	41	1,238	1,882	3,424	2,142	2,019	848	486	962	1,044
5th year	684	1,296	1,874	3,097	2,026	2,955	1,924	1218	1906	2,142
6th year	683	1,296	1,831	2,635	1,606	2,253	2,644	1840	2972	3,338
7th year	668	1,303	1,698	1,817	1,560	1,550	1,726	1847	3454	4,144
8th year	666	1,384	1,188	1,362	1,280	1,446	1,140	637	3488	4,546
9th year	643	1,254	756	1,032	1,143	1,216	1,171	639	1951	3,780
10th year	944	885	641	879	880	1,052	994	667	1105	2,204
11th year	856	756	565	742	769	814	915	563	1078	1,336
12th year	684	643	490	666	678	696	725	550	910	1,199
13th year	589	520	420	579	602	627	623	408	821	1,040
14th year	448	447	321	503	504	555	550	357	647	862
15th year	416	370	288	370	439	466	495	275	531	683
16th year	321	295	239	312	319	413	411	271	473	599
17th year*	113	248	169	281	281	300	362	239	413	553
18th year**	—	93	165	221	246	247	270	198	348	452
19th year***	—	—	55	185	183	220	217	151	290	441
20th year****	—	—	—	64	158	164	185	114	207	248
Total	7,797	13,269	14,506	21,632	16,619	18,513	15,493	10,746	22,307	29,425

* Patent renewal fees not payable in respect of 3rd, 4th and 17th years prior to 1 August 1992.

** Patent renewal fees not payable in respect of 18th year prior to 1 August 1993.

*** Patent renewal fees not payable in respect of 19th year prior to 1 August 1994.

**** Patent renewal fees not payable in respect of 20th year prior to 1 August 1995

APPENDIX G

INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES INTO WHICH MARKS REGISTERED IN 2001 FALL

Class	Classification of Goods	No of marks in classification
01	Chemical Products, etc.	132
02	Paints, etc.	139
03	Bleaching Preparations, etc.	330
04	Industrial Oils, etc.	51
05	Pharmaceutical Substances, etc.	748
06	Unwrought and Partly Wrought Common Metals and their Alloys	86
07	Machines and Machine Tools, etc.	62
08	Hand Tools and Instruments, Cutlery, etc.	38
09	Scientific Apparatus and Instruments, etc.	594
10	Surgical Instruments, etc.	155
11	Installations for Lighting, etc.	96
12	Vehicles; Apparatus for Locomotion by Land, Air or Water	187
13	Firearms, Ammunition and Projectiles; Explosive Substances; Fireworks	8
14	Precious Metals and their Alloys, etc.	80
15	Musical Instruments (other than talking machines and wireless apparatus)	3
16	Paper, etc.	449
17	Gutta Percha, India Rubber, etc.	40
18	Leather, etc.	91
19	Building Materials, etc.	64
20	Furniture, etc.	87
21	Small Domestic Utensils, etc.	95
22	Ropes, etc.	8
23	Yarns, Threads	3
24	Tissues (piece goods), etc.	70
25	Clothing, including Boots, Shoes and Slippers	280
26	Lace and Embroidery, etc.	13
27	Carpets, etc.	18
28	Games, etc.	124
29	Meat, Fish, Poultry and Game, etc.	250
30	Coffee, Tea, Cocoa, Sugar, Rice, etc.	319
31	Agricultural Products, etc.	51
32	Beer, etc.	116
33	Wines, Spirits and Liqueurs	99
34	Tobacco, etc.	48
35	Advertising, Business Management, etc.	431
36	Insurance, Financial Affairs, etc.	280
37	Building Construction, Repair, Installation Services	159
38	Telecommunications	284
39	Transport, Packaging and Storage of Goods, etc.	158
40	Treatment of Materials	40
41	Education, Entertainment, etc.	370
42	Providing of Food & Drink, Legal Services, Services that cannot be Classified in Other Classes	650

APPENDIX H

DESIGNS REGISTERED DURING THE YEAR ENDED 31 DECEMBER, 2001 LISTED ACCORDING TO THE INTERNATIONAL CLASSIFICATION

Class	Classification	Designs Registered
01	Foodstuffs	5
02	Articles of Clothing and Haberdashery	31
03	Travel Goods, Cases, Parasols and Personal Belongings, not elsewhere specified	5
04	Brushware	18
05	Textile Piecegood Articles, Artificial and Natural Sheet Material	6
06	Furnishings	27
07	Household Goods, not elsewhere specified	36
08	Tools and Hardware	3
09	Packages and Containers for the Transport or Handling of Goods	89
10	Clocks and Watches and other Measuring Instruments, Checking and Signalling Instruments	7
11	Articles of Adornment	35
12	Means of Transport or Hoisting	12
13	Equipment for Production, Distribution or Transformation of Electricity	16
14	Recording, Communication or Information Retrieval Equipment	45
15	Machines, not elsewhere specified	4
16	Photographic, Cinematographic and Optical Apparatus	2
17	Musical Instruments	0
18	Printing and Office Machinery	2
19	Stationery and Office Equipment, Artists' and Teaching Materials	20
20	Sales and Advertising Equipment, Signs	16
21	Games, Toys, Tents and Sports Goods	35
22	Arms, Pyrotechnic Articles, Articles for Hunting, Fishing and Pest Killing	1
23	Fluid Distribution Equipment, Sanitary, Heating, Ventilation and Air-Conditioning Equipment, Solid Fuel	28
24	Medical and Laboratory Equipment	17
25	Building Units and Construction Elements	14
26	Lighting Apparatus	15
27	Tobacco and Smokers' Supplies	1
28	Pharmaceutical Products and Cosmetic Products, Toilet Articles and Apparatus	31
29	Devices and Equipment Against Fire Hazards, for Accident Prevention and for Rescue	0
30	Articles for the Care and Handling of Animals	3
31	Machines and Appliances for Preparing Food or Drink, not elsewhere specified	1
99	Miscellaneous	0
	TOTAL	525

APPENDIX I

ENACTMENTS AND STATUTORY INSTRUMENTS MADE DURING THE YEAR.

Enactments

Industrial Designs Act 2001 (Number 39 of 2001)

Statutory Instruments

S.I. No. 648 of 2001

European Communities (Supplementary Protection Certificate) (Amendment) Regulations 2001

S.I. No. 482 of 2001

Patents, Trademarks and Designs (Fees) Rules, 2001

S.I. No. 346 of 2001

Trade Marks (Madrid Protocol) Regulations, 2001

S.I. No. 9 of 2001

Trade Marks Act (Section 66) Regulations, 2001



The Patents Office, Kilkenny

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