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*Number 31 of 2006*

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**PATENTS (AMENDMENT) ACT 2006**

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Interpretation (section 2 of Principal Act).
3. Patentable inventions (section 9 of Principal Act).
4. Exceptions to patentability (section 10 of Principal Act).
5. Novelty (section 11 of Principal Act).
6. Date of filing application (section 23 of Principal Act).
7. Priority right (section 25 of Principal Act).
8. Withdrawal of application (section 33 of Principal Act).
9. Reinstatement of applications.
10. Restoration of lapsed patents (section 37 of Principal Act).
11. Amendment after grant (section 38 of Principal Act).
12. Limitation of effect of patent (section 42 of Principal Act).
13. Extent of protection (section 45 of Principal Act).
14. Relief for infringement of partially valid patent (section 50 of Principal Act).
15. Remedy for groundless threats of infringement proceedings (section 53 of Principal Act).
16. Grounds for revocation (section 58 of Principal Act).
17. Examination of application for revocation (section 59 of Principal Act).
18. Application for entry in register that licences of right are available (section 68 of Principal Act).
19. Compulsory licences (section 70 of Principal Act).
20. Provisions as to compulsory licences (section 71 of Principal Act).

21. Procedure on applications under sections 70 and 72 (section 73 of Principal Act).
22. Appeals and references to arbitrator (section 74 of Principal Act).
23. Supplementary provisions as to licences (section 75 of Principal Act).
24. Evidence before Controller (section 92 of Principal Act).
25. Appeals from decisions of Controller (section 96 of Principal Act).
26. Correction of errors (section 110 of Principal Act).
27. Effect of restoring a withdrawn application under section 110 of the Principal Act.
28. Extension of time limits specified by Controller.
29. Effect of European patent (section 119 of Principal Act).
30. Restoration where translation not filed under section 119(6).
31. Effect of filing application for European patent (section 120 of Principal Act).
32. Authentic text of European patents and patent applications (section 121 of Principal Act).
33. Conversion of European patent application (section 122 of Principal Act).
34. Transitional provisions (First Schedule to Principal Act).
35. Directions referred to in section 45(3) (Second Schedule to Principal Act).
36. Revocation.
37. Interpretation (section 2 of 1996 Act).
38. Relative grounds for refusal of registration (section 10 of 1996 Act).
39. Infringement of registered trade mark (section 14 of 1996 Act).
40. Infringing goods, material or articles: powers of seizure and search (section 25 of 1996 Act).
41. Registration of transactions affecting registered trade mark (section 29 of 1996 Act).
42. Claim to priority from other relevant overseas application (section 41 of 1996 Act).
43. The Paris Convention (section 60 of 1996 Act).
44. Appeals from the Controller (section 79 of 1996 Act).

[2006.] *Patents (Amendment) Act 2006.* [No. 31.]

45. Agreement establishing the World Trade Organisation – consequential amendments to 1996 Act.
  46. Transitional provisions (Third Schedule to 1996 Act).
  47. Costs of Controller in proceedings.
  48. References of dispute to arbitrator (section 367 of Copyright and Related Rights Act 2000).
  49. Infringement actionable by registered proprietor (section 57 of Industrial Designs Act 2001).
  50. Appeals (section 84 of Industrial Designs Act 2001).
  51. Short title and commencement.
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[No. 31.]      *Patents (Amendment) Act 2006.*      [2006.]

ACTS REFERRED TO

Copyright and Related Rights Act 2000	2000, No. 28
Industrial Designs Act 2001	2001, No. 39
Patents Act 1964	1964, No. 12
Patents Act 1992	1992, No. 1
Trade Marks Act 1996	1996, No. 6



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*Number 31 of 2006*

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**PATENTS (AMENDMENT) ACT 2006**

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AN ACT TO GIVE EFFECT TO CERTAIN PROVISIONS OF THE AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS ANNEXED TO THE AGREEMENT ESTABLISHING THE WORLD TRADE ORGANISATION DONE AT MARRAKESH ON 15 APRIL 1994; TO GIVE FURTHER EFFECT TO THE EUROPEAN PATENT CONVENTION SIGNED AT MUNICH ON 5 OCTOBER 1973; TO GIVE EFFECT TO THE PATENT LAW TREATY ADOPTED AT GENEVA ON 1 JUNE 2000; TO MAKE FURTHER PROVISION IN RESPECT OF MATTERS RELATING TO INTELLECTUAL PROPERTY AND FOR THOSE PURPOSES TO AMEND AND EXTEND THE PATENTS ACT 1992, THE TRADE MARKS ACT 1996, THE COPYRIGHT AND RELATED RIGHTS ACT 2000 AND THE INDUSTRIAL DESIGNS ACT 2001 AND TO PROVIDE FOR RELATED MATTERS.

[11th December, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Principal Act” means the Patents Act 1992;

“1996 Act” means the Trade Marks Act 1996.

2.—Section 2 of the Principal Act is amended in subsection (1)—

Interpretation  
(section 2 of  
Principal Act).

(a) by inserting the following after the definition of “the Act of 1964”:

“ ‘Agreement establishing the World Trade Organisation’ means the Agreement establishing the World Trade Organisation done at Marrakesh on 15 April 1994, as amended or supplemented by any protocol to that Agreement which is for the time being in force in the State;”,

(b) by inserting the following after the definition of “assignee”:

“ ‘Board of Appeal’ means a Board of Appeal referred to in Article 21 of the European Patent Convention;”,

(c) in paragraph (i) of the definition of “designate”, by inserting “, and includes a reference to a country being