

Oifig na bPaitinní



The Patents Office

**Seventy Sixth Annual Report
of the
Controller of Patents, Designs and Trade Marks**

2003

Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS, TEACH SUN ALLIANCE,
SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
4 - 5 SRÁID FHEARCHAIR, BAILE ÁTHA CLIATH 2,
(Teil: 01 – 6476834/35/36/37; Fax: 01 - 4752760)

nó trí aon díoltóir leabhar.

To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE, SUN ALLIANCE HOUSE,
MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
4 - 5 HARCOURT ROAD, DUBLIN 2,
(Tel: 01 – 6476834/35/36/37; Fax: 01 - 4752760)

or through any bookseller.

(PRN 2479)

Price: €5.00

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 2003.

My statutory functions are set out in the Patents Act, 1992, the Trade Marks Act, 1996; The Industrial Designs Act, 2001, the Statutory Rules and Regulations 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 also have extensive statutory functions under the Copyright and Related Rights Act, 2000 (this replaced the Copyright Act, 1963) which came into operation on 1 January 2001. This Act 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 licences; with applications for licences where operators of schemes have refused to grant licences; with 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 on 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; a reference to the 1996 Act means a reference to the Trade Marks Act, 1996; and a reference to the 2001 Act means a reference to the Industrial Designs Act, 2001.

Sean Fitzpatrick

Controller

Dated 23rd day of April 2004

GENERAL

Intellectual property rights are a key element in promoting competitiveness and economic growth. During the course of 2003 my Office sought to provide business, industry and individual entrepreneurs with an effective system of protection for their intellectual property rights.

Mission & Objectives

The central mission of the Patents Office continues to be:

“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”.

The Office’s Strategy Statement for the period 2001 to 2003 sets out the following four objectives, the achievement of which is seen as central to fulfilling the mission of the Office. They also tie in with the wider national objectives of supporting and encouraging enterprise and innovation and the fostering of an effective business environment in Ireland.

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.

The information in this Report reflects the extent to which achieving these objectives continued to be to the fore in the work of the Office during 2003.

In particular, Patents Office staff worked hard during 2003 to deliver on the key tasks set out in the Office’s Business Plan. By so doing and meeting the targets set out in the Plan, the staff ensured that my statutory functions were performed to the highest standards in an efficient and prompt manner. I would like to express my appreciation for their enthusiasm and commitment

Receipts and Expenses

The receipts and expenses for the year amounted to €8.853 million and €4.17 million respectively. Further particulars are given in Appendix B.

Office - Staff and Structure

The number of staff serving as at 31 December 2003 was 75.5

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

One member of staff is a teleworker, working from home three days in the week under a teleworking pilot scheme. An extension of the scheme is expected to result in several more staff being approved to avail of the scheme in 2004.

As mentioned in previous Reports I have informed the Department of Enterprise, Trade & Employment that certain of the functions allocated to me under the Copyright and Related Rights Act, 2000 require specialist staff for their discharge and I gave an estimate of the kind and number of staff required. To date, no staff have been assigned by the Department for the performance of this work.

IP Information - Website

The Office continued to expand its collection of patent information in electronic format with searchable Irish, European US and Japanese patent documents available on disc for searching by the public in both the Dublin and Kilkenny Information centres.

Through a co-operation programme with the European Patent Office (EPO) the capture in electronic format of Irish published patent specifications from 1927 to date was undertaken. In addition, the EPO assisted with the provision and installation of improved scanning equipment as well as new servers and software to facilitate ongoing document capture, storage and retrieval.

In tandem with the electronic capture of paper patent documents, during 2003 a considerable emphasis was placed on providing increased access to patent, trademark and design information via the Office's website. It is possible to peruse the Irish patent, trade mark and design registers on-line and free of charge. In addition, a computerised search facility facilitates the inspection of details of Irish patent applications and granted patents and pending and registered marks. The Office's website also permits access to the esp@cenet database and search engine which hosts the largest volume of patent documentation available on the Internet.

On-line access to the Office's Official Journal became possible towards the end of 2002 consequent on the completion of an e-commerce project funded by the Information Society Fund. The on-line version is free, is searchable and allows for flexible viewing of trademarks in colour

Web traffic analysis shows that the general public as well as Intellectual Property professionals make extensive use of the search facilities and information available on our website. The online search systems are particularly popular. There were on average in excess of 330,000 hits to the web site per month. 70% of the visitors to the web site were international visitors.

The e-commerce aspects of the Office's website are to be further enhanced by the addition of an on-line system to facilitate the payment of patent, trade mark and design renewal fees by credit card. During 2003 we specified our requirements for the system and it is expected to become operational in the Autumn of 2004.

My Office together with Enterprise Ireland is a participant in an EU financed project entitled Linking Innovation and Industrial Property (LIIP). One of the major objectives of the project is to increase awareness and knowledge of intellectual property rights (IPR's) through the creation of material targeted at small and medium sized enterprises, research centres, universities, inventors, etc. Other countries participating are Luxembourg, Spain, Greece and Italy. In November 2003 the project consortium produced a *Good Practice Guide* which contains among other items, 10 pragmatic recommendations for better integration of Intellectual Property in business. The guide contains a considerable amount of practical and useful information on IPR's and their importance in a firms business strategy. The Guide can

be viewed on my Office's website. A CD-Rom toolbox incorporating the guide together with additional information and case studies as well as an IP audit tool is in preparation and will be made available in 2004.

Exhibitions/Seminars

Patents Office staff continued to promote awareness of industrial property protection and information during 2003 through attendance at a number of exhibitions and seminars. The Office is an annual exhibitor at the "Young Scientist & Technology Exhibition" in the RDS and in January 2003 again sponsored a prize in that competition. The Patents Office special award was won by Rory O' Rourke and Donal Myles from the Christian Brothers (Abbey) Grammer School, Newry, Co Down for their project entitled "Ladder Leveller". It is noteworthy that it is the third year running that the school has won this award.

Amongst the other events at which the Office participated were the "My Business Entrepreneur Exhibition" organised by Galway Chamber of Commerce & Galway Enterprise Boards and the "Fingal Enterprise Day" – the latter aimed at promoting business, enterprise and innovation in the Fingal area of North Dublin. In addition staff attended two major agri-business events; the "National Ploughing Championships" and the "Tullamore Show". Throughout the year staff from the Office provided advice to the public in response to queries on the various aspects of intellectual property and held several seminars at third level institutions. In addition, the Office hosted a study visit and seminar for thirty final year students of the Bachelor of Business Studies Degree Programme of Waterford Institute of Technology at which staff gave presentations on the various forms of Intellectual Property Rights.

The Patents Office, in conjunction with OHIM hosted a seminar on the Community Design in Kilkenny Castle in May 2003. This seminar was one of a series held by OHIM in Member States willing to co-host such seminars. The objective was to raise awareness of the importance of design for industry and the advantages of the registered Community Design. I was very pleased to Chair this seminar and once again wish to thank all those involved in this successful joint venture. The speakers at the seminar were Mr Paul Maier, Director of the Community Design at OHIM, and Mr André Thompson, of Waterford Wedgewood Plc. The seminar was very informative and beneficial to those in attendance from Industry, Patent Agents, Trade Mark Agents and some staff members from my Office who attended.

The interest shown and enquires received at these events continue to indicate a strong demand for information on all aspects of intellectual property.

Service Standards

The Office's customer service standards are contained in its Customer Services Action Plan for the period 2002 to 2005. The plan was published in 2002 and is available on the Office's web site. The plan is aimed at securing high standards of performance which the Office sees as essential to providing a quality service.

The standards which have been set out in the Plan take account of the generally accepted principles of quality customer service in the public service and set out the quality of service which our customers can expect. Performance against targets during 2003 in respect of a selection of operational activities is shown at Appendix J.

The Office will, through the relevant bodies and the User's Council, continue to consult users/customers about the discharge of the Office's functions vis-à-vis their expectations. In addition a customer feedback page has been introduced on our website in order to allow our customers to give comments and suggestions on the website, its contents and the service they have received.

Training and Development

During 2003 staff development continued with the aim of ensuring that all staff obtained training in the skills and competencies required to undertake their job to the highest standard. In accordance with the Performance Management Development System (PMDS) operated in the Office, a development plan for training was drafted which took into account the various training needs which staff had identified in their personal development plans.

In 2003 staff in my Office undertook a total of 292 training days. Training courses were organised and delivered in areas such as management development, effective writing, time management and health and safety. A strong emphasis was placed on IT training with 34 staff completing the European Computer Driving Licence (ECDL) course. Staff of my Office also attended courses on customer services, the legislative process and government accounting.

The Training Officer liaised closely with the Training and Development Unit of the Department of Enterprise, Trade and Employment in organising training that could not be delivered in Kilkenny.

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, University College Dublin and a representative of the Licensing Executives’ Society. The Council is chaired by a senior official from the Department of Enterprise, Trade, and Employment.

The Council met on three occasions in 2003. The duration of the term of appointment of members (other than the Controller, President of the Association of Patent and Trade Mark Attorneys and the Departmental representative) is limited to a three year term with effect from 1 January, 2003.

Intellectual Property (Miscellaneous Provisions) Act, 1998

In my 1998 and subsequent Annual Reports 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 Dail and Seanad debates dealing with the passage of the provisions of Sections 4 and 5. At the end of 2003, the Judicial Review proceedings before the High Court were still pending.

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

PATENTS

As at 31 December 2003, there were a total of 2,893 pending applications on hand. Of these, 1,270 applications were awaiting the submission of evidence of novelty. While the number of applications on hands has been reduced steadily in recent 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. The bulk of these applications have now been identified.

Applications and Grants

The number of applications for patents received was 939, 43 less than in 2002. Following Ireland's ratification of the European Patent Convention in 1992, there was a substantial drop in the annual volume of patent applications being filed at the Office. In general, while the number of applications being received appears to have stabilised at around 25% of the pre - 1992 level the number of applications received in 2003 is the lowest since 1996. The drop in national applications is representative of a trend seen throughout Europe, with the economic downturn experienced in 2002 continuing into 2003.

Applications claiming priority under the Paris Convention totalled 276.

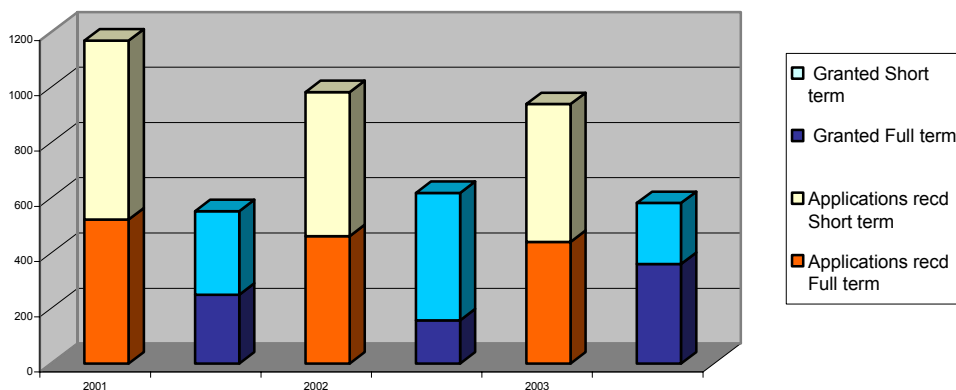
Analyses by country of the applications received and patents granted are given in Appendix C and Appendix D, respectively. The number of applications received from applicants in the State was 862 compared with 914 in 2002.

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		
	For Full 20 year Term	For short term (10 year)	TOTAL	20 year	short term (10 year)	TOTAL
2001	521	648	1169	249	302	551
2002	461	521	982	156	461	617
2003	440	499	939	360	221	581

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

PATENT APPLICATIONS AND GRANTS 2001 - 2003



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
2002	96,779
2003	104,529

In 2003, the number of granted European patents designating Ireland was 21,843, a 61% increase over the 2002 figure of 13,573 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.

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 259 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 173. 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 114, of which 53 were filed by applicants whose places of residence or principal places of business were outside the State.

Revocation of Patents

There were three applications to the Controller for revocation of patents pending at the end of 2003. The revocation proceedings in these cases had not been concluded by the end of the year.

Patents in force

The number of patents in force on the 31 December 2003 was 49,713. The number of patents in respect of which renewal fees were paid was 29,064 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 7,533 and 310 expired through effluxion of time.

Restoration of Lapsed Patents

At the end of 2002, nine applications for restoration of lapsed patents were pending. Eight applications for restoration were received during 2003. A total of ten patents were restored leaving seven applications for restoration pending at the end of 2003.

Requests for Supplementary Protection Certificates

A total of 15 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, 49 certificates were granted (medicinal and plant protection). At the end of the year there were 89 requests pending.

Register of Patent Agents

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

DESIGNS

2003 was the first full year of the operation of the Industrial Designs Act, 2001, which came into effect in July, 2002. There were 141 applications for registration of designs filed under the Act in 2003. The 141 applications were in respect of a total of 274 designs as some 36 of the applications received related to more than one design.

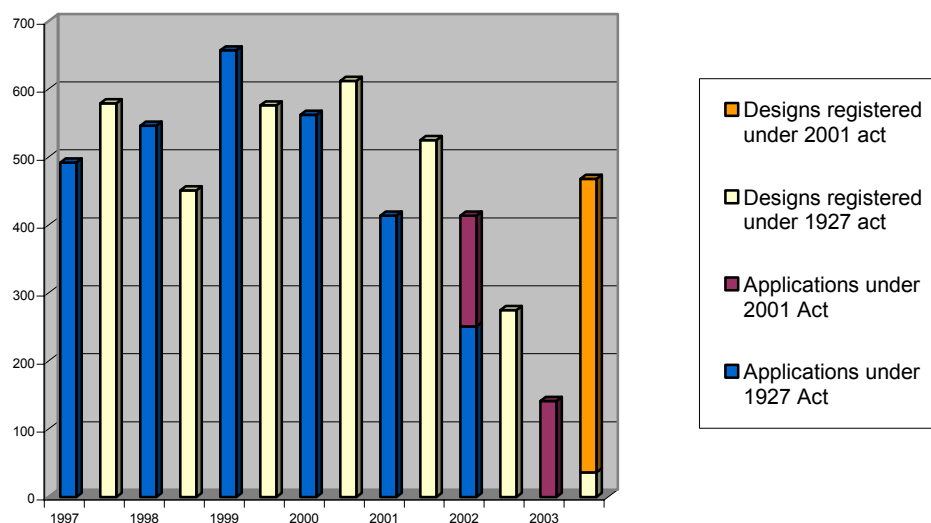
An analysis by country of origin of the applications received is given in Appendix C. Applications filed by residents in the State totalled 53 compared to 70 in 2002.

I mentioned in my Report for 2002 that the Office was working on the development of a new module of its automated administration system, Ptolemy, to facilitate the receipt, examination, registration and publication of applications under the new Act. That work was duly completed on time and a special effort was made to quickly process the backlog of applications that had developed prior to the delivery of the new automated functionality. I am pleased to report that a total of 379 applications were examined during the year and the backlog of applications awaiting examination was effectively eliminated

The number of designs registered during the year under the 2001 Act was 432; in addition 36 designs were registered under the 1927 Act. 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 289 cases and a third period of five years in 101 cases of designs registered under the 1927 Act. 498 registrations lapsed. The number of designs in force at the end of the year was 3,457 registered under the 1927 Act and 432 registered under the 2001 Act.

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

DESIGN APPLICATIONS AND REGISTRATIONS 1997 -2003



Community Designs

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 came 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 exists 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 is analogous to a registered Community Trade Mark in that it has a unitary character throughout the Community and the registration process is administered by the Office for Harmonisation in the Internal Market (OHIM) in Alicante, Spain. Registration is 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, bear a design which does not produce a different overall impression from that created by the products of the proprietor incorporating the registered design. Following adoption of Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002, the Registered Community Design System came into effect on 1 April 2003. Applications were permitted to be made from the 1 January 2003 and all applications filed in the transition period from January to 1 April 2003 were accorded the filing date of 1 April 2003.

In the same way as applicants for a Community Trade Mark may file their applications to the OHIM through my Office, applicants for a Registered Community Design may also file their applications to the OHIM through the Office. During 2003, a total of 11 Community Design Applications were filed through the Office and forwarded to O.H.I.M, Alicante, Spain. The Office receives a €25 handling fee in respect of each application.

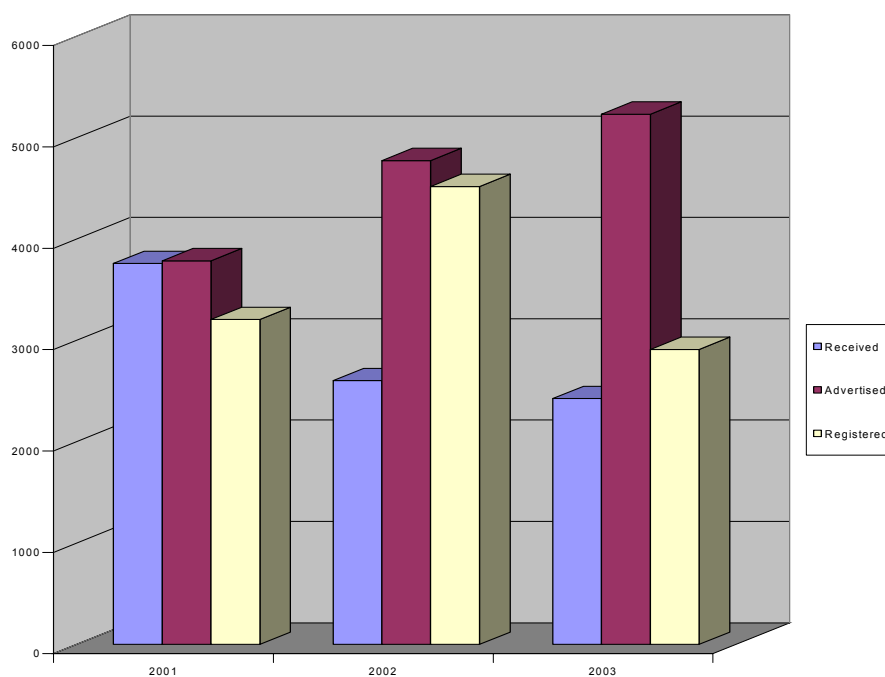
TRADE MARKS

National Applications and Registrations

The number of national applications for the registration of trade marks received during the year under the Trade Marks Act 1996, 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	National Applications		
	Received	Advertised	Registered
2001	3,760	3,785	3,206
2002	2,604	4,774	4,514
2003	2,427	5,233	2,911

NATIONAL TRADE MARKS 2001 - 2003

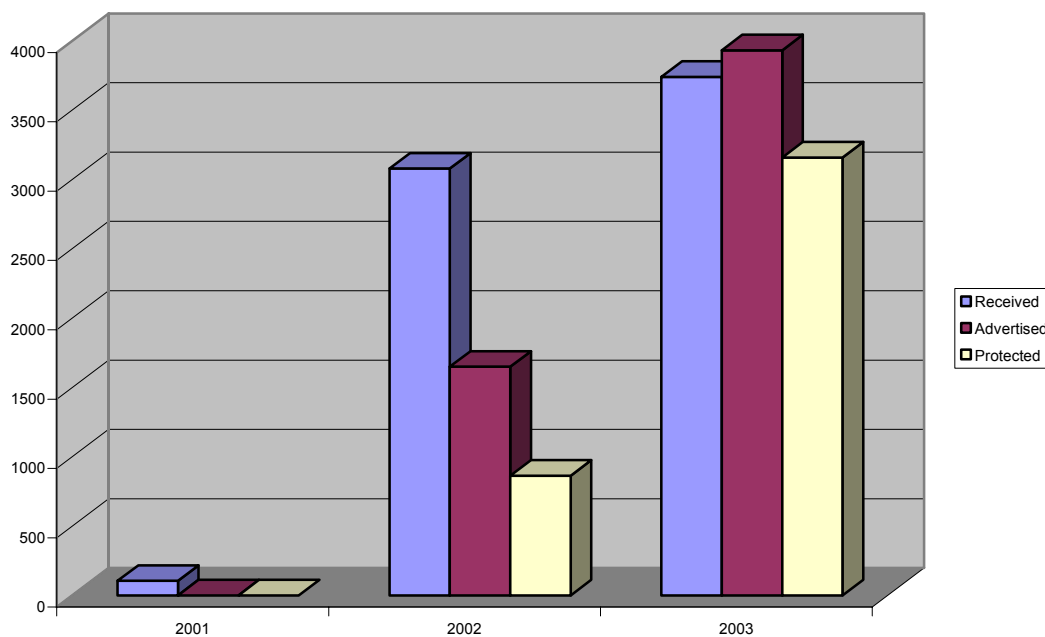


International Registrations designating Ireland

The number of international trade mark registrations designating Ireland received during the year, together with the number of these marks advertised in the Journal and protected, are given in the table below.

Year ended	International Registrations		
	Received	Advertised	Protected
2001	105	None	None
2002	3,078	1,649	864
2003	3,739	3,931	3,157

INTERNATIONAL TRADEMARKS 2001 - 2003



Commentary

The 2427 national trade mark applications received in 2003 includes 906 applications in respect of services.

During the year under review, some 6,588 new applications were examined by the Office. While this is somewhat lower than the corresponding figure for 2002 (approximately 7,200), it is, nevertheless, a satisfactory output. The number of applications received during 2003 (6,166) was higher than the corresponding figure for 2002 (5,682). The proportion of new applications that is accounted for by international trade marks designating Ireland under the Madrid Protocol continues to rise and these accounted for approximately 60% of all new applications received in 2003.

2003 was the fifth year in a row to show an increase in the total number of (national and international) trade mark applications received in the Office and a concerted examination effort was required to ensure that the processing time was satisfactory. In many cases the time between the filing of an application and its initial examination was about 6 weeks.

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 1285 compared with 826 in 2002. Details of the international classification of goods and services into which the trade marks registered in 2003 fall are shown in Appendix G. The number of registrations of trade marks renewed was 2,598. The number removed from the Register for non-payment of renewal fees was 3,830. On 31st December 2003, the number of national registered trade marks in force was 89,812 and the number of International Marks in force was 4,015 resulting in a grand total of 93,827 marks 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 those affected an opportunity of being heard on the matter. 19 *ex-parte* hearings were taken in 2003 and the need for a hearing was waived in a further 96 cases that had been awaiting hearing. In the case of *inter-partes* cases, which mainly involve opposition by third parties to registration of marks, 12 cases were decided during 2003. There were still some 57 of these cases awaiting hearing at the end of the year and the Office continues to strive to reduce that number. In many of these cases, the parties are represented by Counsel and it is often difficult to find dates that are suitable to both sides for the appointment of hearings.

Appeals

None of the five notices of Appeal to the High Court that were pending at the end of 2002 was still pending at the end of 2003. One was not proceeded with by the Appellant, one was found to be inadmissible (see below re Supreme Court), one was dismissed and two were allowed. In the case of the two appeals that were allowed by the High Court (which were related cases and were the subject of a single judgement), I considered making an appeal to the Supreme Court as I regarded the High Court judgement as having raised important questions of law and possibly being at odds with recent decisions of the European Court of Justice in trade mark cases. In the event, it was not necessary to proceed with an appeal as the successful Appellant before the High Court agreed that the marks in question were registrable only on the basis of distinctiveness acquired through use and also agreed to disclaim exclusive rights in certain elements of the marks, thereby clarifying the scope of protection afforded by their registration.

Two notices of Appeal to the High Court were filed during 2003 and these were still pending at the end of the year.

The notice of Appeal to the Supreme Court that was pending at the end of 2002 was determined during 2003. I had instituted the Appeal, which concerned the question of the time within which an appeal to the High Court against a decision of the Controller may be made. That question had arisen in the context of a specific appeal that was pending before the High Court. The Supreme Court allowed my Appeal and this had the effect of rendering inadmissible the proposed appeal before the High Court.

Oppositions to Registration

There were 378 notifications of opposition pending at the end of 2002. During the year 150 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 363 notices of opposition pending at the end of 2003.

Assignments and Transmissions

During the year 599 persons were entered in the Register as proprietors of trade marks consequent on assignments or transmissions. The number of trade marks affected was 1,901.

Matters affecting the Register of Trade Marks

There were 5 applications under Section 34 of the 1963 Act for the removal of registered marks pending at the end of 2002. No further applications were received in 2003. During the year, 3 cases were decided leaving 2 applications pending at the end of 2003.

There were 6 applications under Section 40 of the 1963 Act for rectification of the Register pending at the end of 2002. One further application was received in 2003. During the year 1 case was decided leaving 6 applications pending at the end of 2003.

There were 30 applications under Section 51 of the 1996 Act for revocation of registration pending at the end of 2002. In 2003 a further 15 applications were received. During the year 25 cases were decided leaving 20 applications pending at the end of 2003.

There were 2 applications under Section 52 of the 1996 Act for declarations of invalidity of registration pending at the end of 2002. A further 4 applications were received in 2003. During the year 1 case was decided leaving 5 applications pending at the end of 2003.

Community Trade Mark Applications

During 2003, a total of 77 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 receives a €25 handling fee in respect of each application.

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 by the Office before being processed in the same way as national applications. 86 conversion applications were received in 2003, all of which were deemed admissible.

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

The Protocol relating to the Madrid Agreement concerning the International Registration of Marks is an international agreement under the aegis of the World Intellectual Property Organisation (WIPO), which allows a trade mark proprietor to make a single application to WIPO for registration of his or her mark in any or all of the countries that are party to the Protocol. Ireland ratified the Madrid Protocol on 19 July, 2001 and the State could be designated in international applications since 19 October, 2001.

During the year 3,739 international registrations designating Ireland were notified to the Office. These are examined for registrability (or “protection”, as it is referred to in the Protocol) in the same way as national applications made directly to the Office under the 1996 Act. This is a growing body of work and the number of international registrations designating Ireland continues to exceed the number of national applications filed directly with the Office.

Licences/Registered Users

During the year, 54 applications under Section 29 of the 1996 Act were dealt with, leaving 35 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, 13 such applications were pending at the end of 2003.

Register of Trade Mark Agents

At the end of the year under review, there were 141 individuals and 6 partnerships entered on the Register.

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. During June 2002 the arbitrator delivered his award in respect of two cases. Following this the two establishments in question initiated High Court proceedings by way of appeal against the arbitration awards. I was named as a Co-defendant in these proceedings. On the 7 November 2002 the matter came before the Master of the High Court who made an order adjourning generally the Plaintiffs' actions against me. At the end of 2003 both sets of proceedings were still pending. The arbitrator did not deliver any further arbitration awards during 2003.

Disputes Referred under Section 38 of the Copyright & Related Rights Act, 2000

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 previous reports, I sought the assignment of additional staff – essentially someone with accounting expertise and a legal background – to assist me in the discharge of my functions. However no additional staff have yet been assigned for this purpose. I had received 81 references of disputes under Section 38(4) by the end of 2003, 76 of which were still pending at the end of the year. I decided to refer 43 of these disputes which, involved discos/nightclubs, to arbitration and invited the parties to propose the names of persons to me who might be appointed as arbitrator: that matter had not concluded by the end of the year.

I have decided to refer to an arbitrator the dispute relating to a licensing scheme submitted to me pursuant to section 152 which was pending at the end of 2002. I received notification from the arbitrator that this dispute was settled in December 2003.

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

3 new registrations were made during 2003 (and 1 registration expired) in the Register of Copyright Licensing Bodies resulting in 6 registrations in force in that register at the end of 2003.

I also have one application, received in 2001, for registration in the Register of Licensing Bodies for Performers' Property Rights. However, due to the fact that the statutory instrument regulating the registration procedure in respect of this matter has not yet been made by the Minister, I have been unable to date, to deal with the application received.

INTERNATIONAL MATTERS

Proposal for a Regulation amending Community Trade Mark Regulation 40/94

Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark set up a unitary system of protection of trade marks throughout the Member States via Community registration, effected through the Office for Harmonisation in the Internal Market (OHIM). The amending Regulation submitted by the Commission in January 2003 proposed a number of administrative changes to make the Community system more efficient. The most contentious issue related to the manner of dealing with searches by national offices designed to establish any prior existing rights at national level or any confusingly similar marks registered nationally.

In November 2003, the Competitiveness Council unanimously agreed the draft Regulation modifying Regulation 40/94. In relation to national searches, Council agreed a transitional period of 4 years for the current system to prevail. After this, national searches will only be carried out at the specific request of an applicant for a community registration. This provision will have an impact on the fee income of the Patent Office in the event that demand for Irish national searches declines after the transitional period expires. In parallel with this initiative, the Community Trade Mark Office decided in November 2003 to amend the scale of fees payable to national offices for carrying searches. With effect from 1 January 2004 the fee reduces from €25 to €20; to €15 in January 2005 and to €12 with effect from 1 January 2006.

Decision allowing the EU to become party to the Madrid Protocol

The Community trademark registration system and the international registration system for trade marks under the Madrid Agreement and the Madrid Protocol have been operating in tandem for some years. Establishing a link between both systems would enhance the integration and functioning of the internal market in that it would enable a Community Trade Mark to be used as the basis for an international registration of the same mark under the Madrid Protocol established in 1989 and, vice versa.

In October 2003, the Council, acting on a proposal from the Commission, approved the accession of the EU to the Madrid Protocol and authorised the President of the Council to deposit the instrument of accession with WIPO as from the date on which the Council adopted the measures necessary to give effect to accession. Necessary measures to give effect to the Council decision will be completed in 2004.

Proposal for a Directive of the European Parliament and of the Council on measures and procedures to ensure the enforcement of intellectual property rights.

The proposed Directive, which was submitted by the Commission in January 2003, has as its objective, the aim of harmonizing the law and practice in Member States in relation to enforcement measures to protect intellectual property. Specifically, the measures it would extend throughout the EU include, the application of provisional measures (e.g. interlocutory injunctions); injunctions to prevent the sale of counterfeit or pirate goods; evidence-gathering powers for judicial authorities including the possibility to seize infringing goods in certain circumstances; and powers to force offenders to pay damages to rightholders to compensate for lost income. In the case of offences carried out on a commercial scale, judicial powers would extend also to potentially ordering the production of banking, financial or commercial information. In this instance also, the judicial authorities would have the authority to request information from persons involved in infringing acts to disclose information on the origin of the goods and on the distribution network with a view to getting right down the transaction chain.

The proposal commenced discussion in a Council Technical Working Group on Intellectual Property in June 2003. It was actively progressed under the Italian Presidency to the point where three technical readings of the proposal were completed by December 2003. In the European Parliament, the Committee on Legal Affairs and the Internal Market voted a number of amendments to the Commission proposal on 27 November 2003. Shortly thereafter, the Committee informed the Council of its hope that the European Parliament and the Council could adopt the Directive at first reading. As incoming Presidency, Ireland undertook to work towards the objective of achieving agreement on the proposal with the Parliament and Council during its Presidency in the first half of 2004.

Proposal for a Directive of the European Parliament and of the Council on the patentability of computer-implemented inventions

Computer programs “as such” are generally excluded from patentability under EU Member States’ patent laws and under the European Patent Convention, which applies to the operation of the European Patent Office (EPO). However, the application of the legal provisions in the various jurisdictions and by the EPO is divergent. There are differences, in particular, between the case law of the Boards of Appeal of the European Patent Office and the courts of Member States. Thus, a computer-implemented invention may be protected in one Member State but not in another which has direct and negative effects on the proper functioning of the internal market.

In November 2002 the Competitiveness Council agreed a common approach on a Directive aimed at rectifying the position and making the conditions of patentability more harmonised.

In September, 2003, the European Parliament suggested a wide range of amendments to the proposal. Consideration of the Parliament’s amendments commenced in the EU Council Working Party on Patents in late 2003. Work on this dossier will continue under the Irish Presidency with a view to reaching a Common Position of the Council on the European Parliament amendments at the Competitiveness Council in May, 2004.

Proposal for a Council Regulation on the Community Patent

Negotiations among EU Member States continued on a proposal aimed at creating a new unitary patent system covering the whole territory of the Community through the introduction of a Community Patent. On 3 March, 2003 the Competitiveness Council reached agreement on certain political aspects of the proposed Community Patent. The agreement sets out the parameters to apply on the contentious elements of translation of specifications of patents and costs, the role of the national patent offices, distribution of fees for community patents and the jurisdictional system. Political agreement on the text of a draft Community Patent Regulation was not concluded in 2003 and negotiations to reach agreement on this dossier will continue in 2004.

World Intellectual Property Organisation (WIPO)

The National Board of Patents and Registration of Finland was appointed an International Searching and Preliminary Examining Authority under the Patent Co-operation Treaty (PCT) by the PCT Union Assembly held in Autumn 2003. The Assembly also adopted amendments to PCT fees, including proposals for greater availability of fee reductions for applicants from least developed countries and a new schedule of fee reductions for international application under the PCT filed in fully electronic form.

The initial mandate of the Intergovernmental Committee (IGC) established in 2001 to consider the relationship between Intellectual Property and genetic resources, traditional knowledge and folklore expired at the end of 2003. The WIPO General Assembly, held in Autumn 2003 decided on an extended mandate for the IGC, requiring it to accelerate its work, and to focus in particular on the international dimension of IP and genetic resources, traditional knowledge and folklore. The new mandate excluded no outcome for the IGC's work, including the possible development of an instrument or instruments in this field.

INFORMATION TECHNOLOGY

The Department of Enterprise, Trade and Employment provides the IT infrastructure and the support and maintenance of the Office's administration systems and provides the funding for the expenditure involved.

Some enhancements to the Ptolemy administration system continued throughout the year. As I mentioned earlier the functionality required in order to examine and register design applications under the Act of 2001 was installed.

The EPO assisted the Office in the purchase and installation of new servers and software to enable the searching of CD/DVD-Roms containing Patent Information and the provision of direct access by the Patent Examiners to the EPO's own databases.

APPENDIX A

STAFF SERVING AT 31 DECEMBER 2003

Number	Staff
1	Controller
2	Assistant Principal
1	Senior Patent Examiner
8	Higher Executive Officer
3	Patent Examiner
22.5	Executive Officer
4.5	Staff Officer
32.5	Clerical Officer
1	Services Officer
75.5	

In addition there are 4 staff members of the Department of Enterprise, Trade and Employment (1HEO Systems Analyst, 2 EO's and 1 CO) working in the Office providing information technology services.

APPENDIX A (continued)

ADMINISTRATION DIVISION		
1 Assistant Principal		
Finance & Customer Service	Grants & Registration	Maintenance
1 HEO	1 HEO	1 HEO
2 EO	1 EO	2 EO
3 SO	1 SO	0.5 SO
12 CO	9 CO	5.5 CO
1 Service Officer		

TRAINING
1 EO

PATENT EXAMINATION DIVISION
1 Senior Examiner
3 Examiners

TRADE MARK EXAMINATION DIVISION
1 Assistant Principal
5 HEO
16.5 EO
6 CO

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

APPENDIX B

RECEIPTS AND EXPENSES - YEAR ENDED 31 DECEMBER 2003

Receipts	€ 000
Patent fees (Notes 1 and 2)	4,745
Trade Mark fees	1,745
International Trade Mark Registration – fees received from WIPO (Note 3)	1,315
Fees received for the searching of Community Trade Marks (Note 4)	1,018
Design fees	86
Other fees	45
Less refunds made in respect of Patents and Trade Mark fees paid in error	101
Net receipts accruing to the exchequer	8,853

Expenses	€ 000
Salaries	2,665
Employer's PRSI	123
Printing, Binding, etc.	92
Telephones	51
Postal Services	32
Subscriptions to Industrial Property Unions	313
Expenses of Representation at International Meetings and Travelling Expenses	67
Law Reporting and Legal Costs	23
Maintenance of Buildings, Rents, Rates, Heating, Furniture, etc.	77
Office Machinery, Computer Equipment, Stationary, etc.	734
Total	4,177

APPENDIX B (continued)

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 Patents Office 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.

	€ 000
Patent fees	6,526
Less Proportion of patent renewal fees transferred to the European Patent Office, Munich.	1,781
Net Patent fees which accrue to the Exchequer	4,745

Note 2

The Patents Office acts as a receiving Office for patent applications made under the Patent Co-operation Treaty and as such receives fees for onward transmission to both the European Patent Office and the World Intellectual Property Organisations. These fees do not accrue to the Irish exchequer and are therefore not included in the figure for net receipts. Details of the fees transferred to the EPO and WIPO during 2003 are as follows:

	€ 000
PCT Basic and Designation Fees transferred to WIPO, Geneva	171
PCT Search fees transferred to EPO, Munich	160
Total	331

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 receives fees due in respect of International Trade Mark applications seeking protection in Ireland from the World Intellectual Property Organisation (WIPO).

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	862	91.80	1285	52.95	53	37.58
ARGENTINA			4	0.16		
AUSTRALIA	3	0.31	14	0.58	1	0.71
AUSTRIA			5	0.21		
BELGIUM	2	0.21	7	0.29	1	0.71
BERMUDA			6	0.25		
BRAZIL			3	0.12		
BRITISH VIRGIN ISLANDS			1	0.04		
CAYMAN ISLANDS			3	0.12		
CANADA	2	0.21	2	0.08		
CHILE			8	0.33		
CHINA	2	0.21	3	0.12		
CUBA			1	0.04		
DENMARK			1	0.04		
FINLAND	1	0.11			7	4.96
FRANCE	2	0.21	29	1.19	5	3.54
GERMANY	3	0.32	87	3.58	11	7.80
HONG KONG			3	0.12	2	1.42
HUNGARY			1	0.04		
ISRAEL			2	0.08		
ITALY			2	0.08	4	2.84
JAPAN			34	1.40	9	6.38
KOREA			14	0.58		
LIECHTENSTEIN	1	0.11				
LUXEMBOURG			10	0.41		
MALAYSIA			1	0.04		
MAURITIUS			1	0.04		
NETHERLANDS	3	0.32	19	0.78	3	2.13

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.
NEW ZEALAND	1	0.11	2	0.08		
NORWAY	1	0.11	1	0.04		
OMAN	1	0.11				
POLAND			1	0.04		
PUERTO RICO			4	0.16		
SINGAPORE			5	0.21		
SOUTH AFRICA			5	0.21		
SPAIN	2	0.21	2	0.08	3	2.13
SWEDEN			6	0.25		
SWITZERLAND	3	0.32	49	2.02	2	1.42
TAIWAN			3	0.12		
THAILAND			2	0.08		
UNITED ARAB EMIRATES			3	0.12		
UNITED KINGDOM	37	3.94	510	21.01	27	19.15
USA	13	1.38	288	11.87	13	9.22
TOTAL	939	100	2427	100	141	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 Under 1927 Act	% of Total No.	No. Registered Under 2001 Act	% of Total no.
REP. OF IRELAND	330	56.80	972	33.39	11	30.56	72	16.67
ANTIGUA & BARBUDA			1	0.03				
ARGENTINA			5	0.17				
AUSTRALIA			9	0.31			2	0.46
AUSTRIA			15	0.52				
BARBADOS	1	0.17	2	0.07				
BELGIUM	3	0.52	22	0.76	1	2.78	6	1.39
BERMUDA	2	0.34	2	0.07				
BRAZIL			4	0.14	1	2.78	1	0.23
CANADA	4	0.69	4	0.14				
CHILE			11	0.38				
CHINA			2	0.07				
CROATIA			2	0.07				
CUBA			1	0.03				
CYPRUS	1	0.17						
DENMARK	1	0.17	10	0.34			1	0.23
DEMOCRATIC REPUBLIC OF CONGO	1	0.17						
FINLAND			4	0.14	8	22.22	34	7.87
FRANCE	10	1.72	112	3.85	7	19.44	27	6.25
GERMANY	17	2.92	201	6.90	3	8.33	45	10.42
GIBRALTAR	1	0.17						
GREECE			1	0.03				
HONG KONG			2	0.07			2	0.46
ICELAND	2	0.34						
INDIA			1	0.03				
ISRAEL			3	0.10				
ITALY	3	0.52	32	1.10			19	4.40
JAPAN	8	1.38	38	1.31			10	2.31

APPENDIX D (continued)

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

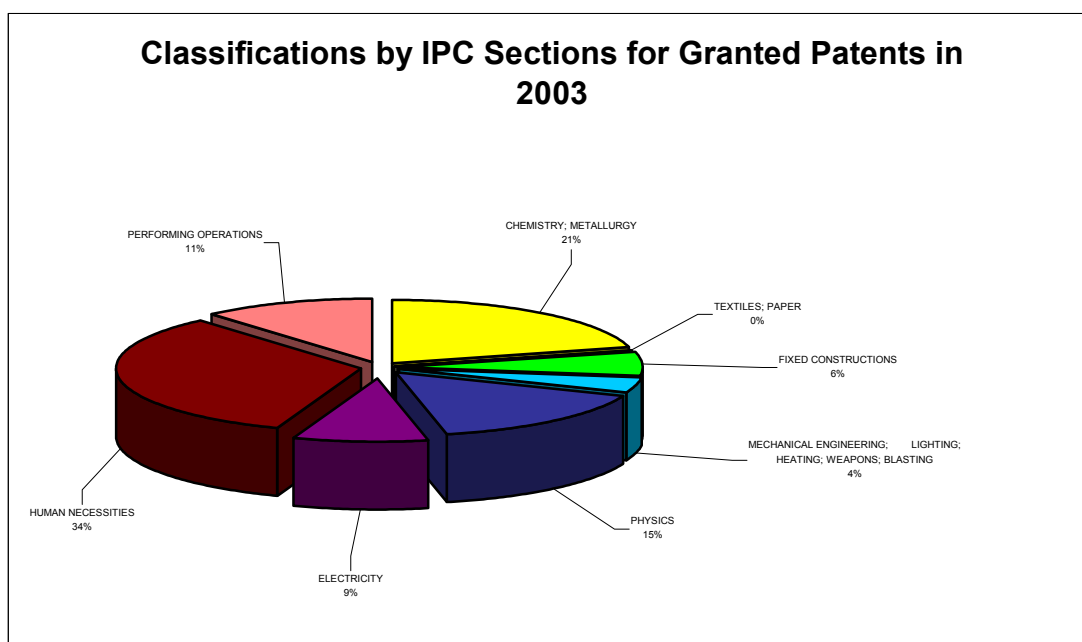
COUNTRY	PATENTS		TRADE MARKS		DESIGNS			
	No. Granted	Percentage of Total No.	No. Registered	Percentage of Total No.	No. Registered Under 1927 Act	% of Total No.	No. Registered Under 2001 Act	% of Total No.
KOREA			14	0.48				
LIECHTENSTEIN			2	0.07				
LUXEMBOURG			6	0.21				
MAURITIUS			2	0.07				
MEXICO			1	0.03				
NETHERLANDS	8	1.38	75	2.58	1	2.78	18	4.17
NEW ZEALAND			7	0.24				
NORWAY	1	0.17	5	0.17			1	0.23
PAKISTAN			1	0.03				
POLAND			4	0.14				
PORTUGAL			1	0.03			1	0.23
PURTO RICO			4	0.14				
RUSSIAN FEDERATION			1	0.03				
SINGAPORE	1	0.17	4	0.14				
SLOVENIA			2	0.07				
SOUTH AFRICA			12	0.41				
SPAIN	2	0.34	12	0.41			4	0.92
SWEDEN	6	1.03	11	0.38			8	1.85
SWITZERLAND	17	2.92	113	3.88			11	2.55
TAIWAN			2	0.07				
THIALAND			1	0.03				
TURKEY			1	0.03				
UNITED KINGDOM	34	5.85	684	23.50	1	2.78	102	23.61
USA	128	22.03	486	16.70	3	8.33	68	15.74
VIRGIN ISLANDS			4	0.14				
TOTAL:	581	100	2911	100	36	100	432	100

APPENDIX E

CLASSIFICATION OF PATENTS GRANTED BY THE OFFICE IN YEAR ENDED 31 DECEMBER 2003 ACCORDING TO THE INTERNATIONAL CLASSIFICATION

CLASSIFICATION	No of grants in Classification *
A. HUMAN NECESSITIES	255
B. PERFORMING OPERATIONS	86
C. CHEMISTRY; METALLURGY	161
D. TEXTILES; PAPER	2
E. FIXED CONSTRUCTIONS	47
F. MECHANICAL ENGINEERING; LIGHTING; HEATING; WEAPONS; BLASTING	31
G. PHYSICS	118
H. ELECTRICITY	69

* 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

NUMBER OF RENEWAL FEES PAID TO KEEP PATENTS IN FORCE FOR YEARS 1994 TO 2003

Year for which paid	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
3rd year	1,924	3,463	1,803	1,520	293	232	751	814	504	472
4th year	1,882	3,424	2,142	2,019	848	486	962	1,044	941	1221
5th year	1,874	3,097	2,026	2,955	1,924	1218	1906	2,142	1540	2298
6th year	1,831	2,635	1,606	2,253	2,644	1840	2972	3,338	2414	2704
7th year	1,698	1,817	1,560	1,550	1,726	1847	3454	4,144	3181	3300
8th year	1,188	1,362	1,280	1,446	1,140	637	3488	4,546	3414	3580
9th year	756	1,032	1,143	1,216	1,171	639	1951	3,780	3453	3427
10th year	641	879	880	1,052	994	667	1105	2,204	3307	3486
11th year	565	742	769	814	915	563	1078	1,336	1606	2731
12th year	490	666	678	696	725	550	910	1,199	891	1492
13th year	420	579	602	627	623	408	821	1,040	916	844
14th year	321	503	504	555	550	357	647	862	730	808
15th year	288	370	439	466	495	275	531	683	675	627
16th year	239	312	319	413	411	271	473	599	539	588
17th year	169	281	281	300	362	239	413	553	444	470
18th year	165	221	246	247	270	198	348	452	386	401
19th year	55	185	183	220	217	151	290	441	319	341
20th year*	—	64	158	164	185	114	207	248	263	274
Total	14,506	21,632	16,619	18,513	15,493	10,746	22,307	29,425	25523	29064

* 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 2003 FALL

Class	Classification of Goods	No of marks in classification
01	Chemical Products, etc.	70
02	Paints, etc.	101
03	Bleaching Preparations, etc.	256
04	Industrial Oils, etc.	26
05	Pharmaceutical Substances, etc.	404
06	Unwrought and Partly Wrought Common Metals and their Alloys	66
07	Machines and Machine Tools, etc.	52
08	Hand Tools and Instruments, Cutlery, etc.	29
09	Scientific Apparatus and Instruments, etc.	430
10	Surgical Instruments, etc.	90
11	Installations for Lighting, etc.	85
12	Vehicles; Apparatus for Locomotion by Land, Air or Water	108
13	Firearms, Ammunition and Projectiles; Explosive Substances; Fireworks	4
14	Precious Metals and their Alloys, etc.	81
15	Musical Instruments (other than talking machines and wireless apparatus)	9
16	Paper, etc.	434
17	Gutta Percha, India Rubber, etc.	36
18	Leather, etc.	113
19	Building Materials, etc.	87
20	Furniture, etc.	84
21	Small Domestic Utensils, etc.	79
22	Ropes, etc.	7
23	Yarns, Threads	4
24	Tissues (piece goods), etc.	57
25	Clothing, including Boots, Shoes and Slippers	244
26	Lace and Embroidery, etc.	16
27	Carpets, etc.	23
28	Games, etc.	126
29	Meat, Fish, Poultry and Game, etc.	267
30	Coffee, Tea, Cocoa, Sugar, Rice, etc.	344
31	Agricultural Products, etc.	44
32	Beer, etc.	127
33	Wines, Spirits and Liqueurs	98
34	Tobacco, etc.	33
35	Advertising, Business Management, etc.	347
36	Insurance, Financial Affairs, etc.	211
37	Building Construction, Repair, Installation Services.	140
38	Telecommunications	173
39	Transport, Packaging and Storage of Goods, etc.	150
40	Treatment of Materials	46
41	Education, Entertainment, etc.	337
42	Scientific and technological services	360
43	Providing food and drink	70
44	Medical services, etc	60
45	Personal and social services	7

APPENDIX H

**DESIGNS REGISTERED UNDER THE INDUSTRIAL DESIGNS ACT, 2001 DURING THE
YEAR ENDED 31 DECEMBER, 2003
LISTED ACCORDING TO THE INTERNATIONAL CLASSIFICATION**

Class	Classification	Designs Registered
01	Foodstuffs	10
02	Articles of Clothing and Haberdashery	20
03	Travel Goods, Cases, Parasols and Personal Belongings, not elsewhere specified	8
04	Brushware	20
05	Textile Piecegood Articles, Artificial and Natural Sheet Material	6
06	Furnishings	18
07	Household Goods, not elsewhere specified	45
08	Tools and Hardware	11
09	Packages and Containers for the Transport or Handling of Goods	78
10	Clocks and Watches and other Measuring Instruments, Checking and Signalling Instruments	9
11	Articles of Adornment	2
12	Means of Transport or Hoisting	3
13	Equipment for Production, Distribution or Transformation of Electricity	7
14	Recording, Communication or Information Retrieval Equipment	49
15	Machines, not elsewhere specified	6
16	Photographic, Cinematographic and Optical Apparatus	0
17	Musical Instruments	2
18	Printing and Office Machinery	1
19	Stationery and Office Equipment, Artists' and Teaching Materials	20
20	Sales and Advertising Equipment, Signs	3
21	Games, Toys, Tents and Sports Goods	16
22	Arms, Pyrotechnic Articles, Articles for Hunting, Fishing and Pest Killing	0
23	Fluid Distribution Equipment, Sanitary, Heating, Ventilation and Air-Conditioning Equipment, Solid Fuel	17
24	Medical and Laboratory Equipment	9
25	Building Units and Construction Elements	39
26	Lighting Apparatus	15
27	Tobacco and Smokers' Supplies	3
28	Pharmaceutical Products and Cosmetic Products, Toilet Articles and Apparatus	12
29	Devices and Equipment Against Fire Hazards, for Accident Prevention and for Rescue	1
30	Articles for the Care and Handling of Animals	2
31	Machines and Appliances for Preparing Food or Drink, not elsewhere specified	0
99	Miscellaneous	0
	TOTAL	432

APPENDIX I

ENACTMENTS AND STATUTORY INSTRUMENTS MADE DURING THE YEAR

Enactments

None

Statutory Instruments

S.I. No. 27 of 2003

The European Communities (Community Designs) Regulations 2003.

This Statutory Instrument came into effect in January 2003 and prescribes a handling fee of €25 to be charged by the Patents Office to cover the administrative costs of receiving and forwarding Community design applications to OHIM.

APPENDIX J

PERFORMANCE TARGETS 2003

Area of Activity	Level of Achievement
Patents	
<i>Issue formal filing receipts for correctly filed applications within 7 working days.</i>	85 – 100%
<i>Issue certified copies of patent documents within 5 working days of receipt of request.</i>	97 – 100%
<i>Issue confirmation of payment of patent renewal fees within 7 working days of receipt.</i>	100%
<i>Process applications for registration of assignments within 10 working days of submission of a properly fully completed application.</i>	Exceeded 80% in most instances
<i>Grant patents within 10 working days of receipt of grant fee.</i>	88 – 100%
<i>Issue patent certificate and specification within 10 working days of publication.</i>	100%
<i>Transmit European and PCT applications and relevant statistical data to EPO/WIPO within 5 working days of receipt.</i>	98 - 100% in most instances
<i>To approve the grant of short term patents within a period of 6 to 9 months from filing of a properly completed application.</i>	75 – 100%
<i>Record amendments to the patent register (pending applications) within 10 working days of receipt of properly completed application.</i>	100%

APPENDIX J (Continued)

PERFORMANCE TARGETS 2003

Area of Activity	Level of Achievement
Trade Marks	
<i>Issue formal filing receipts for correctly filed trade mark applications within 7 working days.</i>	80 – 99%
<i>Issue reminder for trade mark renewal not later than 4 weeks before the expiration of the registration of the trade mark or any Renewal thereof.</i>	100%
<i>Process assignment applications within 10 working days of receipt of fully completed application.</i>	85 – 100%
<i>Issue certified copies and extracts from the Trade Marks Register within 5 working days of application.</i>	100%
<i>Issue a request for payment of registration fees within 10 working days of the expiration of the period for filing of opposition where no opposition is received.</i>	Exceeded 98% in most instances
<i>Issue of renewal certificate within 7 working days of receipt of payment.</i>	98 – 100%
<i>Record changes in the Trade Marks register in respect of names and addresses of proprietors, etc within 7 working days of receipt of a properly completed application.</i>	Exceeded 80% in most cases
<i>Issue response within 12 weeks of receipt of new application in the Office.</i>	100% in most cases
<i>Issue written grounds of a hearing decision within 2 months of request.</i>	100%
<i>To issue preliminary search reports within 3 weeks of receipt of request.</i>	100%
<i>Issue registration certificates within 10 working days of receipt of registration fee.</i>	99%
<i>Transmit CTM applications received in the office Within 5 working days of receipt to OHIM</i>	100% in most cases
Designs	
<i>Issue formal filing receipts for correctly filed design applications Within 7 working days.</i>	83 – 95%
<i>Issue response within 12 weeks of receipt of application for registration.</i>	100%
<i>Issue Design registration certificates within 14 working days of the application being accepted by examination division.</i>	100%
General	
<i>Issue receipts for all fees received within 2 working days</i>	Exceeded 75%

