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The Patents Office

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Oifig na bPaitinní

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

**An Seachtú  
Tuarascáil is Seachtó  
ón gCeannasaí  
Paitinní, Dearthaí  
agus Trádmharcanna**

**2004**

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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 2004.

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 24th May 2005



## RÉAMHRÁ

Is onóir dom, de réir fhorálacha Alt 103 d'Acht na bPaitinní, 1992, Tuarascáil a chur faoi bhráid an Oireachtais don bhliain dár críoch 31 Nollaig 2004.

Tá na feidhmeanna reachtúla agamsa leagtha amach in Acht na bPaitinní, 1992; in Acht na dTrádmharcanna, 1996; san Acht um Dearthaí Tionscail, 2001; sna Rialacha agus sna Rialacháin Reachtúla a rinneadh faoi na hAchtanna sin; agus i Rialacháin na gComhphobal Eorpach (Deimhniú Cosanta Forlíontach). Fúmsa atá sé, i mo cháil reachtúil, cinnti faoi na hAchtanna, na Rialacha agus na Rialacháin sin a dhéanamh, faoi réir cearta áirithe achomhairc chun na hArd-Chúirte.

Tá feidhmeanna leathana agam freisin faoin Acht Cóipchirt agus Ceart Gaolmhar, 2000 (chuaigh sé sin in áit an Achta Cóipchirt, 1963) a tháinig i ngníomh an 1 Eanáir 2001. Chuir an tAcht sin go mór le mo chuid feidhmeanna reachtúla i gcúrsaí cóipchirt. I dteannta feidhmeanna réitithe díospóide in Acht 1963, ní mór dom anois plé le scéimeanna ceadúnúcháin agus scéimeanna ceadúnúcháin beartaithe a tharchuirtear faoi mo bhráid i ndáil le réimsí éagsúla atá faoi réir cóipchirt agus ceart eile; le nithe a bhaineann le téarmaí ceadúnas a tharchuirtear faoi mo bhráid; le hiarratais ar cheadúnais i gcás go bhfuil oibrítheoirí scéimeanna tar éis diúltú ceadúnais a thabhairt; le cásanna áirithe ina bhfuil ceadúnais ag dul in éag; agus le clárú comhlachtaí ceadúnúcháin.

Ina theannta sin, cuirim faisnéis ar fáil i ndáil le Maoin Tionscail agus Intleachtúil.

Tá an fhreagracht ar an Aonad Maoine Intleachtúla sa Roinn Fiontar, Trádála agus Fostaíochta as an bpolasaí i leith maoine intleachtúla agus as reachtaíocht a ullmhú sa réimse sin. Cuireann an Oifig comhairle ar fáil sna cúrsaí sin don Roinn, ar a n-áirítear tuairimí ar an tionchar a bheadh ar obair na hOifige ag athruithe beartaithe.

Le linn an chuid eile den Tuarascáil seo, mura n-éilíonn an comhthéacs a mhalairt, ciallaíonn tagairt d'Acht 1963 tagairt d'Acht na dTrádmharcanna, 1963; tagairt d'Acht 1964 tagairt d'Acht na bPaitinní, 1964; tagairt d'Acht 1992 tagairt d'Acht na bPaitinní, 1992, tagairt d'Acht 1996 tagairt d'Acht na dTrádmharcanna, 1996; agus tagairt d'Acht 2001 tagairt don Acht um Dearthaí Tionscail, 2001.

Seán Mac Giolla Phádraig  
An Ceannasaí  
Dáta 24ú Bealtaine 2005

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## GENERAL

Intellectual property rights are a key element in promoting competitiveness and economic growth. During the course of 2004 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 2004 to 2007 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)

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

#### Objective (2)

Seek to 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)

Recognise staff as a key asset of the office and utilise business planning and individual performance management and development in order to improve business performance and processes and 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 2004. I would like to formally acknowledge the commitment of the staff of the Patents Office to meeting these objectives, the customer service targets and the key tasks set out in the Office's Business Plan.

## GINEARÁLTA

Bunghné de chur chun cinn an iomaíochais agus an fháis eacnamaíoch is ea cearta maoiní intleachtúla. Le linn 2004, thriail an Oifig agamsa córas éifeachtach a sholáthar do lucht gnó, lucht tionscail agus d'fhiontraithe aonair chun a gcearta maoiní intleachtúla a chosaint.

### Bunchuspóir agus Cuspóirí Eile

Is é bunchuspóir lárnach Oifig na bPaitinní i gcónaí ná:

*"Córas éifeachtach agus éifeachtúil cosanta maidir le maoin tionscail a sholáthar lena spreagar dul chun cinn teicneolaíoch agus lena gcuirfear an fhiontraíocht chun cinn trí chur chun feidhme na reachtaíochta cuí ag an Oifig."*

I Ráiteas Straitéise na hOifige don tréimhse 2004 go 2007, leagtar amach na ceithre chuspóir seo a leanas, agus tá baint amach na gcuspóirí sin rithábhachtach maidir le bunchuspóir na hOifige a chur i gcrích. Ina theannta sin, nascann siad leis na cuspóirí náisiúnta is leithne ná sin maidir le tacaíocht agus spreagadh a thabhairt don fhiontraíocht agus don nuáil, agus timpeallacht éifeachtach gnó a chothú in Éirinn.

#### Cuspóir (1)

Leanúint ar aghaidh ag bronnadh paitinní agus ag clárú trádmharcanna agus dearthaí, bunaithe ar nósanna imeachta agus caighdeáin seirbhíse éifeachtacha ar léiriú iad ar an geleachtas idirnáisiúnta is fearr agus a fhreastalaíonn ar riachtanais ár gcustaiméirí.

#### Cuspóir (2)

Díriú ar an nua-theicneolaíocht a bhunú chun feabhas a chur le córais agus nósanna imeachta agus le seirbhís do chustaiméirí, agus aird a thabhairt ar éilimh na sochái faisnéise agus an ríomhghnó.

#### Cuspóir (3)

Aon reachtaíocht nua Maoine Intleachtúla lena gcruthaítear feidhmeanna nua don Cheannasaí a chur chun feidhme.

#### Cuspóir (4)

An fhoireann a aithint mar acmhainn rithábhachtach de chuid na hOifige agus leas a bhaint as pleanáil gnó agus as bainistiú agus forbairt feidhmíochta aonair d'fhonn feabhas a chur ar an bhfeidhmíocht ghnó agus ar phróisis ghnó agus cur le héifeachtúlacht na heagraíochta.

Is léiriú í an fhaisnéis sa Tuarascáil seo ar an méid a raibh baint amach na gcuspóirí sin chun tosaigh i gcónaí in obair na hOifige le linn 2004. Ba mhaith liom aitheantas foirmeálta a thabhairt do thiomantas fhoireann Oifig na bPaitinní maidir leis na cuspóirí sin, na spriocanna seirbhíse do chustaiméirí agus na tascanna rithábhachtacha atá leagtha amach i bPlean Gnó na hOifige a bhaint amach.

## Receipts and Expenses

The receipts and expenses for the year amounted to €8.71 million and €3.65 million respectively. Further particulars are given in Appendix B.

## Office – Staff and Structure

The number of staff serving as at 31 December 2004 was 74. A breakdown of the staff serving at the end of the year is given in Appendix A. As a result of the extension of the teleworking scheme in 2004 the number of staff availing of this scheme increased to five. This scheme permits staff to carry out their duties from home for part of the week and to be present in the office on the other days.

No special staff have been assigned to me in respect of the discharge of copyright functions.

## 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 CD ROM and DVD for searching by the public in both the Dublin and Kilkenny Information centres.

In recent years the Office has pursued a policy of improving access to Intellectual property information via its website. It is now 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 published patent applications and granted patents and pending and registered trade marks. The Office's website also permits free 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 is also provided free of charge, is searchable and allows for flexible viewing of trade marks in colour.

The website was further advanced by the addition in December 2004 of the online renewal system which facilitates the payment of patent, trade mark and design renewal fees by credit and debit cards.

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 400,000 hits to the web site per month. 74% of the visitors to the web site were international visitors.

It is planned to undertake a major re-design of the website during 2005.

## Fáltais agus Costais

Ba iad na fáltais agus na costais don bhliain ná €8.71 milliún €3.65 milliún faoi seach. Tugtar sonraí breise i bhFoscríbhinn B.

## An Oifig – Foireann agus Struchtúr

Ba é an líon foirne a bhí ag fónamh amhail ar 31 Nollaig 2004 ná 74. Tugtar cur síos ar an bhfoireann a bhí ag fónamh i ndeireadh na bliana i bhFoscríbhinn A. Mar thoradh ar leathnú na scéime teiloibre sa bhliain 2004, mhéadaigh ar an líon foirne a bhí ag baint leas as an scéim sin go dtí cúigear. Leis an scéim sin, ceadaítear do chomhaltaí foirne a gcuid dualgas a chomhlíonadh sa bhaile i rith chuid den tseachtain agus a bheith i láthair san oifig laethanta eile.

Níor sannadh aon fhoireann speisialta chugam i ndáil le feidhmeanna cóipchirt a chomhall.

## Faisnéis faoi Mhaoin Intleachtúil (MI) – Suíomh Idirlín

Lean an Oifig uirthi ag cur lena bailiúchán d'fhaisnéis faoi phaitinní i leagan amach leictreonach agus tá doiciméid paitinne de chuid na hÉireann, na hEorpa, na Stát Aontaithe agus na Seapáine ar fáil ar CD ROM agus ar DVD chun gur féidir leis an bpobal iad a chuardach sna hionaid faisnéise i mBaile Átha Cliath agus i gCill Chainnigh.

Le blianta beaga anuas, tá polasáí á leanúint ag an Oifig chun feabhas a chur ar an rochtain ar fhaisnéis maoin intleachtúla tríd an suíomh idirlín. Anois, is féidir cláracha paitinní, trádmharcanna agus dearthaí na hÉireann a iniúchadh ar-líne saor in aisce. Ina theannta sin, le háis cuardaigh ríomhairithe, éascaítear an t-iniúchadh ar na mionsonraí sna hiarratais paitinne fhoilsithe, sna paitinní atá deonaithe nó ar feitheamh agus sna trádmharcanna foilsithe in Éirinn. Le suíomh idirlín na hOifige, ceadaítear rochtain saor in aisce ar bhunachar agus inneall cuardaigh esp@cenet ar a bhfuil an líon is mó de dhoiciméid paitinne atá ar fáil ar an Idirlíon. Cuirtear rochtain ar-líne ar Iris Oifigiúil na hOifige ar fáil saor in aisce freisin. Tá an Iris inchuadaithe agus is féidir radharc solúbtha daite a fháil ar thrádmharcanna ansin.

Cuireadh an suíomh idirlín ar aghaidh tuilleadh, Nollaig 2004, nuair a tugadh isteach córas athnuachana ar-líne lena n-éascaítear táillí athnuachana paitinne, trádmhairc agus deartha a íoc le cártaí creidmheasa agus cártaí dochair.

Léiríonn an trácht líonra go mbaineann an pobal i gcoitinne, chomh maith le gairmiúlaigh Maoine Intleachtúla, leas as na háiseanna cuardaigh agus as an bhfaisnéis atá ar fáil ar an suíomh idirlín againn. Bíonn tóir ar leith ar na córais cuardaigh ar-líne. Tharla os cionn 400,000 aimsiú, ar an meán, ar an suíomh idirlín gach mí. Ba chuairteoirí idirnáisiúnta iad 74% de na cuairteoirí ar an suíomh idirlín.

Tá sé beartaithe tabhairt faoi athdhearadh mór ar an suíomh idirlín le linn 2005.



In last year's report I referred to my Office's involvement, together with Enterprise Ireland and partners from Luxembourg, Spain, Greece and Italy, 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 information material targeted at small and medium sized enterprises, research centres, universities and individual inventors. In November 2003 a Good Practice Guide which contains among other items, 10 pragmatic recommendations for better integration of Intellectual Property in business was published and was extremely well received. Some 2000 paper copies of the Guide were distributed and over 7,000 downloaded via the Office's website. In December 2004 the project consortium published a CD-Rom toolbox incorporating the guide together with additional information and case studies as well as an IP audit tool. Some 2000 copies of the CD Rom have been distributed to various bodies and individuals including Institutes of Technology, Innovation Centres, County Enterprise Boards and Chambers of Commerce.

### Exhibitions/Seminars

Patents Office staff continued to promote awareness of industrial property protection and information during 2004 through attendance at a number of exhibitions and seminars. The Office is an annual exhibitor at the "ESAT BT Young Scientist & Technology Exhibition" in the RDS and in January 2004 again sponsored a prize in that competition. The Patents Office special award was won by students from the Christian Brothers (Abbey) Grammar School, Newry, Co. Down. It is noteworthy that students from this school have won this award on several occasions.

The Office in conjunction with the European Patent Office also participated at the "European Young Scientist Exhibition" which was held in Ireland for the first time in 2004.

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 office participated at the "Innovation Day" organised by Enterprise Ireland for post-primary students. In addition staff attended two major agri-business events; the "National Ploughing Championships" and the "Tullamore Show". A representative from the Office also attended the annual meeting and conference of the International Trade Mark Association in Atlanta, U.S.A.

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 seminars as requested for third level institutions.

I dtuarascáil na bliana atá caite, rinne mé tagairt do rannpháirtíocht m'Oifige, maille le Fiontraíocht Éireann agus comhpháirtithe as Lucsamburg, an Spáinn, an Ghréig agus an Iodáil, i dtionscadal arna mhaoiniú ag AE ar a dtugtar An Nuáil agus an Mhaoin Intleachtúil a Nascadh. Ar cheann de na príomhchuspóirí atá leis an tionscadal, tá cur leis an tuiscint agus leis an eolas ar chearta maoin intleachtúla (CMI) trí ábhair faisnéise a chruthú dírithe ar fhiontair bheaga agus mheánmhéide, ar ionaid taighde, ar ollscoileanna agus ar aireagóirí aonair. Samhain 2003, foilsíodh Good Practice Guide ina bhfuil, i measc nithe eile, 10 moladh phragmatacha le haghaidh chomhiomlánú níos fearr ar an Maoin Intleachtúil i gcúrsaí gnó. Fearadh fáilte mhór roimh an bhfoilseachán nua. Dáileadh suas le 2,000 cóip pháipéir den Treoir agus rinneadh os cionn 7,000 a íoslódáil trí shuíomh idirlín na hOifige. Nollaig 2004, d'fhoilsigh comheagras an tionscadail bosca uirlisí CD-Rom ina bhfuil an Treoir agus faisnéis bhreise agus cás-staidéir, chomh maith le huirlis iniúchóireachta MI. Tá timpeall ar 2000 cóip den CD-Rom dailte ar chomhlachtaí agus daoine éagsúla, ar a n-áirítear Institiúidí Teicneolaíochta, Ionaid Nuála, Boird Fiontar Contae agus Seomraí Tráchtála.

### Taispeántais/Seimineáir

Lean foireann Oifig na bPaitinní ar aghaidh le linn 2004 ag cur leis an eolas atá i measc an phobail ar chosaint maoin intleachtúla agus ar an bhfaisnéis atá ar fáil trí fhreastal ar thaispeántais agus sheimineáir éagsúla. Is taispeántasóir bliantúil í an Oifig ag Taispeántas Eolaí Óg agus Teicneolaíochta ESAT BT san RDS agus, Eanáir 2004, rinneamar urraíocht arís ar dhuais sa chomórtas sin. Mic léinn as Scoil Gramadaí na mBráithre Críostaí (An Mhainistir), Iúr Cinn Trá, Co. an Dúin, a bhuaigh Gradam Speisialta Oifig na bPaitinní. Tá sé suntasach go bhfuil an gradam sin buaite ag mic léinn ón scoil sin roinnt uaireanta.

Ghlac an Oifig páirt freisin, i gcomhar le hOifig Paitinní na hEorpa, i dTaispeántas Eolaí Óg na hEorpa, a reachtáladh in Éirinn den chéad uair sa bhliain 2004.

Ar na himeachtaí eile ar ghlac an Oifig páirt iontu, bhí Taispeántas Fiontraí – Mo Ghnó Féin, a d'eagraigh Seomra Tráchtála na Gaillimhe agus Boird Fiontar na Gaillimhe, agus ghlac an Oifig páirt sa Lá Nuála a d'eagraigh Fiontraíocht Éireann do mhic léinn iarbhunscóile. Ina theannta sin, bhí comhaltaí foirne i láthair ar dhá ócáid mhóra talmhghnó – Na Comórtais Céachtaíola Náisiúnta agus Seó na Tulai Móire. Bhí ionadaí de chuid na hOifige i láthair ag cruinniú bliantúil agus comhdháil bhliantúil an Chumainn Trádmharcanna Idirnáisiúnta in Atlanta sna Stáit Aontaithe.

I rith na bliana, thug foireann de chuid na hOifige comhairle don phobal mar fhreagra ar fhiosrúcháin faoi ghnéithe áirithe a bhaineann le maoin intleachtúil agus reachtáil seimineáir le haghaidh foras tríú leibhéal de réir mar a iarradh orainn sin a dhéanamh.

## 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. The level of performance against specific customer service targets achieved during 2004 (details of which are shown at Appendix J) were generally satisfactory; in many cases the performance was 100%.

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 to allow our customers to give comments and suggestions on the website, its contents and the service they have received.

## Training and Development

During 2004 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 2004, staff in my Office undertook a total of 116 training days. Training courses were organised and delivered in areas such as, IT, effective writing, management development, customer service, presentation skills, public procurement and clear and critical thinking. Staff also attended courses on EPOQUE training at the European Patent Office.

My staff 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.

## Caighdeán Seirbhís

Tá caighdeán na hOifige maidir le seirbhís do chustaiméirí le fáil sa Phlean Gníomhaíochta Seirbhís do Chustaiméirí don tréimhse 2002 go 2005. Foilsíodh an plean sa bhliain 2002 agus tá teacht air ar shuíomh idirlín na hOifige. Tá an plean dírithe ar ardchaighdeán feidhmíochta a bhaint amach, rud atá riachtanach, dar leis an Oifig, chun caighdeán cáilíochta a sholáthar.

Leis na caighdeán atá leagtha amach sa Phlean, cuirtear san áireamh na prionsabail maidir le seirbhís cháilíochta do chustaiméirí sa tseirbhís phoiblí, prionsabail a bhfuil glacadh forleathan leo, agus leagann amach an cháilíocht seirbhíse ar féidir dár gcustaiméirí a bheith ag súil léi. Ar an mórgóir, bhí an leibhéal feidhmíochta a baineadh amach sa bhliain 2004 i ndáil le spriocanna sonracha seirbhíse do chustaiméirí (a dtaispeántar mionsonraí fúthu i bhFoscáil J) sásúil agus, i gcásanna go leor, baineadh feidhmíocht 100% amach.

Leanfaidh an Oifig uirthi, trí na comhlachtaí cuí agus trí Chomhairle na nÚsáidirí, ag dul i gcomhairle le húsáidirí/custaiméirí maidir le comhall fheidhmeanna na hOifige i dtaca leis an tseirbhís a bhfuil súil acu léi. Ina theannta sin, tá leathanach aiseolais chustaiméirí tugtha isteach againn ar ár suíomh idirlín d'fhonn deis a thabhairt dár gcustaiméirí tuairimí agus moltaí a sholáthar faoin suíomh idirlín, faoina bhfuil ann agus faoin tseirbhís a fuaireadar.

## Oiliúint agus Forbairt

Le linn 2004, lean forbairt na foirne ar aghaidh d'fhonn a chinntiú go bhfaigheann an fhoireann go léir oiliúint sna scileanna agus sna hinníúlachtaí a bhíonn ag teastáil chun a gcuid oibre a dhéanamh ar ardchaighdeán. De réir an Chórais Bainistíochta Forbartha agus Feidhmíochta a oibrítear san Oifig, rinneadh plean forbartha oiliúna a dhréachtú lenar cuireadh san áireamh riachtanais oiliúna éagsúla a bhí aitheanta ag an bhfoireann ina gcuid pleananna forbartha pearsanta.

Sa bhliain 2004, rinne an fhoireann i m'Oifige 116 lá oiliúna san iomlán. Eagraíodh agus soláthraíodh cúrsaí oiliúna sa Teicneolaíocht Faisnéise, sa scríbhneoireacht éifeachtach, i bhforbairt na bainistíochta, sa tseirbhís do chustaiméirí, i scileanna cur i láthair, sa tsainfháil phoiblí, agus sa mhachnamh soiléir criticiúil. Ina theannta sin, d'fhreastail an fhoireann ar chúrsaí maidir le hoiliúint EPOQUE in Oifig Paitinní na hEorpa.

Rinne an fhoireann tadhall dlúth le hAonad Oiliúna agus Forbartha na Roinne Fiontar, Trádála agus Fostaíochta chun oiliúint a eagrú nach bhféadfaí a sheachadadh i gCill Chainnigh.



## 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 the Licensing Executives' Society. The Council is chaired by a senior official from the Department of Enterprise, Trade and Employment. 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.

The Council met on two occasions in 2004.

## 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 Dáil and Seanad debates dealing with the passage of the provisions of Sections 4 and 5. At the end of 2004, the Judicial Review proceedings before the High Court were still pending.

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

## Comhairle na nÚsáidí

Bealtaine 1997, chinn an tAire Fiontar, Trádála agus Fostaíochta Comhairle Úsáidí Oifig na bPaitinní a bhunú. Ba iad na téarmaí tagartha a tugadh don Chomhairle ná na cinn seo a leanas:

*"Breithniú a dhéanamh agus tuairisciú don Aire ar riaradh na cosanta maoin tionscail ag Oifig na bPaitinní agus comhairle a thabhairt faoi athruithe agus nuálacha cuí in oibriú na hOifige."*

Is iad comhaltaí na Comhairle ná an Ceannasaí agus ionadaithe Chumann na nGníomhairí Paitinne agus Trádmharcanna, Fhiontraíocht Éireann, IBEC, Choláiste na hOllscoile, Baile Átha Cliath agus Chumann na bhFeidhmeannach Ceadúnúcháin, agus oifigeach sinsearach de chuid na Roinne Fiontar, Trádála agus Fostaíochta a dhéanann cathaoirleacht uirthi. Tá ré cheapacháin na gcomhaltaí (seachas an Ceannasaí, Uachtarán Chumann na nAturnaetha Paitinne agus Trádmharcanna agus ionadaí na Roinne) teoranta do théarma trí bliana le héifeacht ón 1 Eanáir, 2003.

Bhí dhá chruinniú ag an gComhairle sa bhliain 2004.

## An tAcht um Maoin Intleachtúil (Forálacha Ilghnéitheacha), 1998

Sa Tuarascáil Bhliantúil agam don bhliain 1998 agus i dTuarascálacha Bliantúla ina dhiaidh sin, rinne mé tagairt d'achtú an Achta um Maoin Intleachtúil (Forálacha Ilghnéitheacha), 1998 (a ndearnadh dlí de an 7 Iúil, 1998) agus do na hathruithe a rinneadh le hailt 4 agus 5 den Acht sin, a bhaineann le hoifig an Cheannasaí. Tugadh forálacha na n-alt sin isteach agus achtaíodh iad le linn d'imeachtaí Athbheithnithe Bhreithiúnaigh a thionscain mise níos luaithe sa bhliain 1998 a bheith fós ar feitheamh agus ní raibh aon tagairt do na himeachtaí sin sna díospóireachtaí Dála agus Seanad a bhain le rith fhorálacha ailt 4 agus 5. I ndeireadh 2004, bhí na himeachtaí Athbheithnithe Bhreithiúnaigh os comhair na hArd-Chúirte fós ar feitheamh.

Tá liosta i bhFoscáil I de na hachtacháin agus de na hionstraimí reachtúla a rinneadh i rith na bliana.

## PATENTS

As at 31 December 2004, there were a total of 2395 pending applications on hand. Of these, 988 applications were awaiting the submission of evidence of novelty.

### Applications and Grants

The number of applications for patents received was 845, 94 less than in 2003. 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 received was approximately 25% of the pre - 1992 level the number of applications received in 2004 is the lowest since 1992.

Applications claiming priority under the Paris Convention totalled 241.

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 788 compared with 862 in 2003.

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	For Full 20 Year Term	For Short Term (10 Year)	Total
2002	461	521	982	156	461	617
2003	440	499	939	360	221	581
2004	385	460	845	326	170	496

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

## PAITINNÍ

Amhail ar 31 Nollaig 2004, bhí 2,395 iarratas ar feitheamh idir lámha. Astu sin, bhí 988 iarratas ag feitheamh ar fhianaise maidir le húrnuacht.

### Iarratais agus Deonuithe

Ba é an líon iarratas ar phaitinní a fuarthas ná 845, 94 níos lú ná an bhliain 2003. Tar éis d'Éirinn Coinbhinsiún Paitinní na hEorpa a dhaingniú sa bhliain 1992, tháinig titim shuntasach ar líon bliantúil na n-iarratas ar phaitinní a comhdaíodh leis an Oifig. I gcoitinne, cé go raibh an líon iarratas a fuarthas timpeall ar 25% den leibhéal réamh-1992, tá an líon iarratas a fuarthas sa bhliain 2004 ar an líon is ísle ó bhí an bhliain 1992 ann.

Bhí 241 iarratas san iomlán ann a d'éiligh tosaíocht faoi Choinbhinsiún Pháras.

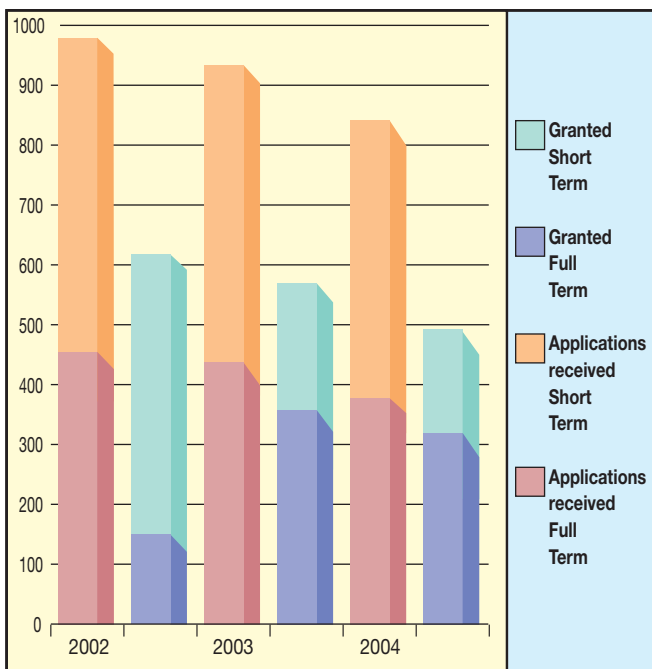
Tugtar anailís de réir contae ar na hiarratais a fuarthas agus ar na paitinní a deonaíodh i bhFoscábhinní C agus D, faoi seach. Ba é 788 líon na n-iarratas a fuarthas ó iarratasóirí sa Stát, i gcomparáid le 862 sa bhliain 2003.

Taispeántar figiúir sa Tábla a leanas faoi líon na n-iarratas a fuair Oifig na bPaitinní le trí bliana anuas agus líon na n-iarratas a dheonaigh sí:

BLIAIN	IARRATAIS A FUARTHAS			PAITINNÍ A DEONAÍODH		
	Don Téarma Iomlán 20 Bliain	Do Théarma Gearr (10 mbliana)	Iomlán	Don Téarma Iomlán 20 Bliain	Do Théarma Gearr (10 mbliana)	Iomlán
2002	461	521	982	156	461	617
2003	440	499	939	360	221	581
2004	385	460	845	326	170	496

Tugtar anailís i bhFoscábhinn E ar na paitinní a deonaíodh, arna n-aicmiú de réir Fho-Ailt an Aicmithe Idirnáisiúnta um Paitinní le haghaidh Aireagán.

PATENT APPLICATIONS AND GRANTS  
2002 - 2004



European applications designating Ireland (first arising in 1993) 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
2004	111,537

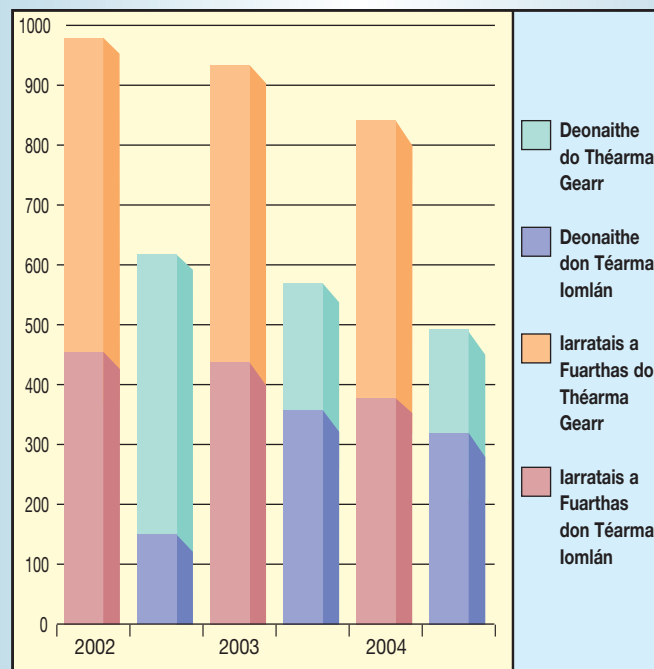
In 2004, the number of granted European patents designating Ireland was 26,445.

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 579 patents and patent applications.

IARRATAIS AGUS DEONUITHE PAITINNÍ  
2002 - 2004



Níl iarratais Eorpacha a ainmníonn Éire (a d'eascair don chéad uair sa bhliain 1992) san áireamh sa chairt thuas agus is é a líon ná:

Bliain	Comhdú
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
2004	111,537

Sa bhliain 2004, ba é líon na bPaitinní Eorpacha deonaithe a d'ainmnigh Éire ná 26,445.

Taifeadadh na paitinní sin i gClár Náisiúnta na bPaitinní. Tá an stádas céanna acu in Éirinn is a bheadh dá mba rud é gur bh é gur bh í m'Oifige a dheonaigh iad.

Sannaithe agus nithe ilghnéitheacha eile

Maidir le hiarratais a ceadaíodh faoi alt 85 d'Acht 1992 le haghaidh clárú sannaithe srl ar iarratais ar phaitinn, paitinní agus deimhnithe cosanta forlíontacha, bhaineadar sin le 579 paitinn agus iarratas ar phaitinn san iomlán.

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 179. 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 79, of which 44 were filed by applicants whose places of residence or principal places of business were outside the State.

### Revocation of Patents

Of the three applications for revocation pending at the end of 2003, one was concluded during the year and two applications remained pending at the end of 2004.

### Surrender of Patents

Offers to surrender patents may be made under Section 39 of the Patents Act 1992. One European patent was surrendered in 2004.

### Patents in force

The number of patents in force on the 31 December 2004 was 63,316. The number of patents in respect of which renewal fees were paid was 33,336 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 11,851 and 337 expired through effluxion of time.

### Restoration of Lapsed Patents

At the end of 2003, seven applications for restoration of lapsed patents were pending. Sixteen applications for restoration were received during 2004. A total of eleven patents were restored leaving twelve applications for restoration pending at the end of 2004.

### Requests for Supplementary Protection Certificates

A total of 19 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, 34 certificates were granted (medicinal and plant protection). At the end of the year there were 72 requests pending.

### Register of Patent Agents

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

Feidhmíonn an Oifig mar oifig glactha d'iarratais paitinní Eorpacha agus d'iarratais idirnáisiúnta a chomhdaítear faoin gConradh um Chomhoibriú Paitinní (CCP), a dhaingnigh Éire sa bhliain 1992. Ba é líon na n-iarratas a fuarthas san Oifig, mar oifig glactha faoi CCP, ná 179. Tar éis chríochnú fheidhmeanna na hoifige glactha faoi CCP, déantar na hiarratais sin a aistriú chuig an Eagraíocht Dhomhanda um Maoin Intleachtúil (EDMI). Ba é 79 líon na n-iarratas Eorpach a comhdaíodh lena n-aistriú ar aghaidh chuig Oifig Paitinní na hEorpa ná 79 agus iarratasóirí ar lasmuigh den Stát a bhí a n-áit chónaithe nó a bpríomh-áit ghnó a chomhdaigh 44 díobh sin.

### Paitinní a Chúlghairm

De na trí iarratas ar chúlghairm a bhí ar feitheamh i ndeireadh 2003, cuireadh ceann amháin gcrích i rith na bliana agus bhí dhá cheann fós ar feitheamh i ndeireadh na bliana 2004.

### Paitinní a Ghéilleadh

Is féidir tairiscintí chun paitinní a ghéilleadh a dhéanamh faoi alt 39 d'Acht na bPaitinní, 1992. Géilleadh aon phaitinn Eorpach amháin sa bhliain 2004.

### Paitinní bhFeidhm

Ba é líon na bpaitinní i bhfeidhm, an 31 Nollaig 2004, ná 63,316. Ba é an líon paitinní ar íocadh táillí athnuachana ina leith ná 33,336 agus tugtar sonraí ina leith sin i bhFoscáil F, maille le figiúir as na naoi dtuarascáil roimhe seo. Ba é líon na bpaitinní a thit i léig toisc nár íocadh na táillí athnuachana ná 11,851 agus thit 337 i léig le himeacht aimsire.

### Paitinní Tite i Léig a Aisiriú

I ndeireadh 2003, bhí seacht n-iarratas ar aisiriú paitinní a bhí tite i léig ar feitheamh. Fuarthas sé iarratas déag ar aisiriú le linn 2004. Rinneadh aon phaitinn déag san iomlán a aisiriú, rud a d'fhág dhá iarratas déag ar aisiriú ar feitheamh i ndeireadh 2004.

### Iarrataí ar Dheimhnithe Cosanta Forlíontacha

Fuarthas 19 n-iarraidh ar Dheimhnithe Cosanta Forlíontacha le linn na bliana faoi Rialacháin na gComhphobal Eorpach (Dheimhnithe Cosanta Forlíontacha), 1992 (liacht) agus 1996 (táirgí cosanta planda). Le linn na bliana, deonaíodh 34 dheimhniú (liacht agus cosaint planda). I ndeireadh na bliana, bhí 72 iarratas ar feitheamh.

### Clár na nGníomhairí Paitinne

I ndeireadh na bliana, bhí beirt is daichead de dhaoine aonair agus cúig chomhpháirtíocht cláraithe i gClár na nGníomhairí Paitinne.

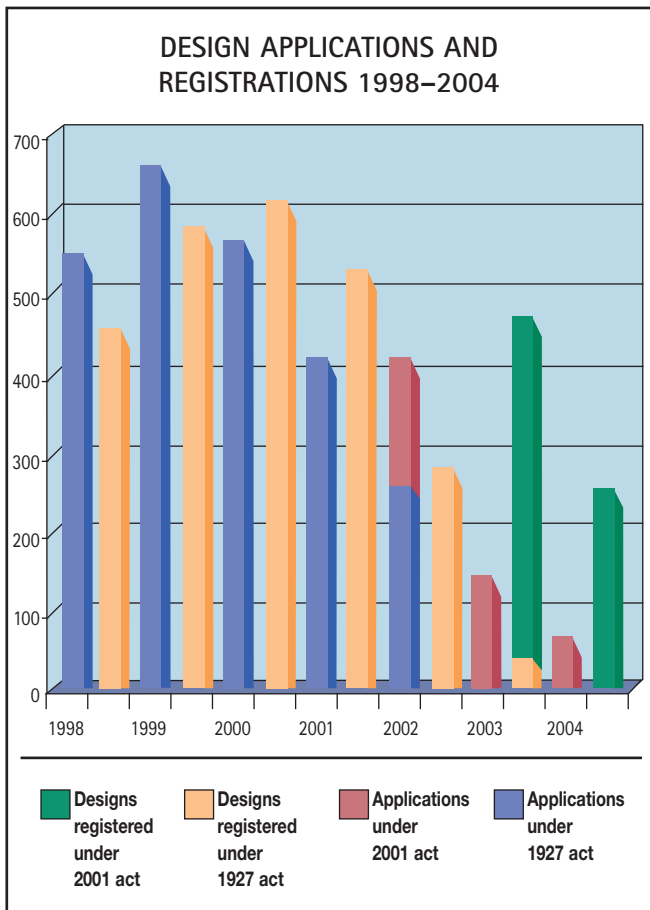
## DESIGNS

There were 62 applications for registration of designs filed under the Act in 2004. The 62 applications were in respect of a total of 131 designs as some 22 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 34 compared to 53 in 2003.

The number of designs registered during the year under the 2001 Act was 246; in addition 2 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 271 cases and a third period of five years in 151 cases of designs registered under the 1927 Act. 887 registrations lapsed. The number of designs in force at the end of the year was 2,572 registered under the 1927 Act and 678 registered under the 2001 Act.

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



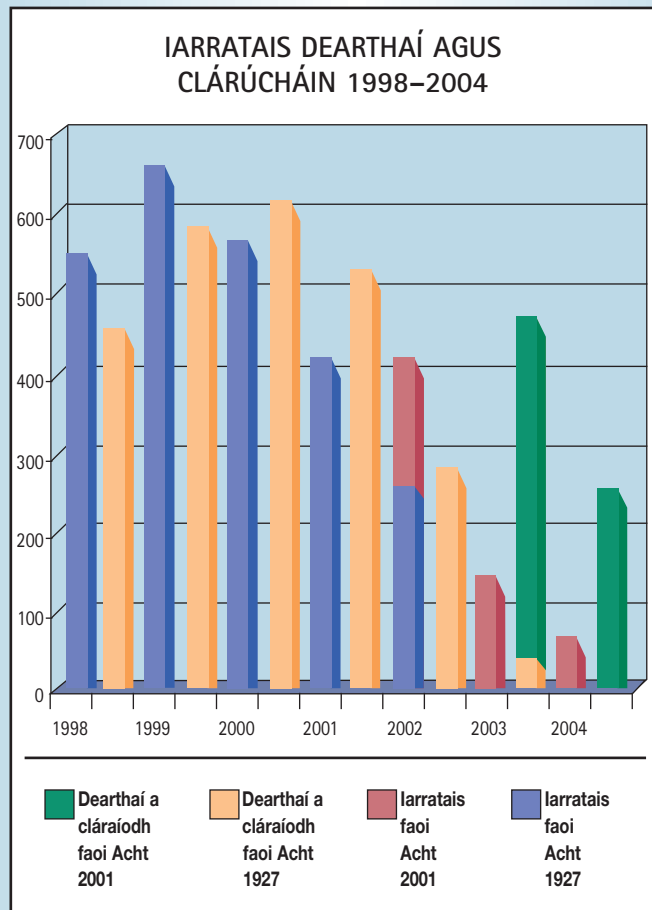
## DEARTHAÍ

Comhdaíodh 62 iarratas ar chlárú dearthaí faoin Acht sa bhliain 2004. Bhain na 62 iarratas le 131 de dhearthaí san iomlán toisc gur bhain dhá cheann is fiche de na hiarratais le níos mó ná dearadh amháin.

Tugtar anailís i bhFoscábhinn C, de réir tíre bunaidh, ar na hiarratais a fuarthas. Ba é 34 líon na n-iarratas a chomhdaigh iarratasóirí sa Stát, i gcomparáid le 53 sa bhliain 2003.

Ba é 246 líon na ndearthaí a cláraíodh i rith na bliana faoi Acht 2001. Ina theannta sin, cláraíodh dhá dhearadh faoi Acht 1927. Tugtar sonraí i bhFoscábhinn D ar chlárú de réir thír bhunaidh an úinéara. Cuireadh leis an tréimhse cosanta do dhara téarma cúig bliana i 271 chás agus do thríú téarma cúig bliana i 151 chás maidir le dearthaí a cláraíodh faoi Acht 1927. Thit 887 clárú i léig. Ba é 2,572 líon na ndearthaí a bhí fós i bhfeidhm i ndeireadh na bliana, cláraithe faoi Acht 1927, agus 678 cláraithe faoi Acht 2001.

Taispeántar i bhFoscábhinn H líon na ndearthaí a bhí cláraithe de réir Aicmiú Idirnáisiúnta na nDearthaí.





## 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. 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.

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 2004, a total of 12 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.

## Dearthaí Comhphobail

Nollaig 2001, ghlac Comhairle an Aontais Eorpaigh an Rialachán um Dhearadh Comhphobail (Rialachán Uimh. 6/2002 an 12 Nollaig 2001 ón gComhairle (CE)). Leis an Rialachán, a tháinig i bhfeidhm Márta 2002, soláthraítear córas chun dearthaí a chosaint ar fud an Chomhphobail Eorpaigh trí chearta neamhchláraithe agus trí chearta cláraithe. Sa ghnáthchúrsa, rachaidh ceart deartha neamhchláraithe chuig úinéir deartha nua a chuireann táirge, ina bhfuil an dearadh, ar an margadh sa Chomhphobal. Is ceart go ceann trí bliana é ó dháta nochtadh an deartha laistigh den Chomhphobal agus tabharfaidh sé teideal don sealbhóir bac a chur le daoine eile an dearadh a chóipeáil ina dtáirgí siúd.

Is geall le Trádmharc Comhphobail é an Dearadh Comhphobail cláraithe sa mhéid is go mbaianeann tréith den saghas céanna leis ar fud an Chomhphobail agus gurb é Oifig an Chomhchuibhithe sa Mhargadh Inmheánach (OCMI) in Alicante sa Spáinn a riarann é. Is do thréimhse cúig bliana a bhíonn an clárú i dtosach báire agus féadfar é a athnuachan go ceann tréimhse suas le cúig bliana is fiche. Tar éis Rialachán Uimh. 2245/2002 an 21 Deireadh Fómhair 2002 ón gCoimisiún (CE) lena gcuirtear chun feidhme Rialachán Uimh. 6/2002 ón gComhairle (CE), tháinig Córas an Deartha Chláraithe Comhphobail i bhfeidhm an 1 Aibreán 2003.

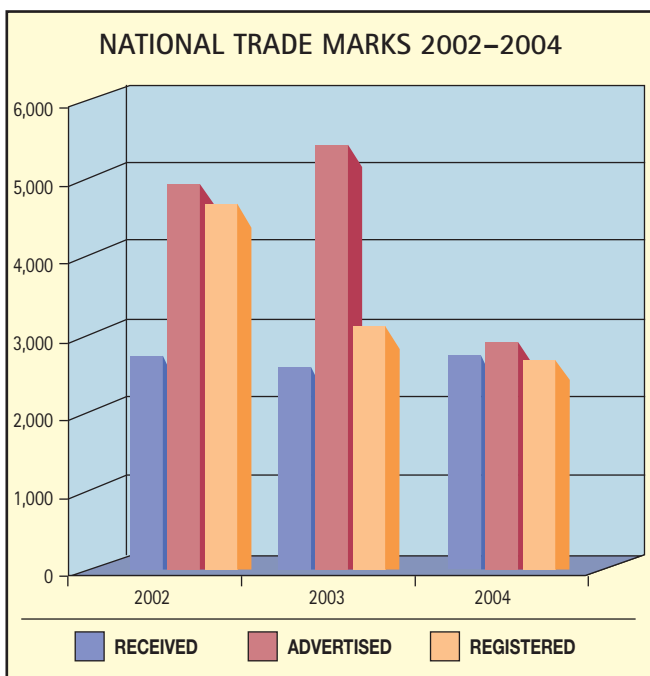
Sa tslí chéanna agus is féidir le hiarratasóirí ar Thrádmharc Comhphobail a n-iarratais chuig OCMI a chomhdú tríd an Oifig agamsa, is féidir le hiarratasóirí ar Dhearadh Cláraithe Comhphobail a n-iarratais chuig OCMI a chomhdú tríd an Oifig agamsa. Le linn 2004, rinneadh 12 iarratas Deartha Comhphobail a chomhdú tríd an Oifig agus a chur ar aghaidh chuig OCMI, Alicante, An Spáinn. Faigheann an Oifig táille láimhseála €25 i ndáil le gach iarratas.

## 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
2002	2,604	4,774	4,514
2003	2,427	5,233	2,911
2004	2,681	2,788	2,568



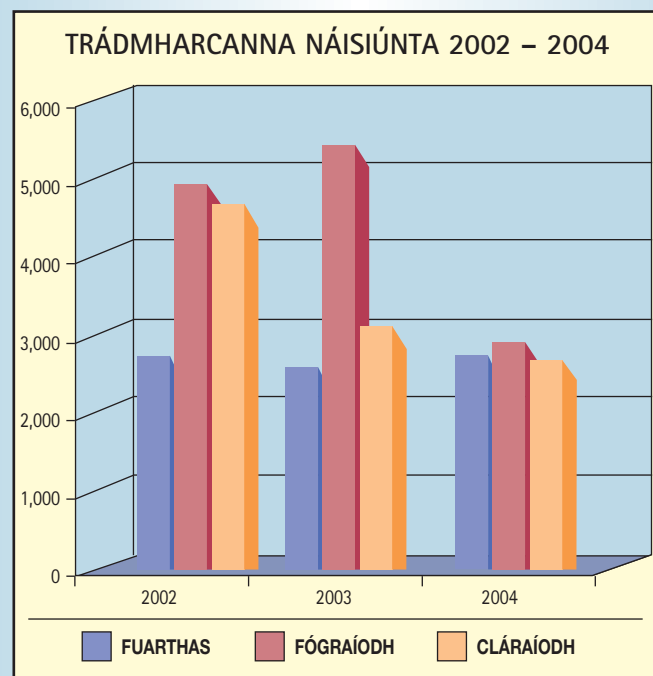
Analysis by country of the applications received and trade marks registered are given in Appendix C and Appendix D, respectively. Applications filed by persons resident in the State totalled 1,389 compared with 1,285 in 2003. The 2681 national trade mark applications received in 2004 includes 1,532 applications in respect of services. Details of the international classification of goods and services into which the trade marks registered in 2004 fall are shown in Appendix G. The number of registrations of trade marks renewed was 1,893. The number removed from the Register for non-payment of renewal fees was 2,818. The number of trade marks restored by order of the Controller was 16. On 31st December 2004, the number of national registered trade marks in force was 88,004 and the number of International Marks in force was 7,645 resulting in a grand total of 95,649 marks in force.

## TRÁDMHARCANNA

### Iarratais agus Clárúcháin Náisiúnta

Tugtar sa Tábla thíos líon na n-iarratas náisiúnta ar chláru trádmharcanna a fuarthas i rith na bliana faoi Acht na dTrádmharcanna, 1996, maille le líon na marcanna a fógraíodh san Iris agus a cláraíodh, agus tugtar figiúir chomparáideacha don dá bhliain roimhe sin.

An Bhliain dár Críoch	Iarratais Náisiúnta		
	Fuarthas	Fógraíodh	Cláraíodh
2002	2,604	4,774	4,514
2003	2,427	5,233	2,911
2004	2,681	2,788	2,568



Tugtar i bhFoscúbhinn C agus i bhFoscúbhinn D, faoi seach, anailís de réir tíre bunaidh ar na hiarratais a fuarthas agus ar na trádmharcanna a cláraíodh. Ba é 1,389 líon na n-iarratas a chomhdaigh daoine a chónaíonn sa Stát i gcomparáid le 1,285 sa bhliain 2003. Ar an 2,681 iarratas náisiúnta ar thrádmharcanna a fuarthas sa bhliain 2004, tá 1,532 iarratas i ndáil le seirbhísí. Taispeántar mionsonraí i bhFoscúbhinn G ar aicmiú idirnáisiúnta na n-earraí agus na seirbhísí lena mbaineann na trádmharcanna a cláraíodh sa bhliain 2004. Ba é 1,893 líon na glárúcháin trádmharcanna a athnuadh. Ba é 2,818 an líon a baineadh den Chlár as gan na táillí athnuachana a íoc. Ba é líon na dtrádmharcanna a aisíreadh ar ordú ón gCeannasaí ná 16. An 31 Nollaig 2004, ba é 88,004 líon na dtrádmharcanna náisiúnta cláraithe a bhí i bhfeidhm agus ba é 7,645 líon na marcanna idirnáisiúnta a bhí i bhfeidhm, rud a d'fhág mór-iomlán 95,649 marc i bhfeidhm.

### 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 Applications		
	Received	Advertised	Protected
2002	3,078	1,649	864
2003	3,739	3,931	3,157
2004	3,784	3,718	3,736



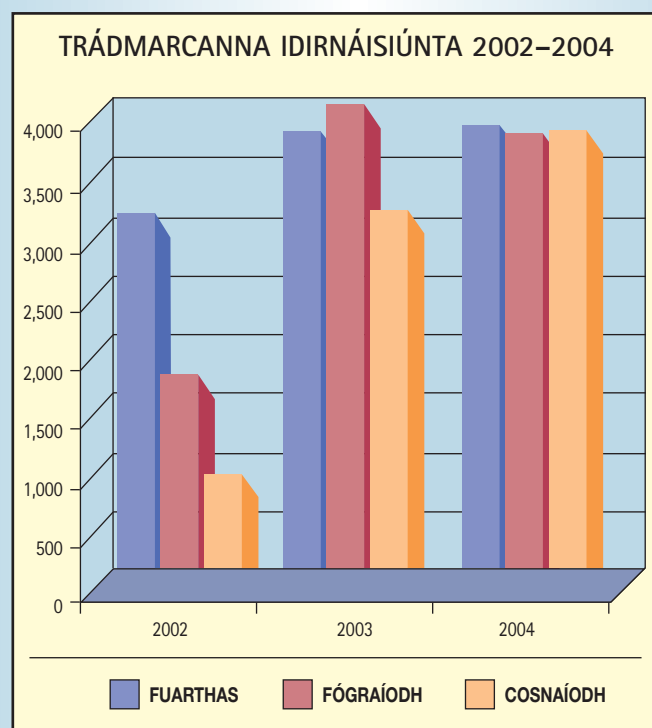
### Hearings in Trade Mark cases

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. 25 ex-parte hearings were taken in 2004 and 20 further cases awaiting hearing were disposed of, either by the need for a hearing being waived or by the withdrawal of the relevant applications. In the case of inter-partes cases, which mainly involve opposition by third parties to registration of marks, 46 cases were completed during 2004, comprising final decisions following hearings in 20 cases and settlements between the parties in 26 cases. The number of inter-partes cases awaiting hearing had reduced to 40 by the end of 2004 (down from 57 at end 2003) and the Office continues to work at reducing the time taken to dispose of these cases.

### Clárúcháin Idirnáisiúnta a Ainmníonn Éire

Tugtar sa tábla thíos líon na gelárúcháin trádmharcanna idirnáisiúnta a ainmníonn Éire agus a fuarthas i rith na bliana, maille le líon na marcanna sin a fógraíodh san Iris agus atá cosanta.

An Bhliain dár Críoch	Clárúcháin Idirnáisiúnta		
	Fuarthas	Fógraíodh	Cosnaíodh
2002	3,078	1,649	864
2003	3,739	3,931	3,157
2004	3,784	3,718	3,736



### Éisteachtaí i gCásanna Trádmhairc

Fóráiltear le halt 71 d'Acht na dTrádmharcanna, 1996, nach bhfeidhmeoidh an Ceannasaí aon chumhacht roghnach chun dochair d'iarratasóir, nó d'úinéir, ar thrádmharc ná d'aon duine eile gan an deis a thabhairt don duine sin i dtosach báire éisteacht a fháil faoin ábhar. Tionscnaíodh 25 éisteacht ex-parte sa bhliain 2004 agus cuireadh i gcrích 20 cás eile a bhí ag feitheamh ar éisteacht, tríd an riachtanas éisteachta a tharscaoileadh nó na hiarratais a bhí i gceist a tharraingt siar. I gcásanna inter-partes, ar cásanna iad ar an mórgóir ina gcuireann tríú páirtithe in aghaidh clárú marcanna, cuireadh 46 chás i gcrích le linn 2004, inar tugadh cinní críochnaitheacha tar éis éisteachtaí i bhfiche cás agus socraíochtaí idir páirtithe i sé chás is fiche. Bhí líon na gcásanna inter-partes a bhí ag feitheamh ar éisteacht tar éis laghdú go 40 faoi dheireadh 2004 (síos ó 57 i ndeireadh 2003) agus leanann an Oifig ar aghaidh ag obair ar an am a laghdú a thógann sé chun na cásanna sin a dhiúscairt.

## Appeals

Section 79 of the Trade Marks Act, 1996 provides for appeals to the High Court against decisions of the Controller. The two notices of Appeal that were pending at the end of 2003 were not proceeded with by the Appellant. Two notices of Appeal were filed during 2004 and these were still pending at the end of the year.

## Other High Court Proceedings

In 2004 I was also informed of two further High Court cases in which I was not directly involved as a Defendant but which concerned matters entered in the Register of Trade Marks. One was in respect of an application for a declaration that a particular registration is invalid and the other concerned a request for rectification of the Register in respect of a number of registrations standing in the name of a particular undertaking. Under Section 78 of the Act, the Controller is entitled to appear and be heard in such cases and shall appear if so directed by the Court. In the case of the application for rectification of the Register, I decided to exercise my entitlement under Section 78 of the Act with a view to bringing relevant facts to the notice of the Court. Both of the cases in question were still pending at the end of 2004.

## Oppositions to Registration

There were 363 notifications of opposition pending at the end of 2003. During the year 148 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 302 notices of opposition pending at the end of 2003.

## Assignments and Transmissions

During the year 586 persons were entered in the Register as proprietors of trade marks consequent on assignments or transmissions. The number of trade marks affected was 2,529.

## Other Matters affecting the Register of Trade Marks

There were 2 applications under Section 34 of the 1963 Act for the removal of registered marks pending at the end of 2003, both of which were decided during 2004.

There were 6 applications under Section 40 of the 1963 Act for rectification of the Register pending at the end of 2003, 2 of which were decided during 2004 leaving 4 applications pending at the end of 2004.

## Achomhairc

Le halt 79 d'Acht na dTrádmharcanna, 1996, foráiltear d'achomhairc chun na hArd-Chúirte in aghaidh chinntí an Cheannasaí. Níor imigh an tAchomharcóir ar aghaidh leis an dá fhógra Achomhairc a bhí ar feitheamh i ndeireadh 2003. Comhdaíodh dhá fhógra Achomhairc le linn 2004 agus bhíodar sin fós ar feitheamh i ndeireadh na bliana.

## Imeachtaí Eile Ard-Chúirte

Sa bhliain 2004, cuireadh in iúl dom freisin go raibh dhá chás eile Ard-Chúirte ann, nach rabhas féin bainteach leo go díreach mar Chosantóir ach a bhain le nithe a bhí ar taifead i gClár na dTrádmharcanna. Bhain ceann amháin le hiarratas ar dhearbhu go bhfuil clárú áirithe neamhbhailí agus bhain an ceann eile le hiarraidh go gceartófaí an Clár i ndáil le roinnt clárúchán a bhí in ainm gnóthais áirithe. Faoi alt 78 den Acht, tá an Ceannasaí i dteideal láithreas a thaifeadadh agus éisteacht a fháil i gcásanna den sórt sin agus beidh sé i láthair má threoraíonn an Chúirt dó amhlaidh. I gcás an iarratais ar cheartú an Chláir, chinneas an teideal a bhí agam faoi Acht 78 den Acht a fheidhmiú d'fhonn fíorais chúil a thabhairt ar aird na Cúirte. Bhí an dá chás sin fós ar feitheamh i ndeireadh 2004.

## Freasúra Clárúcháin

Bhí 363 fógra freasúra ar feitheamh i ndeireadh 2003. Le linn na bliana, fuarthas 148 fógra eile. Ag cur san áireamh cásanna a cinneadh i rith na bliana, aistarraingt freasúra agus aistarraingt iarratas áirithe ar chlárú tar éis fógra freasúra a fháil, bhí 302 fógra freasúra fós ar feitheamh i ndeireadh 2003.

## Sannaithe agus Tarchuir

Le linn na bliana, taifeadadh 586 duine sa Chlár mar úinéirí trádmharcanna de dhroim sannaithe nó tarchuir. Ba é 2,529 líon na dtrádmharcanna a bhí i gceist.

## Nithe Eile a fhearann ar Chlárú Trádmharcanna

Bhí dhá iarratas ar feitheamh i ndeireadh 2003 faoi alt 34 d'Acht 1963 le haghaidh aistarraingt marcanna cláraithe, agus cinneadh an dá cheann le linn 2004.

Bhí 6 iarratas ar feitheamh i ndeireadh 2003 faoi alt 40 d'Acht 1963 chun an Clár a cheartú, agus cinneadh dhá cheann díobh sin le linn 2004, rud a d'fhág 4 iarratas ar feitheamh i ndeireadh 2004.



There were 20 applications under Section 51 of the 1996 Act for revocation of registration pending at the end of 2003. In 2004 a further 16 applications were received. During the year 18 cases were decided leaving 18 applications pending at the end of 2004.

There were 5 applications under Section 52 of the 1996 Act for declarations of invalidity of registration pending at the end of 2003. A further 6 applications were received in 2004. During the year 3 cases were decided leaving 8 applications pending at the end of 2004.

### Community Trade Mark Applications

During 2004, a total of 40 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. 43 conversion applications were received in 2004, 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 3,784 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

Bhí 20 iarratas ar feitheamh i ndeireadh 2003 faoi alt 51 d'Acht 1966 le haghaidh aisghairm clárúcháin. Sa bhliain 2004, fuarthas 16 iarratas eile. I rith na bliana, cinneadh 18 gcás, rud a d'fhág 18 n-iarratas ar feitheamh i ndeireadh 2004

Bhí 5 iarratas ar feitheamh i ndeireadh na bliana faoi alt 52 d'Acht 1996 le haghaidh dearbhú neamhbhailíochta clárúcháin. Fuarthas 6 iarratas eile sa bhliain 2004. I rith na bliana, cinneadh trí chás, rud a d'fhág 8 n-iarratas ar feitheamh i ndeireadh 2004.

### Iarratais Trádmharcanna Comhphobail

Le linn 2004, comhdaíodh 40 Trádmharc Comhphobail tríd an Oifig agus cuireadh ar aghaidh iad chuig Oifig an Chomhchuibhithe sa Mhargadh Inmheánach (OCMI) in Alicante sa Spáinn. Faigheann an Oifig táille láimhseála €25 i ndáil le gach iarratas.

### Tiontú Trádmharcanna Comhphobail

Leis na Rialacháin um Acht na dTrádmharcanna, 1996 (Trádmharcanna Comhphobail), 2000 (I.R. Uimh. 229 de 2000), cuirtear bonn reachtach ar fáil chun iarratais ar Thrádmharcanna Comhphobail Eorpaigh a thiontú ina n-iarratais náisiúnta in imthosca áirithe. Is é an toradh is suntasaí ar thiontú ná go gcoimeádann an t-iarratas Comhphobail an dáta bunaidh comhdaithe ar mhaithe len é a scrúdú agus a chlárú mar mharc náisiúnta. Ní mór don Oifig iarratais den sórt sin a scrúdú i dtosach báire, féachaint an bhfuil siad cáilithe sula ndéantar iad a phróiseáil sa tslí chéanna is a dhéantar iarratais náisiúnta a phróiseáil. Fuarthas 43 iarratas ar thiontú sa bhliain 2004, agus measadh iad go léir a bheith cáilithe.

### Prótacal a bhaineann le Comhaontú Mhaidrid maidir le Clárú Idirnáisiúnta Marcanna

Is comhaontú idirnáisiúnta faoi choimirce na hEagraíochta Domhanda um Maoin Intleachtúil (EDMI) é an Prótacal a bhaineann le Comhaontú Mhaidrid maidir le Clárú Idirnáisiúnta Marcanna agus, leis sin, cuirtear ar chumas úinéir trádmharcanna iarratas aonair a dhéanamh chuig EDMI chun go gclárófar a thrádmharc nó a thrádmharc in aon cheann de na tíortha ar páirtí don Phrótacal iad, nó iontu go léir. Dhaingnigh Éire Prótacal Mhaidrid, an 19 Iúil 2001, agus is féidir an Stát a ainmniú in iarratais idirnáisiúnta ó bhí an 19 Deireadh Fómhair 2001 ann.

I rith na bliana, cuireadh 3,784 clárúchán idirnáisiúnta lenar ainmníodh Éire in iúl don Oifig. Déantar iad sin a scrúdú le haghaidh incláraitheachta (nó "cosaint", mar a ghaitear de sa Phrótacal) sa tslí chéanna is a dhéantar iarratais náisiúnta a scrúdú a dhéantar go díreach leis an Oifig faoi Acht 1996.



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, 18 applications under Section 29 of the 1996 Act were dealt with, leaving 17 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, 6 such applications were pending at the end of 2004.

### Register of Trade Mark Agents

At the end of the year under review, there were 147 individuals and 6 partnerships entered on the Register.

Corpas oibre is ea é sin atá ag fás i gcónaí, agus is mó i gcónaí líon na n-iarratas idirnáisiúnta ina n-ainmnítear Éire ná líon na n-iarratas náisiúnta a chomhdaítear go díreach leis an Oifig.

### Ceadúnais/Úsáidí Cláraithe

I rith na bliana, pléadh le 18 n-iarratas faoi alt 29 d'Acht 1996, rud a d'fhág 17 n-iarratas ar feitheamh i ndeireadh na bliana.

As na hiarratais faoi Acht 1963 chun úsáidí cláraithe marcanna a chlárú a bhí ar feitheamh an 1 Iúil 1996, bhí 6 iarratas ar feitheamh i ndeireadh 2004.

### Gníomhairí Trádmharcanna a Chlárú

I ndeireadh na bliana atá faoi athbhreithniú, bhí 147 duine aonair agus 6 chomhpháirtíocht ar taifead sa Chlár.

## 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. The case was heard in 2004. Ms Justice Laffoy's decision dated 12 May 2004 was to vitiate the arbitrators award in these two cases and to hear submissions from the parties as to the construction of a tariff which will vary the arbitrators award. An Order which presents a new tariff formulated having regard to the perspectives in Ms Justice Laffoy's judgement has been made and a copy has been received by the Office. The arbitrator did not deliver any further arbitration awards during 2004.

### 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 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 – essentially someone with accounting expertise and a legal background. However, no additional staff have yet been assigned for this work.

## CÓIPCHEART

### Díospóidí a Tarchuireadh faoi Alt 31 den Acht Cóipchirt, 1963

Faoin alt sin, cuireadh faoi mo bhráidse díospóidí idir daoine a úsáideann taifeadtaí fuaime go poiblí agus úinéir an chóipchirt atá ar marthain sna taifeadtaí, maidir leis an íocaíocht chothrom is iníoctha leis an úinéir cóipchirt. Sa tréimhse Meán Fómhair 1989 go Nollaig 1995, chuir bunaíochtaí a úsáideann taifeadtaí fuaime 62 chás faoi mo bhráid.

Tar éis imeachta fada dlíthiúla os comhair na hArd-Chúirte agus na Cúirte Uachtaraí, atá leagtha amach agam i dtuarascálacha roimhe seo, bhí ar mo chumas eadránaí a cheapadh, a ndearna an comhlacht ceadúnúcháin cóipchirt agus ionadaí dlíthiúil na mbunaíochtaí a bhí páirteach sna tarchuir comhaontú air. Ceapadh an t-eadránaí, an 15 Iúil 1996, agus bhíothas ag súil lena dhámhachtain siúd i dtosach roimh dheireadh Mheitheamh 1998. Le linn Mheitheamh 2002, thug an t-eadránaí a dhámhachtain i ndáil le dhá chás. Ina dhiaidh sin, thionscain an dá bhunaíocht a bhí i gceist imeachtaí Ard-Chúirte ar mhodh achomhairc in aghaidh an dá dhámhachtain eadrána. Ainmníodh mise mar chomhchosantóir sna himeachtaí sin. An 7 Samhain 2002, tháinig an tsaincheist os comhair Mháistir na hArd-Chúirte agus rinne seisean ordú ag cur ar athló i gcoitinne caingne na nGearánaithe i m'aghaidhse. Éisteadh an cás sa bhliain 2004. Ba é cinneadh an Bhreithimh Laffoy dár dáta 12 Bealtaine 2004 ná neamhbhailíocht a dhéanamh ar dhámhachtain an eadránaí sa dá chás agus aighneachtaí a éisteacht ó na páirtithe maidir le cruthú taraife lena ndéanfar cinneadh an eadránaí a athrú. Tá ordú lena gcuirtear taraif nua chun cinn, a foirmlíodh ag féachaint do na léargais i mbreith an Bhreithimh Laffoy déanta agus tá cóip faighte ag an Oifig agamsa. Níor thug an t-eadránaí aon chinneadh eile eadrána le linn 2004.

### Díospóidí a Cuireadh faoi mo Bhráid faoi Alt 38 den Acht Cóipchirt agus Ceart Gaolmhar, 2000

Thosaigh an tAcht Cóipchirt agus Ceart Gaolmhar 2000, lena ndéantar nua-aimsiriú ar Dhlí Cóipchirt na hÉireann, an 1 Eanáir 2001, seachas ailt 98, 198, 199 agus 247. Leis an Acht nua sin, leathnaíodh go mór na feidhmeanna reachtúla atá agamsa i gcúrsaí cóipchirt. Mar a luadh i dtuarascálacha roimhe seo, tá sé curtha in iúl agam don Roinn Fiontar, Trádála agus Fostaíochta go mbeidh gá le sainfhoireann chun feidhmeanna áirithe de na feidhmeanna a chuirtear ormsa faoin Acht Cóipchirt agus Ceart Gaolmhar 2000 a chomhall agus thugas meastachán faoin gcineál agus faoin líon foirne a bheadh ag teastáil – go hachomair duine ag a mbeadh saineolas cuntasaíochta agus cúlra dlí. Níl aon fhoireann bhreise sannta le haghaidh na hoibre seo fós, áfach.

Since the commencement of the Copyright and Related Rights Act 2000, I have received 107 references of disputes under Section 38(4), 89 of which were still pending at the end of 2004. To date, I have decided to refer 68 of these disputes (involving 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 mentioned in my Report for 2003 that the dispute relating to a licensing scheme submitted to me pursuant to Section 159 was settled in December 2003. As to the costs involved, I made an Order in January 2004 (pursuant to section 364 of the Act) and this brought the matter to a conclusion.

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

There were 8 organisations registered in the Register of Copyright Licensing Bodies as at the end of 2003; no new application for registration in the register was received in 2004.

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.

Ó thosach feidhme an Achta Cóipchirt agus Ceart Gaolmhar 2000, tá 107 ndiospóid curtha faoi mo bhráid faoi alt 38(4), agus bhí 89 de na cásanna sin fós ar feitheamh i ndeireadh 2004. Go n-uige seo, tá cinneadh glactha agam 68 de na díospóidí sin (a bhaineann le dioscónna/clubanna oíche) a chur chun eadrána agus tá iarrtha agam ar na páirtithe ainmneacha daoine a mholadh dom a d'fhéadfaí a cheapadh mar eadránaí; ní raibh an t-ábhar sin tugtha chun críche faoi dheireadh na bliana.

Luaigh mé i mo thuarascáil don bhliain 2003 gur réitíodh, Nollaig 2003, an díospóid a bhain le scéim ceadúnúcháin agus a cuireadh faoi mo bhráid de bhun alt 159. Maidir leis na costais a bhí i gceist, rinne me Ordú, Eanáir 2004, de bhun alt 364 den Acht, agus thug sé sin an gnó chun críche.

Ina theannta sin, tá foráil san Acht go ndéanfainnse na Cláir seo a leanas a bhunú agus a chothabháil:

- Clár na gComhlachtaí Ceadúnúcháin Cóipchirt
- Clár na gComhlachtaí Ceadúnúcháin um Chearta Maoine Taibheoirí
- Clár na gComhlachtaí Ceadúnúcháin um Chearta Bunachair.

Bhí ocht n-eagraíocht cláraithe i gClár na gComhlachtaí Ceadúnúcháin Cóipchirt i ndeireadh na bliana 2003. Ní bhfuarthas aon iarratas nua le haghaidh clárú sa chlár le linn na bliana 2004. Ina theannta sin, tá iarratas amháin agam, a fuarthas sa bhliain 2001, le haghaidh clárú i gClár na gComhlachtaí Ceadúnúcháin um Chearta Maoine Taibheoirí. Toisc nach bhfuil an ionstraim reachtúil lena rialófar an nós imeachta clárúcháin i ndáil leis an ní sin déanta ag an Aire go fóill, áfach, ní raibh ar mo chumas go n-uige seo plé leis an iarratas a fuarthas

## INTERNATIONAL MATTERS

### Directive on the Enforcement of Intellectual Property Rights

The Directive aims to harmonize the law and practice in all Member States in relation to enforcement measures to protect intellectual property. It includes procedures covering evidence and the protection of evidence and provisional measures such as injunctions and seizure. Remedies available to right holders include the destruction, recall or permanent removal from the market of illegal goods, as well as financial compensation, injunctions and damages. The directive includes a right of information allowing judicial authorities to order certain persons to reveal the names and addresses of those involved in distributing illegal goods or services.

During the Irish Presidency, the Directive was adopted on First Reading by the European Parliament in March 2004 and by the Council in April 2004. The Directive was published in the Official Journal of the European Union (L 157) on 30 April 2004. Member States have a period of twenty-four months to transpose the directive into national law.

### Directive of the European Parliament and of the Council amending Directive 98/71/EC on the legal protection of designs

This Directive, which was proposed by the Commission in September 2004, concerns design protection of spare parts intended to restore the appearance of complex products such as motor vehicles. It aims to remove the option provided for in the original designs Directive adopted in 1998 (98/71) by introducing a "repairs clause" so that visible parts can be freely reproduced by independent parts manufacturers and marketed throughout the EU for repair purposes to restore the original appearance of the product. In so doing, the Commission wish to complete the Internal Market in this sector which is currently fragmented in that just 9, including Ireland, of the 25 Member States have opened up the after-sales market in spare parts for repair purposes. Discussion on the draft Directive commenced at Council Working Group level in late 2004 and will continue in 2005.

### Proposal for Regulations amending Regulation (EC) 2868/95 (the Implementing Regulation) and Regulation (EC) 2869/95 (the Fees Regulation) of the CTMR

The changes to the Community Trade Mark Regulation enacted by Council Regulation (EC) 422/2004 necessitate corresponding changes to Regulation (EC) 2868/95 (the Implementing Regulation) and Regulation (EC) 2869/95 (the Fees Regulation). A Committee chaired by the Commission is

## NITHE IDIRNÁISIÚNTA

### Treoir maidir le Cearta Maoine Intleachtúla a Fhorfheidhmiú

Tá sé i gceist leis an Treoir comhchuíbhíú a dhéanamh ar an dlí agus ar an gcleachtas sna Ballstáit go léir i ndáil le bearta forfheidhmithe chun maoin intleachtúil a chosaint. Áirítear inti nósanna imeachta maidir le fianaise agus cosaint fianaise agus tá bearta sealadacha ann – urghairí agus urghabháil, mar shampla. Ar na réitigh atá ar fáil do shealbhóirí ceart, tá earraí mídhleathacha a scriosadh, a aistarraingt agus a bhaint den mhargadh go buan, agus cúiteamh airgid, urghairí agus damáistí. Tá ceart chun faisnéise san áireamh sa Treoir lena gceadaítear d'údarais bhreithiúnacha a ordú do dhaoine áirithe ainm agus seoladh daoine atá páirteach i ndáileadh earraí nó seirbhísí mídhleathacha a nochtadh.

Le linn Uachtaránacht na hÉireann, ghlac Parlaimint na hEorpa an Treoir ar an gCéad Léamh, Márta 2004, agus ghlac an Chomhairle í, Aibreán 2004. Foilsíodh an Treoir in Iris Oifigiúil an Aontais Eorpaigh (L 157) an 30 Aibreán 2004. Tá tréimhse ceithre mhí ar fhichid ag Ballstáit chun an Treoir a thras-aistriú isteach sa dlí náisiúnta.

### Treoir ó Pharlaimint na hEorpa agus ón gComhairle lena leasaítear Treoir 98/71/CE maidir le cosaint dhlíthiúil dearthaí

Baineann an Treoir sin, a mhol an Coimisiún mí Mheán Fómhair 2004, le cosaint dearthaí páirteanna spártha a bheartaítear chun an chuma atá ar earraí casta a aisiriú – mótarfheithiclí, mar shampla Tá sí dírithe ar deireadh a chur leis an rogha dár foráladh sa Treoir bhunaidh dearthaí a glacadh sa bhliain 1998 (98/71) trí "clásal deisiúcháin" a thabhairt isteach chun go bhféadfaidh monaróirí neamhspleácha páirteanna infheicthe a atáirgeadh gan srian agus iad a chur ar an margadh ar fud an Aontais Eorpaigh chun críocho deisiúcháin chun an chuma bhunaidh a bhí ar an earra a thabhairt ar ais. Á dhéanamh sin dóibh, is mian leis an gCoimisiún an Margadh Inmheánach a thabhairt chun críche san earnáil sin, earnáil atá scaipthe faoi láthair sa mhéid is nach bhfuil ach naoi gcinn de na Ballstáit, Éire san áireamh, tar éis an margadh iardhiolacháin i bpáirteanna spártha a oscailt chun críocho deisiúcháin. Thosaigh an plé ar an dréacht-Treoir ar leibhéal an Ghasra Oibre Comhairle i dtreo dheireadh na bliana 2004 agus leanfaidh sé ar aghaidh sa bhliain 2005.

### Togra i gcomhair Rialachán chun Rialachán (CE) 2868/95 (an Rialachán Forfheidhmithe) agus Rialachán (CE) 2869/95 (an Rialachán Táilí) de RTC a leasú

De bharr na n-athruithe ar an Rialachán um Thrádmharcanna Comhphobail, a achtaíodh le Rialachán (CE) 422/2004 ón gComhairle, ní foláir athruithe comhfhreagracha a dhéanamh ar Rialachán (CE) 2868/95 (an Rialachán Forfheidhmithe) agus



currently discussing proposed changes to the Implementing and Fees Regulations. In terms of the Implementing Regulation, changes are proposed to the format and content of national search reports to take effect from March 2008 and, in relation to the fees Regulation, amendments to the scale of fees charged by OHIM are under consideration.

### EU Accession to the Madrid Protocol

The Community Trade Mark Registration system and the International Registration system for trade marks under the Madrid Agreement and the Madrid Protocol has been operating in tandem for some years. Establishing a link between both systems to enhance the integration and functioning of the internal market has been under consideration at EU level for some time and agreement on this issue was reached in 2003. The link 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.

The necessary measures to give effect to the Council decision were agreed in 2004, which allowed the EU deposit its instrument of accession with WIPO in June 2004. EU accession took effect from 1 October 2004 from which time it has been possible to use a Community Trade Mark as the basis for an International registration under the Protocol and, vice versa.

### 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.

On 18 May, 2004, the Competitiveness Council reached political agreement on a common position, based on a proposal put forward by the Irish Presidency. The text agreed took account of certain amendments proposed by the European Parliament and also included a number of amendments put forward by delegations to further clarify the conditions under which a computer implemented invention might be patented. Following formal adoption of the common

Rialachán (CE) 2869/95 (an Rialachán Táilli). Tá Coiste, a bhfuil an Coimisiún ag déanamh cathaoirleachta air, ag plé athruithe faoi láthair a bheartaítear a dhéanamh ar na Rialacháin Forfheidhmithe agus Táilli. Maidir leis an Rialachán Forfheidhmithe, tá athruithe beartaithe ar leagan amach agus ábhar na dtuarascálacha cuardaigh náisiúnta le héifeacht ó Mhárta 2008 ar aghaidh agus, i ndáil le Rialachán na dTáilli, tá athruithe ar scála na dtáilli a ghearrann OCMI á mbreithniú.

### Aontú AE do Phrótacal Mhaidrid

Tá córas Chlárú Trádmharcanna an Chomhphobail agus córas an Chláraithe le haghaidh trádmharcanna faoi Chomhaontú Mhaidrid agus Prótacal Mhaidrid ag oibriú le chéile le roinnt blianta anuas. Tá an moladh nasc a bhunú idir an dá chóras d'fhonn comhiomlánú agus feidmiú an mhargaidh inmheánaigh a fheabhsú á phlé ar leibhéal AE le tamall maith anuas agus thángthas ar chomhaontú ar an tsaincheist sin sa bhliain 2003. Leis an nasc sin, d'éascófaí úsáid Trádmhairc Comhphobail mar bhonn le clárú idirnáisiúnta an mhairc chéanna faoi Phrótacal Mhaidrid a bunaíodh sa bhliain 1989 agus vice versa.

Aontaíodh na bearta riachtanacha chun éifeacht a thabhairt do chinneadh na Comhairle sa bhliain 2004, agus leis an gcinneadh sin cuireadh ar chumas AE a ionstraim aontachais a thaisceadh le EDMI, Meitheamh 2004. Tháinig aontachas AE i bhfeidhm amháil ón 1 Deireadh Fómhair 2004 agus is féidir ón am sin i leith Trádmharc Comhphobail a úsáid mar bhonn le clárú Idirnáisiúnta faoin bPrótacal agus vice versa.

### Togra le haghaidh Treorach ó Pharlaimint na hEorpa agus ón gComhairle ar inphaitinneacht aireagán ríomhfheidhmithe

I gcoitinne, ní bhíonn cláracha ríomhaire san áireamh san inphaitinneacht faoi dhlíthe paitinne Bhallstáit AE ná faoi Choinbhinsiún Paitinní na hEorpa, a bhfuil feidhm aige maidir le hoibriú Oifig Paitinní na hEorpa (OPE). Ní mar a chéile, áfach, feidhm na bhforálacha dlíthiúla sna dlínsí éagsúla agus feidhm na bhforálacha dlíthiúla ag OPE. Tá difríochtaí go háirithe idir cásdlí Bhoird Achomhairc Oifig Paitinní na hEorpa agus cásdlí chúirteanna na mBallstát. Is féidir, mar sin, aireagán ríomhfheidhmithe a chosaint i mBallstát amháin ach gan é sin a dhéanamh i mBallstát eile, rud a mbíonn tionchar díreach diúltach aige ar feidmiú ceart an mhargaidh inmheánaigh.

18 Bealtaine 2004, tháinig an Chomhairle Iomaiochais ar chomhaontú polaitiúil ar chomhsheasamh, bunaithe ar thogra a chuir Uachtaránacht na hÉireann ar aghaidh. Sa téacs a aontaíodh, cuireadh san áireamh leasuithe áirithe a mhol Parlaimint na hEorpa agus áiríodh ann freisin leasuithe a chuir toscaireachtaí ar aghaidh chun tuilleadh soiléiriú a dhéanamh ar na coinníollacha faoina ndéanfaí aireagán ríomhfheidhmithe a phaitinniú. Tar éis don Chomhairle an comhsheasamh a ghlacadh, cuirfear an comhad ar ais chuig an bParlaimint le



position by Council, the dossier will go back to Parliament for a second reading, the next stage in the co-decision process. Formal adoption had not occurred by end 2004.

### Proposal for a Council Regulation on the Community Patent

In March 2003, the Competitiveness Council agreed a common political approach on a proposal aimed at creating a new unitary patent system covering the whole territory of the Community. The agreement sets out the parameters to apply to the contentious elements of translations and costs, the role of the national patent offices, distribution of fees for community patents and the jurisdictional system.

Subsequent Competitiveness Councils failed to reach the unanimous political agreement required on the draft Community Patent Regulation due to issues around translations, and in particular the legal effect of translations where these are inaccurate.

In June 2004 the European Council concluded that "a period of reflection should be used to see how to move forward, taking account of the support by all Member States for the principle of a Community Patent."

### Trade Mark Law Treaty

The Trademark Law Treaty (TLT) was originally signed in 1994 and to date has been ratified by thirty-two WIPO member countries (including Ireland). The purpose of the Trademark Law Treaty is to achieve worldwide harmonisation and simplification of administrative procedures relating to trade marks. These procedures mainly concern the formalities connected with trade mark applications and renewal of trade marks registrations. This is of benefit to trade mark owners and their professional representatives.

A revision of the TLT to enhance the areas on which harmonisation exists is under discussion within the World Intellectual Property Organisation (WIPO).

A Diplomatic Conference to adopt a revised TLT is scheduled to take place from 13-31 March 2006.

### Accession of Ireland to the Berne Convention (Paris Act)

On 2 December, 2004, Ireland deposited instruments of accession to the Berne Convention on the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971 and amended on September 27, 1979. The Copyright and Related Rights Act 2000 (Number 28 of 2000) brought Irish copyright law into conformity with the Paris Act of the Berne Convention.

haghaidh an dara léamh, an chéad chéim eile sa phróiseas comhchinnidh. Ní raibh an glacadh foirmeálta tar éis tarlú faoi dheireadh 2004.

### Togra le haghaidh Rialacháin ón gComhairle ar an bPaitinn Chomhphobail

Márta 2003, d'aontaigh an Chomhairle Iomaíochais cur chuige polaitiúil i ndáil le togra a bhí dírithe ar chóras nua aonmhar paitinní a chruthú a chlúdódh críoch uile an Chomhphobail. Sa chomhaontú, leagtar amach na teorainneacha a bheidh i bhfeidhm maidir le gnéithe conspóideacha – aistriúcháin agus costais, ról na n-oifigí náisiúnta paitinne, dáileadh táillí le haghaidh paitinní Comhphobail agus an córas dlínseach.

Níor éirigh le Comhairlí Iomaíochais ina dhiaidh sin teacht ar an gcomhaontú polaitiúcháin d'aon ghuth a bhí ag teastáil ar an dréacht-Rialachán Paitinne Comhphobail de dheasca saincheisteanna a bhain le haistriúcháin, go háirithe tionchar dlíthiúil aistriúcháin i gcás nach bhfuil siad cruinn.

Meitheamh 2004, tháitil Comhairle na hEorpa gur chóir tréimhse machnaimh a úsáid féachaint conas a d'fhéadfaí bogadh ar aghaidh, ag cur san áireamh tacaíocht na mBallstát go léir do phrionsabal na Paitinne Comhphobail.

### Conradh um Dhlí Trádmhairc

Síníodh an Conradh um Dhlí Trádmhairc (CDT) sa bhliain 1994 agus go n-uige seo tá dhá bhallstát is tríocha (Éire san áireamh) de chuid na hEagraíochta Domhanda um Maoin Intleachtúil (EDMI) tar éis é a dhaingniú. Is é an cuspóir atá leis an CDT ná comhchuibhiú domhanda agus simpliú a bhaint amach ar na nósanna imeachta riaracháin a bhaineann le trádmharcanna. Baineann na nósanna imeachta sin go príomha le foirmeáltachtaí maidir le hiarratais trádmhairc agus athnuachan ar chlárúcháin trádmhairc. Tá sé sin ceaptha dul chun leasa úinéirí trádmharcanna agus a n-ionadaithe gairmiúla.

Tá athbhreithniú ar CDT, chun cur leis na réimsí ina bhfuil comhchuibhiú ar bun, á phlé laistigh d'EDMI.

Tá Comhdháil Taidhleoireachta le bheith ann ón 13-31 Márta 2006 chun CDT athbhreithnithe a ghlacadh.

### Aontachas na hÉireann do Choinbhinsiún Berne (Ionstraim Pháras)

An 2 Nollaig 2004, rinne Éire ionstraimí aontachais le Coinbhinsiún Berne maidir le Cosaint Saothar Liteartha agus Ealaíonta, arna athbhreithniú i bPáras, an 24 Iúil 1971, agus arna leasú an 27 Meán Fómhair 1979, a thaisceadh. Leis an Acht Cóipchirt agus Ceart Gaolmhar 2000 (Uimhir 28 de 2000) cuireadh dlí cóipchirt na hÉireann de réir Ionstraim Pháras de Choinbhinsiún Berne.

## 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.

Having already implemented e-Journal, e-Registers and e-Database systems, the Office completed its e-Commerce programme when the new Online Renewal Payment System went live on 15 December 2004. The new system, funded by the Information Society Fund, was delivered at a total cost of €80,000 (a saving of €120,000 on the original budget allocation of €200,000). Customers of the Office can now pay Renewal Fees online using Visa, MasterCard or Irish Debit Cards (Laser) from anywhere in the world.

The new system interfaces with the existing administration system (Ptolemy) to provide a fully automated renewal process; from payment of renewal fee to issue of renewal certificate and updating of the Office databases and registers.

The on-going development of enhancements to the Ptolemy system continued throughout the year. The many changes included the automatic generation of letters, a new Industrial Design Application Form and amendments to the importation modules for European Patent and International Trade Mark data.

The Office moved to the latest versions of its Trade Mark Search System (Accepto), which was also upgraded to incorporate the Community Trade Mark database (CTM) for more effective and efficient administrative searching.

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 a modern Intellectual Property Office.

## TEICNEOLAÍOCHT FAISNÉISE

Cuireann an Roinn Fiontar, Trádála agus Fostaíochta an bonneagar TF ar fáil maille le tacaíocht agus cothabháil do chórais riaracháin na hOifige agus cuireann an Roinn an maoiniú le haghaidh an chaiteachais ar fáil.

Tar éis dúinn na córais a bhaineann le ríomhlíris, ríomhchlár agus ríomhbhunachar a chur i bhfeidhm, chuir an Oifig críoch lena clár ríomhthráchtála nuair a d'imigh an Córas Íocaíochta Athnuachana Ar-Líne nua beo, an 15 Nollaig 2004. Seachadadh an córas nua, arna mhaoiniú le Ciste na Sochaí Faisnéise, ar chostas iomlán €80,000 (coigilt €120,000 ar an leithroinnt buiséid tosaigh €200,000). Is féidir le custaiméirí de chuid na hOifige Táillí Athnuachana a íoc ar-líne anois agus Visa, MasterCard nó Cártaí Dochair Éireannacha (Léasar) a úsáid aon áit ar domhan.

Tá comhéadan ag an gcóras nua leis an gcóras riaracháin reatha (Ptolemy) chun próiseas athnuachana lánuathoibríoch a sholáthar; ó íocaíocht táillí athnuachana go dtí eisiúint deimhnithe athnuachana agus uasdátú bhunachair agus chlár na hOifige.

Leanadh ar aghaidh le forbairt leanúnach feabhsúchán ar chóras Ptolemy i rith na bliana. Ar na hathruithe iomadúla a tharla, bhí giniúint uathoibríoch litreacha, Foirm Iarratais um Dhearadh Tionscail nua agus leasuithe ar na modúil iompórtála le haghaidh sonraí a bhaineann le Paitinní Eorpacha agus Trádmharcanna Idirnáisiúnta.

Bhog an Oifig ar aghaidh go dtí na leaganacha is déanaí dá Córas Cuardaigh Trádmharcanna (Accepto), a uasghráidíodh freisin chun an bunachar Trádmhairc Comhphobail a thabhairt isteach agus cuardach riaracháin éifeachtach agus éifeachtúil a bhaint amach.

Leis na forbairtí agus na tionscnaimh phleanáilte sin, cinnteofar go leanfaidh an Oifig ar aghaidh ag soláthar na n-áiseanna agus na seirbhísí is nua amuigh a mbeifí ag súil leo ó Oifig Maoine Intleachtúla nua-aimseartha dá custaiméirí agus don phobal i gcoitinne.

## APPENDIX A

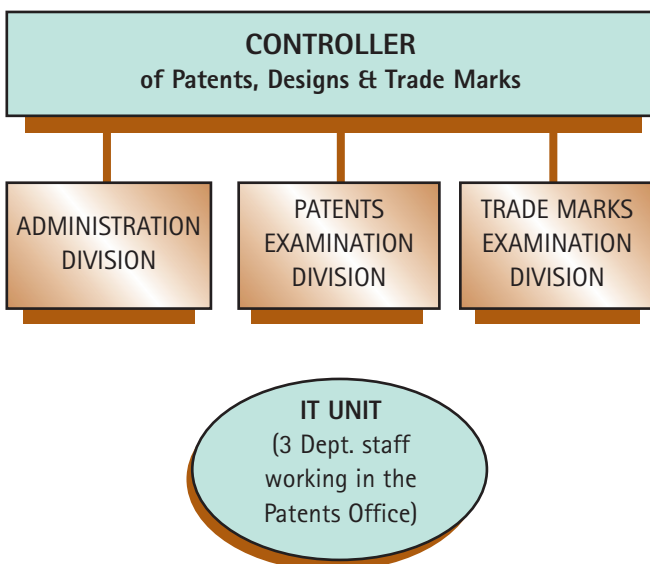
### STAFF SERVING AT 31 DECEMBER 2004

Approved Posts	Number Serving	Staff
1	1	Controller
2	2	Assistant Principal
1	1	Senior Patent Examiner
8	8	Higher Executive Officer
4	3	Patent Examiner
20	23 *	Executive Officer
4	3	Staff Officer
36	32*	Clerical Officer
1	1	Services Officer
<b>77</b>	<b>74</b>	

\* Includes 7 Executive Officers and 2 Clerical Officers on work-sharing arrangements.

In addition there are 3 staff members of the Department of Enterprise, Trade and Employment (2 EO's and 1 CO) working in the Office providing information technology services.

### OFFICE STRUCTURE



## FOSCRÍBHINN A

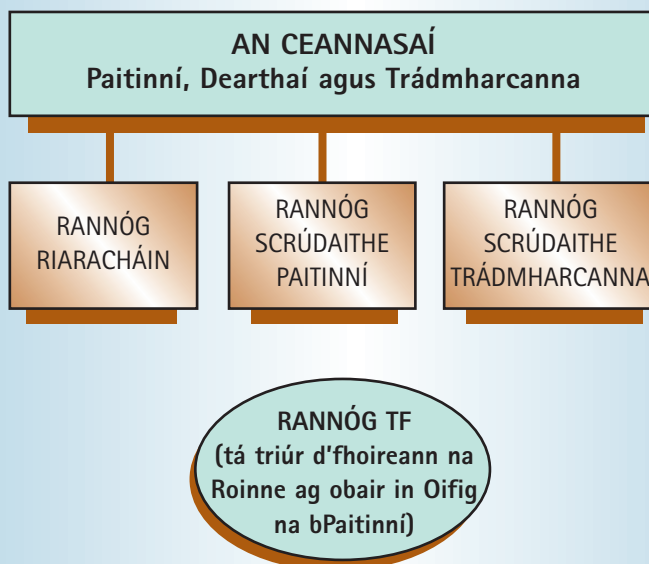
### FOIREANN I mBUN SEIRBHÍSE AN 31 NOLLAIG 2004

Poist Cheadaithe	An Líon i mbun Seirbhíse	Foireann
1	1	Ceannasaí
2	2	Leasphríomhoifigeach
1	1	Scrúdaitheoir Sinsearach Paitinní
8	8	Ardoifigeach Feidhmiúcháin
4	3	Scrúdaitheoir Paitinní
20	23 *	Oifigeach Feidhmiúcháin
4	3	Oifigeach Foirne
36	32*	Oifigeach Cléireachais
1	1	Oifigeach Seirbhísí
<b>77</b>	<b>74</b>	

\* Áirítear 7 nOifigeach Feidhmiúcháin agus 2 Oifigeach Cléireachais atá ar shocrúithe postróinte.

Ina theannta sin, tá 3 bhall foirne den Roinn Fiontar, Trádála agus Fostaíochta (2 OF agus 1 OC) ag obair san Oifig agus iad ag soláthar seirbhísí teicneolaíochta faisnéise.

### STRUCTÚR NA hOIFIGE



## APPENDIX B

### RECEIPTS AND EXPENSES – YEAR ENDED 31 DECEMBER 2004

Receipts	€ 000
Patent fees (Notes 1 and 2)	4,601
Trade Mark fees	1,488
International Trade Mark Registration – fees received from WIPO (Note 3)	1,226
Fees received for the searching of Community Trade Marks (Note 4)	1,356
Design fees	90
Other fees	56
Less refunds made in respect of Patents and Trade Mark fees paid in error	108
<b>Net receipts accruing to the exchequer</b>	<b>8,709</b>

Expenses	€ 000
Salaries	2774
Employer's PRSI	135
Printing, Binding, etc.	57
Telephones	55
Postal Services	32
Subscriptions to Industrial Property Unions	292
Expenses of Representation at International Meetings and Travelling Expenses	62
Law Reporting and Legal Costs	21
Maintenance of Buildings, Rents, Rates, Heating, Furniture, etc.	181
Office Machinery, Computer Equipment, Stationary, etc.	36
<b>Total</b>	<b>3,645</b>

## FOSCRÍBHINN B

### FÁLTAIS AGUS CAITEACHAIS – BLIAIN DÁR CRÍOCH 31 NOLLAIG 2004

Fáltais	€ 000
Táillí Paitinne (Nótaí 1 agus 2)	4,601
Táillí Trádmhairc	1,488
Clárúchán Trádmharcanna Idirnáisiúnta – táillí a fuarthas ó EDMI (Nóta 3)	1,226
Táillí a fuarthas as cuardach a dhéanamh ar Thrádmharcanna Comhphobail (Nóta 4)	1,356
Táillí Deartha	90
Táillí Eile	56
Lúide aisíocaíochtaí a rinneadh i ndáil le Paitinní agus Trádmharcanna a íocadh de dhearmad	108
<b>Glanfáltais a fhabhraíonn don Stáitchiste</b>	<b>8,709</b>

Caiteachais	€ 000
Tuarastail	2774
ÁSPC fostóra	135
Clódoireacht, Ceangal, srl.	57
Gutháin	55
Seirbhísí Poist	32
Síntiúis do Chumainn Maoine Tionscail	292
Costais as Ionadaíocht a dhéanamh ag Cruinnithe Idirnáisiúnta agus Costais Taistil	62
Tuairisciú Dlíthiúil agus Costais Dlí	21
Cothabháil ar Fhoirgnimh, Cíosanna, Rátaí, Teas, Troscán, srl.	181
Innealra Oifige, Trealamh Ríomhaire, Stáiseanáireacht, srl.	36
<b>Iomlán</b>	<b>3,645</b>



## 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	7,001
Less Proportion of patent renewal fees transferred to the European Patent Office, Munich.	2,400
Net Patent fees which accrue to the Exchequer	4,601

### 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 2004 are as follows:

	€ 000
PCT Basic and Designation Fees transferred to WIPO, Geneva	182
PCT Search fees transferred to EPO, Munich	265
<b>Total</b>	<b>447</b>

### 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.

## FOSCRÍBHINN B (ar leanúint)

### Nóta 1

De réir Choinbhinsiún Paitinní na hEorpa, ar páirtí ann Éire, tá ceangal ar Oifig na bPaitinní 50% de na táillí athnuachana go léir atá faighte i ndáil le Paitinní Eorpacha a ndearnadh bailíocht orthu in Éirinn agus atá taifeadta i gclár náisiúnta na bPaitinní a íoc le hOifig Paitinní na hEorpa.

	€ 000
Táillí Paitinne	7,001
Lúide comhréir táillí athnuachana paitinne a aistríodh go dtí Oifig Paitinní na hEorpa, München, An Ghearmáin.	2,400
Glantáillí Paitinne a fhabhraíonn don Stáitchiste	4,601

### Nóta 2

Feidhmíonn Oifig na bPaitinní mar oifig glactha le haghaidh iarratas paitinne a dhéantar faoin gConradh um Chomhoibriú Paitinní (CCP) agus, mar sin faigheann an Oifig táillí as iarratais a chur ar aghaidh go dtí Oifig Paitinní na hEorpa agus an Eagraíocht Dhomhanda um Maoin Intleachtúil. Ní fhabhraíonn na táillí sin do stáitchiste na hÉireann agus, mar sin, níl siad san áireamh san fhigiúr do ghlanfháltais. Seo a leanas mionsonraí ar na táillí a aistríodh chuig OPE agus EDMI le linn 2004:

	€ 000
Buntáillí CCP agus Táillí Ainmniúcháin a aistríodh chuig EDMI, An Ghinéiv	182
Táillí Cuardaigh CCP a aistríodh chuig OPE, München, An Ghearmáin	265
<b>Iomlán</b>	<b>447</b>

### Nóta 3

Mar thoradh ar dhaingniú na hÉireann ar an bPrótacal a bhaineann le Comhaontú Mhaidrid maidir le Clárú Idirnáisiúnta Marcanna (Prótacal Mhaidrid) an 19 Iúil 2001, faigheann an Oifig táillí i ndáil le hiarratais Trádmhairc Idirnáisiúnta lena lorgaítear cosaint in Éirinn ón Eagraíocht Dhomhanda um Maoin Intleachtúil (EDMI).

### Nóta 4

Faoi Airteagal 39(3) de Rialachán Uimh. 40/94, Nollaig 1993, ón gComhairle maidir leis an Trádmharc Comhphobail, féadfaidh an Oifig cuardach a dhéanamh ar iarratais TC agus an toradh a chur in iúl d'EDMI. Íocann EDMI táille cuardaigh le hOifig na bPaitinní as an tseirbhís seo.



## 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.
REPUBLIC OF IRELAND	788	93.25	1389	51.81	34	54.84
ANTIQUEA & BARBUDA			2	0.07		
ARGENTINA			1	0.04		
AUSTRALIA	1	0.12	9	0.34		
ARUBA			3	0.11		
BARBADOS	1	0.12				
BELGIUM	1	0.12	4	0.15		
BERMUDA			6	0.22		
BRAZIL			2	0.07		
BRITISH VIRGIN ISLANDS			2	0.07		
CAYMAN ISLANDS			6	0.22		
CANADA			12	0.45	6	9.68
CHILE			11	0.41		
CHINA			7	0.26		
CYPRESS			1	0.04		
DENMARK	1	0.12	8	0.30		
FRANCE	2	0.24	25	0.93	2	3.23
GERMANY	1	0.12	65	2.42	1	1.61
GREECE					1	1.61
HONG KONG	1	0.12	3	0.11		
ISRAEL			3	0.11		
INDIA	1	0.12				
IRAN	1	0.12				
ITALY	1	0.12	5	0.19	3	4.84
JAPAN	3	0.36	23	0.86	3	4.84
KOREA			10	0.37		
LUXEMBOURG			6	0.22		
MAURITIUS			1	0.04		
MEXICO			1	0.04		
NETHERLANDS	1	0.12	12	0.45		
NEW ZEALAND			4	0.15		
POLAND			1	0.04		
PUERTO RICO			1	0.04		
SINGAPORE	1	0.12	2	0.07		
SOUTH AFRICA	3	0.36	2	0.07		
SPAIN			2	0.07	2	3.23
SWEDEN			3	0.11		
SWITZERLAND	3	0.36	53	1.98	1	1.61
TAIWAN			2	0.07		
THAILAND			1	0.04		
TURKEY			2	0.07		
UNITED KINGDOM	25	2.96	397	14.81	7	11.29
USA	10	1.18	594	22.16	2	3.23
<b>TOTAL</b>	<b>845</b>	<b>100%</b>	<b>2681</b>	<b>100%</b>	<b>62</b>	<b>100%</b>

## FOSCRÍBHINN C

### IARRATAIS DE RÉIR THÍR BHUNAI DH AN IARRATASÓRA

TÍR	PAITINNÍ		TRÁDMHARCANNA		DEARTHÁÍ	
	An Lion Iarratas	Céatadán den Lion Iomlán	An Lion Iarratas	Céatadán den Lion Iomlán	An Lion Iarratas	Céatadán den Lion Iomlán
POBLAÇHT NA hÉIREANN	788	93.25	1389	51.81	34	54.84
ANTIQUEA & BARBUDA			2	0.07		
AN AIRGINTÍN			1	0.04		
AN ASTRÁIL	1	0.12	9	0.34		
ARUBA			3	0.11		
BARBADÓS	1	0.12				
AN BHEILG	1	0.12	4	0.15		
BEIRMIÚDA			6	0.22		
AN BHRASAÍL			2	0.07		
BRITISH VIRGIN ISLANDS			2	0.07		
OILEÁIN CAYMAN			6	0.22		
CEANADA			12	0.45	6	9.68
AN tSILE			11	0.41		
AN tSÍN			7	0.26		
AN CHIPIR			1	0.04		
AN DANMHAIRG	1	0.12	8	0.30		
AN FHRAINIC	2	0.24	25	0.93	2	3.23
AN GHEARMÁIN	1	0.12	65	2.42	1	1.61
AN GHRÉIG					1	1.61
HONG CONG	1	0.12	3	0.11		
IOSRAEL			3	0.11		
AN INDIA	1	0.12				
AN IARÁIN	1	0.12				
AN IODÁIL	1	0.12	5	0.19	3	4.84
AN tSEAPÁIN	3	0.36	23	0.86	3	4.84
AN CHÓIRÉ			10	0.37		
LUCSAMBURG			6	0.22		
OILEÁN MHUIRÍS			1	0.04		
MEICSICEO			1	0.04		
AN ÍSILTÍR	1	0.12	12	0.45		
AN NUA-SHÉALAINN			4	0.15		
AN PHOLAINN			1	0.04		
PUERTO RICO			1	0.04		
SINGEAPÓR	1	0.12	2	0.07		
AN AFRAIC THEAS	3	0.36	2	0.07		
AN SPÁINN			2	0.07	2	3.23
AN tSUALAINN			3	0.11		
AN EILVÉIS	3	0.36	53	1.98	1	1.61
TAIWAN			2	0.07		
AN TÉALAINN			1	0.04		
AN TUIRC			2	0.07		
AN RÍOCHT AONTAITHE	25	2.96	397	14.81	7	11.29
STÁIT AONTAITHE MHEIRICEÁ	10	1.18	594	22.16	2	3.23
<b>IOMLÁN</b>	<b>845</b>	<b>100%</b>	<b>2681</b>	<b>100%</b>	<b>62</b>	<b>100%</b>

## 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.
REPUBLIC OF IRELAND	326	65.73	1145	44.59	2	100	106	43.09
ARGENTINA			5	0.19				
AUSTRALIA	1	0.20	13	0.51			44	17.89
AUSTRIA			3	0.12				
ARUBA			3	0.12				
BELGIUM	4	0.81	10	0.39				
BERMUDA			5	0.19				
BRAZIL			2	0.08				
CANADA	6	1.21	3	0.12				
CAYMAN ISLANDS			1	0.04				
CHILE			8	0.31				
CHINA			2	0.08				
CYPRUS			1	0.04				
DENMARK	1	0.20	5	0.19				
FINLAND	4	0.81	1	0.04			8	3.25
FRANCE	14	2.82	47	1.83			3	1.22
GERMANY	8	1.61	76	2.96			12	4.88
GIBRALTAR	1	0.20						
GREECE							1	0.41
HONG KONG			5	0.19				
ISRAEL			3	0.12				
ITALY	1	0.20	19	0.74			18	7.32
JAPAN	6	1.21	45	1.75			5	2.03
KOREA			8	0.31				
LUXEMBOURG	1	0.20	8	0.31				
MAURITIUS			1	0.04				
NETHERLANDS	4	0.81	18	0.70			1	0.41
NEW ZEALAND			2	0.08				
NORWAY			1	0.04				
PARAGUAY			1	0.04				
POLAND			3	0.12				
PORTUGAL			1	0.04				
SINGAPORE			6	0.23				
SOUTH AFRICA			5	0.19				
SPAIN	2	0.4	9	0.35			5	2.03
SWEDEN	3	0.60	9	0.35				
SWITZERLAND	9	1.81	64	2.49			5	2.03
TAIWAN			2	0.08				
THAILAND			1	0.04				
UNITED ARAB EMIRATES			3	0.12				
UNITED KINGDOM	31	6.25	534	20.79			25	10.16
USA	73	14.72	490	19.08			13	5.28
WEST INDIES	1	0.20						
<b>TOTAL:</b>	<b>496</b>	<b>100%</b>	<b>2568</b>	<b>100%</b>	<b>2</b>	<b>100%</b>	<b>246</b>	<b>100%</b>

## FOSCRÍBHINN D

PAITINNÍ A DEONAÍODH AGUS DEARHTAÍ AGUS  
TRÁDMHARCANNA A CLÁRAÍODH DE RÉIR THÍR  
BHUNAIDH AN PHAITINNÍ NÓ AN ÚINEARA

TÍR	PAITINNÍ		TRÁDMHARCANNA		DEARHTAÍ			
	An Líon a Deon-aiodh	Céatadán den Líon Iomlán	An Líon a Cláraíodh	Céatadán den Líon Iomlán	An Líon a Cláraíodh Faoi Acht 1927	% den Líon Iomlán	An Líon a Cláraíodh Faoi Acht 2001	% den Líon Iomlán
POBLACHT NA hÉIREANN	326	65.73	1145	44.59	2	100	106	43.09
AN AIRGINTÍN			5	0.19				
AN ASTRÁIL	1	0.20	13	0.51			44	17.89
AN OSTAR			3	0.12				
ARUBA			3	0.12				
AN BHEILG	4	0.81	10	0.39				
BEIRMIÚDA			5	0.19				
AN BHRASAÍL			2	0.08				
CEANADA	6	1.21	3	0.12				
OILEÁIN CAYMAN			1	0.04				
AN tSILE			8	0.31				
AN tSÍN			2	0.08				
AN CHIPIR			1	0.04				
AN DANMHAIRG	1	0.20	5	0.19				
AN FHIONLAINN	4	0.81	1	0.04			8	3.25
AN FHRAINIC	14	2.82	47	1.83			3	1.22
AN GHEARMÁIN	8	1.61	76	2.96			12	4.88
GIOBRÁLTAR	1	0.20						
AN GHRÉIG							1	0.41
HONG CONG			5	0.19				
IOSRAEL			3	0.12				
AN IODÁIL	1	0.20	19	0.74			18	7.32
AN tSEAPÁIN	6	1.21	45	1.75			5	2.03
AN CHOIRÉ			8	0.31				
LUCSAMBURG	1	0.20	8	0.31				
OILEÁN MHUIRÍS			1	0.04				
AN ÍSILTÍR	4	0.81	18	0.70			1	0.41
AN NUA-SHEALAINN			2	0.08				
AN IORUA			1	0.04				
PARAGUA			1	0.04				
AN PHOLAINN			3	0.12				
AN PHORTAINGÉIL			1	0.04				
SINGEAPÓR			6	0.23				
AN AFRAIC THEAS			5	0.19				
AN SPÁINN	2	0.4	9	0.35			5	2.03
AN tSUALAINN	3	0.60	9	0.35				
AN EILVÉIS	9	1.81	64	2.49			5	2.03
TAIWAN			2	0.08				
AN TÉALAINN			1	0.04				
AONTAS NA nÉIMIRIOCHTAÍ ARABACHA			3	0.12				
AN RÍOCHT AONTAITHE	31	6.25	534	20.79			25	10.16
STÁIT AONTAITHE MHEIRICEÁ	73	14.72	490	19.08			13	5.28
NA hINDIACHA THÍAR	1	0.20						
<b>AN tIOMLÁN:</b>	<b>496</b>	<b>100%</b>	<b>2568</b>	<b>100%</b>	<b>2</b>	<b>100%</b>	<b>246</b>	<b>100%</b>

## COMMENTARY ON THE PATENTS STATISTICS IN APPENDICES C and D

Appendix C indicates that applications for patents from applicants within the State accounted for 93.25% 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 65.73% of the total grants. These figures, taken in isolation, might tend to suggest that the level of innovative activity within the State is comparatively high. While the figures show precisely the outcome for 2004 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 2004, the following picture emerges:

### Patents granted in 2004 having effect in the State

	<i>Number</i>	<i>Number of patents granted to Applicants from within the State</i>	<i>% of patents granted to Applicants from within the State</i>
Granted by Office	496	326	65.73%
Granted by EPO	26,445	115	0.43%
<b>Total Grants</b>	<b>26,941</b>	<b>441</b>	<b>1.63%</b>

## RÁITEAS AR NA STAITISTICÍ PAITINNÍ I bhFOSCRÍBHINNÍ C AGUS D

Léirítear i bhFoscúbhinn C gurbh ionann iarratais ar phaitinní ó iarratasóirí laistigh den Stát agus 93.25% de na hiarratais iomlána ar phaitinní a fuarthas le linn na bliana. Maidir le paitinní a deonaíodh le linn na bliana, léirítear i bhFoscúbhinn D gurbh ionann deonuithe d'iarratasóirí laistigh den Stát agus 65.73% de na deonuithe iomlána. B'fhéidir go dtabharfadh na figiúirí seo le fios, astu féin, go bhfuil an leibhéal gníomhaíochta nuálaí sa Stát ard i gcomparáid le háiteanna eile. Cé go léiríonn na figiúirí an toradh cruinn don bhliain 2004 i ndáil le hiarratais a fuarthas agus paitinní a deonaíodh, níor chóir féachaint orthu ina n-aonar. Chun iad a chur sa chomhthéacs cuí, is gá a thabhairt chun cuimhne gur páirtí conarthach le Coinbhinsiún Paitinní na hEorpa í Éire agus, faoin gCoinbhinsiún sin, déantar iarratais go bliantúil go díreach le hOifig Paitinní na hEorpa lena n-ainmnítear Éire agus déanann Oifig Paitinní na hEorpa paitinní a dheonú go bliantúil agus éifeacht leo in Éirinn (an éifeacht chéanna is a bheadh leo dá mba í m'Oifigse a bhí tar éis iad a dheonú). Dá réir sin, nuair a chuirtear i gcuntas na Paitinní a dheonaigh Oifig Paitinní na hEorpa agus a raibh éifeacht leo sa Stát sa bhliain 2004, tagann an pictiúr seo a leanas chun cinn:

### Paitinní a deonaíodh sa bhliain 2004 agus a bhfuil éifeacht leo sa Stát

	<i>Líon</i>	<i>An líon paitinní a deonaíodh d'iarratasóirí laistigh den Stát</i>	<i>An % paitinní a deonaíodh d'iarratasóirí laistigh den Stát</i>
An líon a dheonaigh an Oifig	496	326	65.73%
An líon a dheonaigh OPE	26,445	115	0.43%
<b>Iomlán na nDeonuithe</b>	<b>26,941</b>	<b>441</b>	<b>1.63%</b>

## APPENDIX E

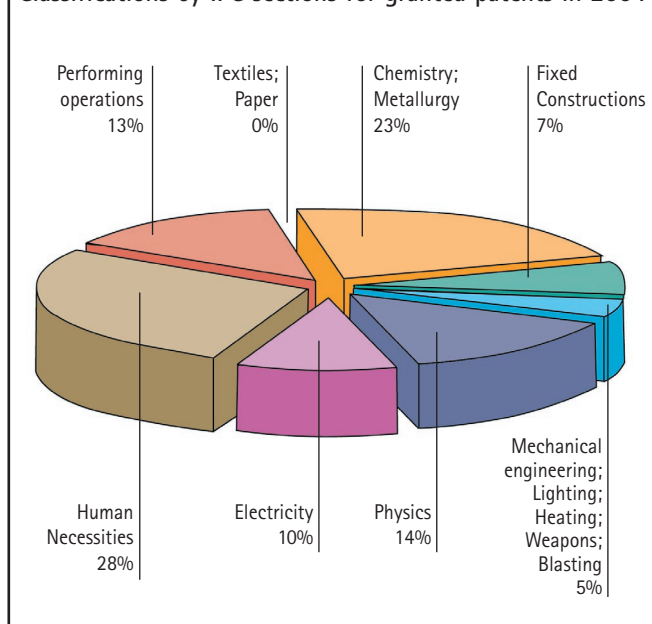
### CLASSIFICATION OF PATENTS GRANTED BY THE OFFICE IN YEAR ENDED 31 DECEMBER 2004

#### ACCORDING TO THE INTERNATIONAL CLASSIFICATION

CLASSIFICATION	No of grants in Classification*
A. HUMAN NECESSITIES	344
B. PERFORMING OPERATIONS	161
C. CHEMISTRY; METALLURGY	276
D. TEXTILES; PAPER	0
E. FIXED CONSTRUCTIONS	86
F. MECHANICAL ENGINEERING; LIGHTING; HEATING; WEAPONS; BLASTING	57
G. PHYSICS	171
H. ELECTRICITY	115

\* 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.

Classifications by IPC sections for granted patents in 2004



## FOSCRÍBHINN E

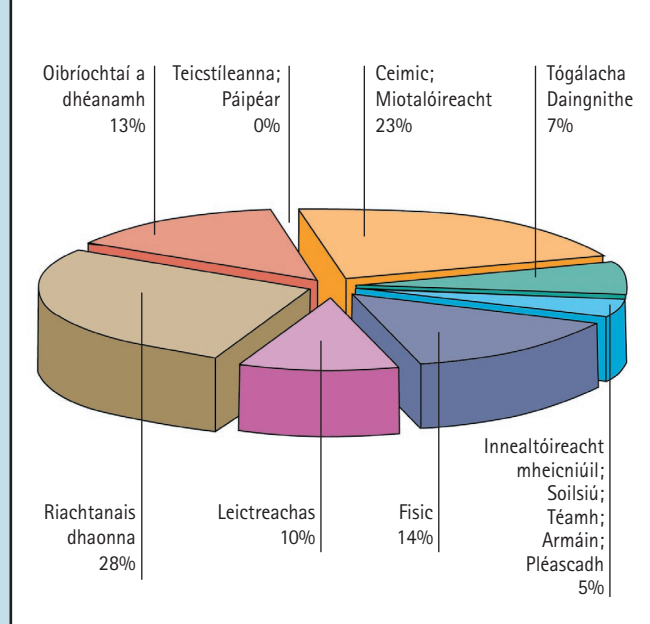
### AICMIÚ PAITINNÍ A DHEONAIGH AN OIFIG I RITH NA BLIANA DAR CRÍOCH 31 NOLLAIG 2004

#### DE RÉIR AN AICMITHE IDIRNÁISIÚNTA

AICMIÚ	An líon deonuithe san Aicmiú *
A. RIACHTANAIS DHAONNA	344
B. OIBRÍOCHTAÍ A DHÉANAMH	161
C. CEIMIC; MIOTALÓIREACHT	276
D. TEICSTÍLEANNA; PÁIPÉAR	0
E. TÓGÁLACHA DAINGNITHE	86
F. INNEALTÓIREACHT MHEICNIÚIL; SOILSIÚ; TÉAMH; ARMÁIN; PLÉASCADH	57
G. FISIC	171
H. LEICTREACHAS	115

\* Toisc gur féidir paitinn dheonaithe a aicmiú i líon is mó ná réimse teicniúil amháin, is líonmhaire na haicmithe ina bhfuil na paitinní seo ná líon iomlán na bpaitinní a deonaíodh.

Aicmithe de réir Choidanna IPC do Phaitinní Deonaithe in 2004



## APPENDIX F

### NUMBER OF RENEWAL FEES PAID TO KEEP PATENTS IN FORCE FOR YEARS 1995 TO 2004

Year for which paid	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
3rd year	3,463	1,803	1,520	293	232	751	814	504	472	602
4th year	3,424	2,142	2,019	848	486	962	1,044	941	1221	1173
5th year	3,097	2,026	2,955	1,924	1218	1906	2,142	1540	2298	2792
6th year	2,635	1,606	2,253	2,644	1840	2972	3,338	2414	2704	3547
7th year	1,817	1,560	1,550	1,726	1847	3454	4,144	3181	3300	3580
8th year	1,362	1,280	1,446	1,140	637	3488	4,546	3414	3580	3718
9th year	1,032	1,143	1,216	1,171	639	1951	3,780	3453	3427	3713
10th year	879	880	1,052	994	667	1105	2,204	3307	3486	3410
11th year	742	769	814	915	563	1078	1,336	1606	2731	3082
12th year	666	678	696	725	550	910	1,199	891	1492	2586
13th year	579	602	627	623	408	821	1,040	916	844	1436
14th year	503	504	555	550	357	647	862	730	808	794
15th year	370	439	466	495	275	531	683	675	627	751
16th year	312	319	413	411	271	473	599	539	588	578
17th year	281	281	300	362	239	413	553	444	470	516
18th year	221	246	247	270	198	348	452	386	401	419
19th year	185	183	220	217	151	290	441	319	341	347
20th year	64	158	164	185	114	207	248	263	274	292
Total	21,632	16,619	18,513	15,493	10,746	22,307	29,425	25,523	29,064	33,336

## FOSCRÍBHINN F

### AN LÍON TÁILLÍ ATHNUACHANA A ÍOCADH CHUN PAITINNÍ A CHOIMEÁD I bhFEIDHM DO NA BLIANTA 1995 GO 2004

An bhliain ar iocadh ina leith	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
3ú bliain	3,463	1,803	1,520	293	232	751	814	504	472	602
4ú bliain	3,424	2,142	2,019	848	486	962	1,044	941	1221	1173
5ú bliain	3,097	2,026	2,955	1,924	1218	1906	2,142	1540	2298	2792
6ú bliain	2,635	1,606	2,253	2,644	1840	2972	3,338	2414	2704	3547
7ú bliain	1,817	1,560	1,550	1,726	1847	3454	4,144	3181	3300	3580
8ú bliain	1,362	1,280	1,446	1,140	637	3488	4,546	3414	3580	3718
9ú bliain	1,032	1,143	1,216	1,171	639	1951	3,780	3453	3427	3713
10ú bliain	879	880	1,052	994	667	1105	2,204	3307	3486	3410
11ú bliain	742	769	814	915	563	1078	1,336	1606	2731	3082
12ú bliain	666	678	696	725	550	910	1,199	891	1492	2586
13ú bliain	579	602	627	623	408	821	1,040	916	844	1436
14ú bliain	503	504	555	550	357	647	862	730	808	794
15ú bliain	370	439	466	495	275	531	683	675	627	751
16ú bliain	312	319	413	411	271	473	599	539	588	578
17ú bliain	281	281	300	362	239	413	553	444	470	516
18ú bliain	221	246	247	270	198	348	452	386	401	419
19ú bliain	185	183	220	217	151	290	441	319	341	347
20ú bliain	64	158	164	185	114	207	248	263	274	292
An tIomlán	21,632	16,619	18,513	15,493	10,746	22,307	29,425	25,523	29,064	33,336



## APPENDIX G

### INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES INTO WHICH MARKS REGISTERED IN 2004 FALL

Class	Classification of Goods	No of marks in classification
01	Chemical Products, etc.	50
02	Paints, etc.	44
03	Bleaching Preparations, etc.	272
04	Industrial Oils, etc.	28
05	Pharmaceutical Substances, etc.	309
06	Unwrought and Partly Wrought Common Metals and their Alloys	57
07	Machines and Machine Tools, etc.	41
08	Hand Tools and Instruments, Cutlery, etc.	34
09	Scientific Apparatus and Instruments, etc.	333
10	Surgical Instruments, etc.	60
11	Installations for Lighting, etc.	75
12	Vehicles; Apparatus for Locomotion by Land, Air or Water	45
13	Firearms, Ammunition and Projectiles; Explosive Substances; Fireworks	2
14	Precious Metals and their Alloys, etc.	48
15	Musical Instruments (other than talking machines and wireless apparatus)	10
16	Paper, etc.	328
17	Gutta Percha, India Rubber, etc.	21
18	Leather, etc.	74
19	Building Materials, etc.	55
20	Furniture, etc.	64
21	Small Domestic Utensils, etc.	118
22	Ropes, etc.	5
23	Yarns, Threads	1
24	Tissues (piece goods), etc.	55
25	Clothing, including Boots, Shoes and Slippers	252
26	Lace and Embroidery, etc.	13
27	Carpets, etc.	14
28	Games, etc.	107
29	Meat, Fish, Poultry and Game, etc.	248
30	Coffee, Tea, Cocoa, Sugar, Rice, etc.	348
31	Agricultural Products, etc.	58
32	Beer, etc.	121
33	Wines, Spirits and Liqueurs	102
34	Tobacco, etc.	26
35	Advertising, Business Management, etc.	340
36	Insurance, Financial Affairs, etc.	199
37	Building Construction, Repair, Installation Services.	95
38	Telecommunications	107
39	Transport, Packaging and Storage of Goods, etc.	101
40	Treatment of Materials	34
41	Education, Entertainment, etc.	281
42	Scientific and technological services	197
43	Providing food and drink	87
44	Medical services, etc	67
45	Personal and social services	33

## FOSCRÍBHINN G

### IAICMIÚ IDIRNÁISIÚNTA EARRAÍ AGUS SEIRBHÍSÍ INA bhFUIL NA MARCANNNA A CLÁRAÍODH SA BHLIAIN 2004

Aicme	Aicmiú Earraí	An líon marcanna san aicmiú
01	Táirgí Ceimiciúla, srl.	50
02	Péinteanna, srl.	44
03	Ullmhúcháin Tuair, srl.	272
04	Oláí Tionsclaíocha, srl.	28
05	Substaintí Cógaisíochta, srl.	309
06	Miotail Choiteanna Neamhoibrithe agus Páirtoibrithe agus a gcuid Cóimhiotail	57
07	Meaisíní agus Uirlisí Meaisín, srl.	41
08	Uirlisí Láimhe agus Deiseanna, Sceanna, srl.	34
09	Fearas agus Uirlisí Eolaíochta, srl.	333
10	Uirlisí Máinliachta, srl.	60
11	Suiteálacha le haghaidh Soilsíú, srl.	75
12	Feithiclí; Gaireas Gluaiseachta de Thalamh, d'Aer nó d'Uisce	45
13	Airm Tine, Armlón agus Teilgeáin; Substaintí Pléascacha; Tine Ealaíne	2
14	Miotail Lómhara agus a gcuid Cóimhiotail, srl.	48
15	Uirlisí Ceoil (seachas meaisíní cainte agus gaireas raidió)	10
16	Páipéar, srl.	328
17	Gutta Percha, Rubar Indiach, srl.	21
18	Leathar, srl.	74
19	Ábhair Foirgníochta, srl.	55
20	Troscán, srl.	64
21	Uirlisí Beaga Tí, srl.	118
22	Rópai, srl.	5
23	Abhras, Snáithe	1
24	Fíochán (gréasáin), srl.	55
25	Éadaí, ar a n-áirítear Buataisí, Bróga agus Bróigíní	252
26	Lása agus Bróidnéireacht, srl.	13
27	Brait Urláir, srl.	14
28	Cluichí, srl.	107
29	Feoil, Iasc, Éanlaith Chlóis agus Géim, srl.	248
30	Caiife, Tae, Cócó, Siúcra, Rís, srl.	348
31	Earraí Talmhaíochta, srl.	58
32	Beoir, srl.	121
33	Fíon, Biotáille agus Licéir	102
34	Tobac, srl.	26
35	Fógraíocht, Bainistíocht Gnó, srl.	340
36	Árachas, Gnóthaí Airgid, srl.	199
37	Tógáil Foirgneamh, Deisiúchán, Seirbhísí Suiteála	95
38	Teileachumarsáid	107
39	Iompar, Pacáistiú agus Stóráil Earraí, srl.	101
40	Cóireáil Ábhar	34
41	Oideachas, Siamsa, srl.	281
42	Seirbhísí Eolaíochta agus Teicneolaíochta	197
43	Bia agus Deoch a Sholáthar	87
44	Seirbhísí Liachta, srl	67
45	Seirbhísí Pearsanta agus Sóisialta	33

## APPENDIX H

### DESIGNS REGISTERED UNDER THE INDUSTRIAL DESIGNS ACT, 2001 DURING THE YEAR ENDED 31 DECEMBER, 2004 LISTED ACCORDING TO THE INTERNATIONAL CLASSIFICATION

Class	Classification	Designs Registered
01	Foodstuffs	0
02	Articles of Clothing and Haberdashery	24
03	Travel Goods, Cases, Parasols and Personal Belongings, not elsewhere specified	1
04	Brushware	0
05	Textile Piecegood Articles, Artificial and Natural Sheet Material	1
06	Furnishings	8
07	Household Goods, not elsewhere specified	3
08	Tools and Hardware	3
09	Packages and Containers for the Transport or Handling of Goods	31
10	Clocks and Watches and other Measuring Instruments, Checking and Signalling Instruments	8
11	Articles of Adornment	23
12	Means of Transport or Hoisting	8
13	Equipment for Production, Distribution or Transformation of Electricity	1
14	Recording, Communication or Information Retrieval Equipment	8
15	Machines, not elsewhere specified	1
16	Photographic, Cinematographic and Optical Apparatus	4
17	Musical Instruments	1
18	Printing and Office Machinery	0
19	Stationery and Office Equipment, Artists' and Teaching Materials	12
20	Sales and Advertising Equipment, Signs	4
21	Games, Toys, Tents and Sports Goods	43
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	23
24	Medical and Laboratory Equipment	4
25	Building Units and Construction Elements	51
26	Lighting Apparatus	0
27	Tobacco and Smokers' Supplies	1
28	Pharmaceutical Products and Cosmetic Products, Toilet Articles and Apparatus	0
29	Devices and Equipment Against Fire Hazards, for Accident Prevention and for Rescue	0
30	Articles for the Care and Handling of Animals	0
31	Machines and Appliances for Preparing Food or Drink, not elsewhere specified	0
99	Miscellaneous	0
	<b>TOTAL</b>	<b>263*</b>
	<i>*A Design maybe registered in more than one class, therefore the total number of classes exceeds the 246 Designs actually registered.</i>	

## FOSCRÍBHINN H

### DEARHTAÍ A CLÁRAÍODH FAOI ACHT NA nDEARHTAÍ TIONSCAIL, 2001, LE LINN NA BLIANA DAR CRÍOCH 31 NOLLAIG 2004 ARNA LIOSTÚ DE RÉIR AN AICMITHE IDIRNÁISIÚNTA

Aicme	Aicmiú	Dearthaí a Cláraíodh
01	Earraí Bia	0
02	Baill Éadaí agus Mionéadach	24
03	Earraí Taistil, Cásanna, Parasóil agus Giuirleídí Pearsanta, nach sonraítear aon áit eile	1
04	Scuaba	0
05	Earraí Teicstíle Mirfhaibrice, Bratábhar Saorga agus Nádúrtha	1
06	Iarmhais	8
07	Earraí Tí, nach sonraítear aon áit eile	3
08	Uirlisí agus Crua-Earraí	3
09	Pacáistí agus Coimeádáin chun Earraí a Iompar nó a Láimhseáil	31
10	Cloig agus Uaireadóirí agus Uirlisí eile Tomhais, Uirlisí Seiceála agus Comharthaíochta	8
11	Earraí Maisiúcháin	23
12	Córacha Iompair nó Ardaithe	8
13	Trealamh chun Leictreachas a Tháirgeadh, a Dháileadh nó a Aistriú	1
14	Trealamh Taifeadáin, Cumarsáide nó Aisghabháil Faisnéise	8
15	Meaisíní, nach sonraítear aon áit eile	1
16	Fearas Grianghrafach, Cineamatagrafach agus Súl	4
17	Uirlisí Ceoil	1
18	Meaisíní Oifige	0
19	Stáiseanóireacht agus Trealamh Oifige, Ábhair d'Ealaíontóirí agus Ábhair Teagaisc	12
20	Trealamh agus Comharthaí Díolacháin agus Fógraíochta	4
21	Cluichí, Bréagáin, Pubaill agus Earraí Spóirt	43
22	Airm, Earraí Piriteicniúla, Earraí Sealgaireachta, Iascaireacht agus Marú Lotnaidí	0
23	Trealamh Dáilte Leachta, Trealamh Sláintíochta, Téimh, Aerúcháin agus Aerchóiriúcháin, Breosla Soladach	23
24	Trealamh Liachta agus Saotharlainne	4
25	Aonaid Tógála agus Míreanna Foirgníochta	51
26	Fearas le haghaidh Soilsíú	0
27	Tobac agus Soláthairtí do Lucht Caite Tobac ina Dheatach	1
28	Táirgí Cógaisíochta agus Táirgí Cosmaideacha, Earraí agus Fearas Leithris	0
29	Sásraí agus Trealamh in aghaidh Contúirt Dóiteáin, chun Timpistí a Chosc agus le haghaidh Tarrthála	0
30	Earraí chun Aire a thabhairt d'Ainmhithe agus iad a Láimhseáil	0
31	Meaisíní agus Gairis chun Bia nó Deoch a Réiteach, nach sonraítear aon áit eile	0
99	Ighnéitheach	0
	<b>AN tIOMLÁN</b>	<b>263*</b>
	<i>*Is féidir Dearadh a chlárú i líon is mó ná aicme amháin, mar sin is mó an líon iomlán aicmí ná an 246 Dearadh a cláraíodh iarbhrí.</i>	

## APPENDIX I

### ENACTMENTS AND STATUTORY INSTRUMENTS MADE DURING THE YEAR

#### Enactments

##### Copyright and Related Rights (Amendment) Act 2004 (Number 18 of 2004), of 3 June, 2004

This measure was enacted to remove doubt as to the lawfulness under the Copyright and Related Rights Act 2000 (Number 28 of 2000) of displaying certain works in public.

#### Statutory Instruments

##### S.I. 574 of 2004

##### Industrial Designs (Amendment) Regulations 2004

These Regulations amend the Industrial Design Regulations 2002 (S.I. No 280 of 2002) by removing the requirement in forms 1 and 1A of the Schedule for a statement of novelty and individual character in the application for registration of a design and came into effect on 1 November 2004. These Regulations also revise the format of the Certificate of Registration for a design, which is issued by the Controller of Patents, Designs and Trade Marks upon registration of a design. The revised format has removed the reference to and requirement for a product listing on the Certificate of Registration.

##### S.I. No. 16 of 2004

##### The European Communities (Copyright and Related Rights) Regulations 2004

The European Communities (Copyright and Related Rights) Regulations 2004, of 19 January, 2004, effected certain measures supplementary to the Copyright and Related Rights Act 2000 (Number 28 of 2000) which were required to complete the transposition of EC Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society.

## FOSCRÍBHINN I

### ACHTACHÁIN AGUS IONSTRAIMÍ REACTÚLA A RINNEADH LE LINN NA BLIANA

#### Achtacháin

##### An tAcht Cóipchirt agus Ceart Gaolmhar (Leasú) 2004 (Uimhir 18 de 2004), an 3 Meitheamh 2004

Achtaíodh an beart seo chun deireadh a chur le hamhras i ndáil le dlíthiúlacht, faoin Acht Cóipchirt agus Ceart Gaolmhar 2000 (Uimhir 28 de 2000), saothair áirithe a thaispeáint go poiblí.

#### Ionstraimí Reactúla

##### I.R. Uimh. 574 de 2004

##### Na Rialacháin um Dhearthaí Tionscail (Leasú) 2004

Leis na Rialacháin sin, leasaítear na Rialacháin um Dhearthaí Tionscail 2002 (I.R. Uimh. 280 de 2002) trí dheireadh a chur leis an gceanglas maidir le foirmeacha 1 agus 1A den Sceideal i gcomhair ráitis faoi úrnuacht agus gné aonair san iarratas ar chlárú deartha a tháinig i ngníomh an 1 Samhain 2004. Leis na Rialacháin sin, freisin, déantar athbheithniú ar leagan amach an Deimhnithe Clárúcháin le haghaidh deartha, a eisíonn an Ceannasaí Paitinní, Dearthaí agus Trádmharcanna ar dhearadh a chlárú. Leis an leagan amach athbheithnithe, tá deireadh curtha leis an tagairt do liostú táirgí ar an Deimhniú Clárúcháin agus leis an gceanglas ina leith sin.

##### I.R. Uimh. 16 de 2004

##### Rialacháin na gComhphobal Eorpach (Cóipcheart agus Cearta Gaolmhara) 2004

Le Rialacháin na gComhphobal Eorpach (Cóipcheart agus Cearta Gaolmhara) 2004, an 19 Eanáir 2004, cuireadh bearta áirithe i ngníomh mar fhorlíonadh ar an Acht Cóipchirt agus Ceart Gaolmhar 2000 (Uimhir 28 de 2000) a bhí ag teastáil chun an tras-aistriú a chríochnú ar Threoir (CE) 2001/29/EC, an 22 Bealtaine 2001, ó Pharlaimint na hEorpa agus ón gComhairle maidir le comhchuibhiú gnéithe áirithe den chóipcheart agus de chearta gaolmhara sa tsochaí faisnéise.

## APPENDIX J

### PERFORMANCE TARGETS 2004

Area of Activity	Level of Achievement			
	Jan – Mar 04	April – June 04	July – Sept 04	Oct – Dec 04
<b>PATENTS</b>				
Issue formal filing receipts for correctly filed applications within 7 working days.	81%	82%	90%	94%
Issue certified copies of patent documents within 5 working days of receipt of request.	100%	100%	100%	100%
Issue confirmation of payment of patent renewal fees within 7 working days of receipt.	96%	99%	99%	99%
Process applications for registration of assignments within 10 working days of submission of a properly fully completed application.	91%	100%	99%	99%
Issue confirmation that applications for amendments to the patents register in respect of names and address of applicants, proprietors and patent agents and address for service have been recorded within 7 working days of receipt of a properly completed application.	100%	92%	98%	99%
Grant patents within 10 working days of receipt of grant fee.	98%	97%	100%	100%
Issue patent certificate and specification within 10 working days of publication.	100%	100%	100%	100%
Transmit European and PCT applications and relevant statistical data to EPO/WIPO within 5 working days of receipt.	100%	100%	100%	100%
To approve the grant of short term patents within a period of 6 to 9 months from filing of a proper, complete application.	95%	100%	100%	80%
Following receipt of all necessary documents and responses to official objections associated with patent applications, to decide on whether to grant or refuse a patent within two months.	49%	60%	58%	51%
To ensure that notification of formal defects is issued within 15 working days of filing.	81%	96%	98%	98%
Issue confirmation that applications for amendments to the patent register (pending applications) have been recorded within 10 working days of receipt of properly completed application.	100%	100%	100%	100%
<b>SUPPLEMENTARY PROTECTION CERTIFICATES</b>				
Issue notification of formal defects within 15 working days of filing date	100%	100%	100%	100%

## FOSCRÍBHINN J

### SPRIOCANNA FEIDHMÍOCHTA 2004

An Réimse Gníomhaíochta	An Leibhéal a Baineadh Amach			
	Ean – Már 04	Aibreán – Mmh 04	Iúil – MF 04	DF – Noll 04
<b>Paitinní</b>				
Admhálacha foirmeálta comhdaithe a eisiúint laistigh de 7 lá oibre ar iarratais a comhdaíodh i gceart.	81%	82%	90%	94%
Cóipeanna deimhnithe de dhoiciméid paitinne a eisiúint laistigh de 5 lá oibre tar éis iarraidh a fháil.	100%	100%	100%	100%
Dearbhú ar íoc táillí athnuachana paitinne a eisiúint laistigh de 7 lá oibre.	96%	99%	99%	99%
Iarratais ar chlárú sannaithe a phróiseáil laistigh de 10 lá oibre tar éis iarratas atá comhlánaithe go hiomlán agus i gceart a bheith tagtha isteach.	91%	100%	99%	99%
Dearbhú a eisiúint go bhfuil iarratais ar leasuithe ar chlár na bpaitinní maidir le hainmneacha agus seoltaí iarratasóirí, úinéirí agus gníomhairí paitinne agus seoladh na seirbhíse taifeadta laistigh de 7 lá oibre tar éis iarratas atá comhlánaithe i gceart a fháil.	100%	92%	98%	99%
Paitinní a dheonú laistigh de 10 lá oibre tar éis an táille deonaithe a fháil.	98%	97%	100%	100%
Deimhniú paitinne agus sonraíocht a eisiúint laistigh de 10 lá oibre tar éis foilsithe.	100%	100%	100%	100%
Iarratais Eorpacha agus CCP agus na sonraí staidrimh cuí a chur ar aghaidh chuig OPE/EDMI laistigh de 5 lá oibre tar éis iad a fháil.	100%	100%	100%	100%
Deonú paitinní gearrthréimhseacha a cheadú laistigh de thréimhse 6 mhí go 9 mí tar éis d'iarratas cuí iomlán a bheith comhdaithe.	95%	100%	100%	80%
Tar éis gach doiciméad riachtanach agus freagraí ar agóidí oifigiúla a fháil a bhaineann le hiarratais ar phaitinní, cinneadh a ghlacadh maidir le paitinn a dheonú nó a dhiúltú laistigh de dhá mhí.	49%	60%	58%	51%
A chinntiú go n-eisítear fógra i dtaobh fabhtai foirmeálta laistigh de 15 lá oibre tar éis comhdaithe.	81%	96%	98%	98%
Dearbhú a eisiúint go bhfuil taifeadadh déanta ar iarratais ar leasuithe ar chlár na bpaitinní (iarratais ar feitheamh) laistigh de 10 lá oibre tar éis iarratas atá comhlánaithe i gceart a fháil.	100%	100%	100%	100%
<b>DEIMHNITHE COSANTA FORLIONTACHA</b>				
Fógra i dtaobh fabhtai foirmeálta a eisiúint laistigh de 15 lá oibre tar éis an dáta comhdaithe	100%	100%	100%	100%

APPENDIX J (continued)

Area of Activity	Level of Achievement			
	Jan – Mar 04	April – June 04	July – Sept 04	Oct – Dec 04
<b>TRADE MARKS</b>				
Issue formal filing receipts for correctly filed trade mark applications within 7 working days.	61%	79%	89%	95%
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.	100%	100%	100%	100%
To process assignment applications within 10 working days of receipt of fully completed application	90%	90%	98%	95%
Issue certified copies and extracts from the Trade Marks Register within 5 working days of application.	74%	100%	100%	100%
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	99%	98%	100%	100%
Where opposition is filed and the proceedings are determined in favour of the applicant, the request for registration fee will be issued within 10 working days of the expiration of the time allowed for appeal	100%	100%	100%	100%
Issue of renewal certificate within 7 working days of receipt of payment.	99%	99%	100%	100%
To issue confirmation that applications for amendments to the Trade Marks register in respect of names and addresses of proprietors and trade mark agents and address for service have been recorded within 7 working days of receipt of a properly completed application	100%	96%	96%	100%
Respond to 95% of correspondence on individual applications in examination within 6 weeks.	95%	95%	95%	95%
To issue initial objections/ acceptance letter within 12 weeks of receipt of new application in the Section.	100%	100%	100%	100%
To issue written grounds of decisions in hearings within 3 months of the hearing.	100%	100%	100%	100%
To issue preliminary search reports within 3 weeks of receipt of request.	100%	100%	100%	100%
To issue copy notice of opposition, application for revocation, application for invalidity within 2 weeks of receipt.	100%	100%	100%	100%

FOSCRÍBHINN J (ar leanúint)

An Réimse Gníomhaíochta	An Leibhéal a Baineadh Amach			
	Ean – Már 04	Aibreán – Mmh 04	Iúil – MF 04	DF – Noll 04
<b>TRÁDMHARCANNA</b>				
Admhálacha foirmeálta a eisiúint ar iarratais ar thrádmharcanna atá comhlánaithe i gceart laistigh de 7 lá oibre.	61%	79%	89%	95%
Cur i gcuimhne a eisiúint maidir le hathnuachan trádmharcanna tráth nach déanaí ná 4 seachtaine roimh dhul in éag chlárú an trádmhairc nó aon athnuachana air.	100%	100%	100%	100%
Iarratais ar shannadh a phróiseáil laistigh de 10 lá oibre tar éis iarratas atá comhlánaithe go hiomlán a fháil.	90%	90%	98%	95%
Cóipeanna deimhnithe agus sleachta as Clár na dTrádmharcanna a eisiúint laistigh de 5 lá oibre tar éis an iarratais.	74%	100%	100%	100%
Iarraidh ar íocaíocht táillí clárúcháin a eisiúint laistigh de 10 lá oibre tar éis dhul in éag na tréimhse chun freasúra a chomhdú i gcás nach bhfuil aon fhreasúra faighte.	99%	98%	100%	100%
I gcás go gcomhdaítear freasúra agus go gcinntear na himeachtaí i bhfabhar an iarratasóra, eiseofar an iarraidh ar tháille clárúcháin laistigh de 10 lá oibre tar éis dhul in éag an ama atá ceadaithe le haghaidh an achomhairc.	100%	100%	100%	100%
Deimhniú athnuachana a eisiúint laistigh de 7 lá oibre tar éis an íocaíochta a fháil.	99%	99%	100%	100%
Dearbhú a eisiúint go bhfuil taifeadadh déanta ar iarratais ar leasuithe ar Chlár na dTrádmharcanna i ndáil le hainmneacha agus seoltaí úinéirí agus gníomhairí trádmharcanna agus seoladh na seirbhíse laistigh de 7 lá oibre tar éis iarratas atá comhlánaithe i gceart a fháil.	100%	96%	96%	100%
Freagra a thabhairt ar 95% den chomhfhreagra ar iarratais aonair atá faoi scrúdú laistigh de 6 seachtaine.	95%	95%	95%	95%
Litir tosaigh agóidí/glaetha a eisiúint laistigh de 12 sheachtain tar éis iarratas nua a fháil sa Rannóg.	100%	100%	100%	100%
Cúinsí scríofa a eisiúint faoi chinntí in éisteachtaí laistigh de 3 mhí tar éis na héisteachta.	100%	100%	100%	100%
Tuarascálacha tosaigh cuardaigh a eisiúint laistigh de 3 seachtaine tar éis an t-iarratas a fháil.	100%	100%	100%	100%
Cóip den fhógra freasúra, den iarratas ar chúlghairm, den iarratas ar neamhbhailíocht a eisiúint laistigh de 2 sheachtain tar éis iad a fháil.	100%	100%	100%	100%



APPENDIX J (continued)

Area of Activity	Level of Achievement			
	Jan – Mar 04	April – June 04	July – Sept 04	Oct – Dec 04
<b>TRADE MARKS</b>				
To respond to 95% of correspondence on individual applications (Opposition, revocation, invalidity) within 5 weeks.	100%	100%	100%	100%
To respond to individual requests for extension of time prior to the current deadline, where those requests are made not later than 2 weeks before expiry of current deadline.	100%	100%	100%	100%
Issue registration certificates within 10 working days of receipt of registration fee.	96%	98%	100%	99%
Issue an overdue reminder for any unpaid registration fee within 7 working days after the 2 month time period permitted for payment has elapsed	100%	100%	95%	100%
Transmit CTM application received in the office with 5 working days of receipt to OHIM	100%	100%	100%	100%

Area of Activity	Level of Achievement			
	Jan – Mar 04	April – June 04	July – Sept 04	Oct – Dec 04
<b>DESIGNS</b>				
Issue formal filing receipts for correctly filed design applications within 7 working days.	79%	61%	86%	100%
Issue initial objections letter/ acceptance letter within 12 weeks of receipt of application.	100%	100%	100%	100%
Respond to 95% of correspondence on individual applications in examination within 5 weeks.	95%	95%	100%	100%
Issue Design registration certificates within 14 working days of the application being accepted by examination division.	99%	100%	100%	100%

Area of Activity	Level of Achievement			
	Jan – Mar 04	April – June 04	July – Sept 04	Oct – Dec 04
<b>GENERAL</b>				
Issue cash receipts for all fees received within 2 working days	73%	96%	95%	97%

FOSCRÍBHINN J (ar leanúint)

An Réimse Gníomhaíochta	An Leibhéal a Baineadh Amach			
	Ean – Már 04	Aibreán – Mmh 04	Iúil – MF 04	DF – Noll 04
<b>TRÁDMHARCANNA</b>				
Freagra a thabhairt ar 95% den chomhfhreagras ar iarratais aonair (freasúra, cúlghairm, neamhbhailíocht) laistigh de 5 seachtaine.	100%	100%	100%	100%
Freagra a thabhairt ar iarrataí aonair ar shíneadh ama roimh an sprioc ama reatha, i gcás go ndéantar na hiarrataí sin tráth nach déanaí ná 2 sheachtain roimh dhul in éag na sprice ama reatha.	100%	100%	100%	100%
Deimhnithe clárúcháin a eisiúint laistigh de 10 lá oibre tar éis an táille clárúcháin a fháil.	96%	98%	100%	99%
Cur i gcuimhne thar téarma a eisiúint ar aon chlárú neamhíochta laistigh de 7 lá oibre tar éis don tréimhse 2 mhí atá ceadaithe le haghaidh íocaíochta a bheith imithe in éag.	100%	100%	95%	100%
Iarratais TE a fuarthas san Oifig a chur ar aghaidh chuig EDMI laistigh de 5 lá oibre.	100%	100%	100%	100%

An Réimse Gníomhaíochta	An Leibhéal a Baineadh Amach			
	Ean – Már 04	Aibreán – Mmh 04	Iúil – MF 04	DF – Noll 04
<b>DEARTHÁÍ</b>				
Admhálacha foirmeálta comhdaithe a eisiúint laistigh de 7 lá oibre ar iarratais ar dhearthaí atá comhlánaithe i gceart.	79%	61%	86%	100%
Litir tosaigh agóidí / litir glactha a eisiúint laistigh de 12 sheachtain tar éis an t-iarratas a fháil.	100%	100%	100%	100%
Freagra a thabhairt ar 95% den chomhfhreagras ar iarratais aonair faoi scrúdú laistigh de 5 seachtaine.	95%	95%	100%	100%
Deimhnithe clárúcháin dearthaí a eisiúint laistigh de 14 lá oibre tar éis don rannóg scrúdaithe an t-iarratas a ghlacadh.	99%	100%	100%	100%

An Réimse Gníomhaíochta	An Leibhéal a Baineadh Amach			
	Ean – Már 04	Aibreán – Mmh 04	Iúil – MF 04	DF – Noll 04
<b>GINEARÁLTA</b>				
Admhálacha airtid a eisiúint laistigh de 2 lá oibre ar gach táille a fuarthas.	73%	96%	95%	97%

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