ICLG

The International Comparative Legal Guide to:

Patents 2015

5th Edition

A practical cross-border insight into patents law

Published by Global Legal Group, in association with CDR, with contributions from:

Abreu Advogados
Adams & Adams
Anderson Mori & Tomotsune
Armengaud & Guerlain
BARDEHLE PAGENBERG Studio Legale Casucci Ferretti STP
Beuchat, Barros & Pfenniger
Bird & Bird LLP
Bloomfield Advocates & Solicitors
Daniel Advogados
Delacour
Edwards Wildman Palmer LLP
Elzaburu
Fiebinger Polak Leon Attorneys-at-Law
Griffith Hack Lawyers
IP & Law Kancelaria Rzeczników Patentowych J.Markieta, M.Zielińska-Łazarowicz Sp. Partnerska
Kadasa & Partners
Lee International IP & Law Group
Mehmet Gün & Partners
OLIVARES
Patrinos & Kilimiris
PCK Perry + Currier Inc. | Currier + Kao LLP
Pepeljugoski Law Office
Pham & Associates
REIMANN OSTERRIETH KÖHLER HAFT
Rouse & Co. International
Schellenberg Wittmer Ltd
Subramaniam & Associates
SyCip Salazar Hernandez & Gatmaitan
Tilleke & Gibbins
TIPLO Attorneys-at-Law
Vasil Kisil & Partners
Whitney Moore Solicitors
Wikborg Rein

CDR Commercial Dispute Resolution
GLG Global Legal Group

GLG
Global Legal Group

Contributing Editor
Katharine Stephens,
Bird & Bird LLP

Head of Business Development
Dror Levy

Account Directors
Antony Dine,
Florjan Osmani

Senior Account Managers
Maria Lopez, Oliver Smith,
Rory Smith

Sales Support Manager
Toni Wyatt

Sub Editor
Amy Hirst

Senior Editor
Suzie Levy

Group Consulting Editor
Alan Falach

Group Publisher
Richard Firth

Published by
Global Legal Group Ltd.
59 Tanner Street
London SE1 3PL, UK
Tel: +44 20 7367 0720
Fax: +44 20 7407 5255
Email: info@glgroup.co.uk
URL: www.glgroup.co.uk

GLG Cover Design
F&F Studio Design

GLG Cover Image Source
iStockphoto

Printed by
Ashford Colour Press Ltd.
August 2014

ISBN 978-1-910083-13-0
ISSN 2044-3129

Strategic Partners

General Chapters:

Country Question and Answer Chapters:

Ireland

Aoife Murphy

Robin Hayes

Whitney Moore Solicitors

1 Patent Enforcement

1.1 How and before what tribunals can a patent be enforced against an infringer?

In Ireland, patents are governed by the Patents Act 1992, as amended, (the "PA 1992"). Ireland has no specialist patent court. Patents are enforced by instituting proceedings in the High Court, Ireland's highest court of first instance. The Commercial Court is a division of the High Court and patent disputes are often transferred into that division. Cases admitted into the Commercial List are subject to a case management system intended to ensure that they are progressed in a manner which is "just, expeditious and likely to minimise the costs of proceedings".

The Commercial Court's ability to deal with complex cases within timeframes which are pre-determined and which reflect commercial needs and realities has made Ireland a more attractive jurisdiction in which to enforce intellectual property rights.

Enforcement proceedings in respect of short-term (10-year) patents may be brought in the Circuit Court, Ireland's second highest court of first instance.

Mechanisms by which patents may be enforced are discussed in question 1.19 below.

1.2 What are the pre-trial procedural stages and how long does it generally take for proceedings to reach trial from commencement?

The procedural stages which must be adhered to by the plaintiff (π) and defendant (Δ) in patent related litigation are as follows:

- Issue of plenary summons for infringement or petition for revocation (π).
- Entry of Appearance (Δ).
- Delivery of Statement of Claim together with Particulars of Infringement or Particulars of Objections (π).
- Entry of Defence and Counterclaim (if any) (Δ).
- Reply (and Defence to Counterclaim) (π).
- Discovery (π, Δ).
- Exchange of Witness Statements and Legal Submissions (π, Δ).
- Trial.

Either party may deliver a notice for particulars seeking further particulars of the other side's claim. In the Commercial Court, these procedural stages must be complied with according to directions given by the judge in charge of the Commercial List at various stages including the initial directions hearing, the case management conference and the pre-trial conference.

Initial directions are made by the Court upon or soon after entry of the case into the Commercial List and usually provide a timetable for the exchange of pleadings. The range of directions which may be made is broad and can include requiring the parties to provide discovery or information relevant to the proceedings such as intended witnesses or particulars of a technical nature or the examination on oath of any witness in the case.

A case management conference may be held to ensure, *inter alia*, that initial directions have been complied with, that the issues of fact and law in dispute are defined and/or that all pleadings have been delivered.

Pre-trial conferences may be held before a case goes to trial in the Commercial Court so that the Court has a clear picture of the state of the case before trial. At this conference, a judge will also seek to establish such practical issues such as the likely length of the trial and whether any special technological arrangements may be required.

There is no set time limit within which a case has to reach trial. The time taken will depend on the complexity of the case and whether there are pre-trial disputes on issues such as discovery. Cases in the Commercial List generally reach trial within 6 to 18 months of commencing proceedings.

1.3 Can a defence of patent invalidity be raised and if so how?

Yes, invalidity may be raised as a defence to infringement proceedings. Issues of validity and infringement are heard together in the context of the same proceedings. Validity may also be raised in a stand-alone action for revocation, as well as in groundless threats proceedings. In all circumstances, the validity of a patent may be challenged on the grounds referred to in question 1.14 below.

1.4 How is the case on each side set out pre-trial? Is any technical evidence produced and if so how?

Each party must set out its case by means of the exchange of pleadings referred to in question 1.2 above, witness statements (including experts) and written legal submissions. In an action for infringement, 'Particulars of Infringement' setting out which of the claims are alleged to be infringed and giving at least one instance of each type of infringement of which a complaint is made are delivered to the defendant together with the Statement of Claim. The defendant, if he disputes the validity of the patent, must deliver with his defence

particulars of the objections on which he relies in support of such invalidity. Particulars of objections must state every ground on which the validity of the patent is disputed and must give such particulars as will clearly define every issue which it is intended to raise.

All technical evidence and related expert witness statements must be produced by the parties in advance of the trial. Opposing experts are often directed by the court to meet in advance of the trial in order to narrow down the issues in dispute as much as possible.

1.5 How are arguments and evidence presented at the trial? Can a party change its pleaded arguments before and/or at trial?

It is a fundamental principle of the Irish law of evidence that witness testimony is given by word of mouth. However, in patent cases it is frequently agreed that the witness statements shall be taken as evidence in chief subject to elaboration and to the opponent having the right to ask questions by way of examination in chief for the purpose of dealing with issues that arise out of the witness statements and any other points of clarification or correction that may arise.

Written legal submissions are exchanged in advance of trial and oral legal submissions are generally made at the opening and closing of the trial.

Amendment of pleadings may require the permission of the court. A party will generally be entitled to amend his pleadings before trial provided that irreparable prejudice is not suffered by the opposing party. If the leave of the court to make the amendment is required (which depends largely on timing and the nature of the proposed amendment) then the party that is seeking leave to amend may be required to pay the costs of the opposing party.

Application for leave to amend may be made by either party to the court at the trial of the action and such amendment may be allowed upon such terms as to costs or otherwise as may be just.

1.6 How long does the trial generally last and how long is it before a judgment is made available?

Both the length of the trial and the time it takes for judgment to be handed down depend in large part on the complexity of the case and the number of witnesses involved in the proceedings. The procedures which operate in the Commercial Court are designed to ensure that the issues in dispute have been clearly identified by the parties prior to trial so that the trial can proceed in as time-efficient a manner as possible. Patent trials involving infringement and validity would generally take 7 to 10 days depending on the complexity of the case. Reserved judgments are generally made available approximately one to three months later.

1.7 Are there specialist judges or hearing officers and if so do they have a technical background?

There are no specialist patent judges in Ireland. Nevertheless, Commercial Court judges in particular will have gained experience litigating complex intellectual property matters as counsel prior to their appointments as judges. Furthermore, since Irish patent law is broadly similar with that of the UK, Irish courts enjoy the guidance of decisions of expert judges from that jurisdiction in particular.

While the PA 1992 provides that the court may, if it thinks fit, and shall, on the request of all parties to the proceedings, "call in the aid of an assessor specially qualified in the opinion of the Court and try the case wholly or partially with his assistance", this provision is rarely deployed in practice.

1.8 What interest must a party have to bring (i) infringement (ii) revocation and (iii) declaratory proceedings?

(i) An infringement action may be brought by either the proprietor or the exclusive licensee in his own right. Where the exclusive licensee brings the action, the proprietor, unless joined as a co-plaintiff, must be named as a defendant in the proceedings. Similarly, where any co-proprietor does not concur in the bringing of infringement proceedings by another co-proprietor, the non-concurring co-proprietor must be joined as a defendant before any infringement action can proceed. The purpose of joining such parties as defendants in this way is to put them on notice of the action; however, they will not be liable for any costs unless they enter an appearance and take part in the proceedings.

(ii) Revocation proceedings may be taken by "any person" before the court or the controller. No special interest need therefore be demonstrated by such person.

(iii) Any person may apply for a declaration that he has not acted in a manner that infringes a patent, provided that he has first written to the proprietor (or licensee) for written acknowledgment that he is not infringing and been refused such acknowledgment.

Any person may refer to the court the question whether, by operation of law or otherwise, he is entitled to any Irish patent or patent application and the court may make such order (including an order of apportionment) for giving effect to its decision as it considers expedient. For declaratory relief in groundless threats proceedings, the plaintiff must be a person aggrieved by such threats.

1.9 Can a party be compelled to provide disclosure of relevant documents or materials to its adversary and if so how?

Yes. Discovery describes the procedure whereby a litigant obtains, prior to the trial, disclosure of documents in the possession or power of the opposing party which are relevant to the litigation. The first step is for the party to write to his opponent setting out the precise categories of documents that are sought and the reasons why each category is required. If a party refuses to make voluntary discovery then he may be ordered by the court to do so provided that the documents are both relevant to the issues in the proceedings and necessary for disposing fairly of the matter or for saving costs.

1.10 Can a party be liable for infringement as a secondary (as opposed to primary) infringer? Can a party infringe by supplying part of but not all of the infringing product or process?

Yes. Section 41 of the PA 1992 confers on the patent proprietor the right to prevent all parties not having his consent from supplying or offering to supply a person with means, relating to an essential element of the invention, for putting the invention into effect when the party knows, or it is obvious in the circumstances to a reasonable person, that those means are suitable and intended for putting the invention into effect. In such proceedings seeking to prevent the indirect use of an invention, the proprietor may claim an injunction, damages or profits, delivery up or destruction.

Where the means supplied are staple commercial products, the patent proprietor must also show that the supplier induced the person supplied to infringe the patent.

1.11 Can a party be liable for infringement of a process patent by importing the product when the process is carried on outside the jurisdiction?

Yes. Section 40(c) of the PA 1992 confers on the patent proprietor the right to prevent third parties from, *inter alia*, importing into Ireland a product obtained directly by a process which is the subject-matter of the patent.

1.12 Does the scope of protection of a patent claim extend to non-literal equivalents?

The scope of protection is determined by the claims while the description and drawings may be used to interpret the claims. It is specifically provided in Irish law that, when interpreting claims, the Protocol on the Interpretation of Article 69 of the European Patent Convention must be applied. The Protocol requires that, in determining the scope of a claim, a balance should be found which combines a fair protection for the patent proprietor with a reasonable degree of certainty for third parties as to what is covered by the claims. Due account must be taken of any element which is equivalent to an element specified in the claims.

1.13 Other than lack of novelty and inventive step, what are the grounds for invalidity of a patent?

A patent may be revoked on the grounds that:

- the subject-matter of the patent is not patentable under the Act;
- the specification of the patent does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art;
- the matter disclosed in the specification of the patent extends beyond that disclosed in the application as filed;
- the protection conferred by the patent has been extended by an amendment which should not have been allowed; or
- the registered proprietor of the patent is not entitled to it (by reason of the fact that he is, for example, neither the inventor nor his employer).

1.14 Are infringement proceedings stayed pending resolution of validity in another court or the Patent Office?

Irish infringement proceedings are susceptible to being stayed particularly when opposition proceedings are pending before the EPO. If there are already court proceedings pending in Ireland in relation to the patent, it is not possible to take revocation proceedings before the Controller without leave of the High Court. However, where validity proceedings are already in existence before the Controller then the court has discretion to stay infringement proceedings pending the Controller's decision. Findings as to the validity of a patent by a foreign national court have no bearing on the validity of a patent under Irish law. No automatic stay would therefore be put on infringement proceedings by an Irish court because of a validity challenge in a foreign court. It would, however, be open to the court, upon application by one or both of the parties, to stay the proceedings in such circumstances were it to find a practical basis for doing so.

1.15 What other grounds of defence can be raised in addition to non-infringement or invalidity?

Consent, express or implied, is a defence to patent infringement. A defence may also arise in connection with the limitations on the effect of a patent provided for in section 42. Those limitations relate to:

- acts done privately for non-commercial purposes;
- acts done for experimental purposes;
- the preparation in relation to medical prescriptions;
- use on board vessels, aircraft or land vehicles in relation to the needs of the vessel, aircraft or vehicle; and
- acts done with a view to satisfying marketing authorisation requirements for medicinal and veterinary products.

1.16 Are (i) preliminary and (ii) final injunctions available and if so on what basis in each case?

(i) Preliminary injunctions are available from the Irish courts and are granted if the party seeking the injunction establishes that:

(a) there is a serious issue to be tried;

(b) damages are not an adequate remedy; and

(c) the "balance of convenience" favours an injunction.

When applying for a preliminary injunction, the plaintiff must give a cross-undertaking as to the damages which will be payable to the defendant if the plaintiff loses at full trial.

(ii) Final injunctions are routinely granted if the plaintiff is successful at the trial of the action where there is an act to be restrained on an on-going basis and damages alone are not an adequate remedy.

It is important to bear in mind that preliminary injunctions are equitable remedies which are granted based on equitable principles at the ultimate discretion of the court. The chances of obtaining a preliminary injunction in a pharmaceutical patent case are seen as higher *inter alia* because the infringing drug may not yet have hit the market or has only just launched when the application for injunctive relief is made.

1.17 On what basis are damages or an account of profits estimated?

Damages, as a general rule, are awarded only to compensate the loss suffered as a result of the infringement. In assessing the appropriate 'quantum' to be awarded, a court will therefore seek to place the defendant in the same financial position as he would have been in had the infringement not taken place. Loss of profits will, naturally, be central to this determination. Courts may also look to the amount which would have been payable by the defendant as a reasonable royalty for the infringing use. Damages are not generally awarded on a punitive basis in infringement actions.

An account of profits is based on the principle of restitution (or unjust enrichment). The focus is therefore on the gain made by the infringing party.

A successful plaintiff in Irish patent proceedings may seek either damages or an account of profits, but not both.

1.18 What other form of relief can be obtained for patent infringement?

In infringement proceedings, a claim may also be made for:

(a) an order requiring the defendant to deliver up or destroy any product covered by the patent;

(b) an order requiring that information regarding the origin and distribution networks of goods which infringe be disclosed;

(c) an order requiring the dissemination and publication of the judgment be taken at the defendant's expense; and

(d) costs.

1.19 Are declarations available and if so can they address (i) non-infringement and/or (ii) claim coverage over a technical standard or hypothetical activity?

As noted in question 1.8 (iii), a declaration as to non-infringement may also be sought. Such a declaration may be made in respect of the applicant's proposed activities.

1.20 After what period is a claim for patent infringement time-barred?

A claim for patent infringement is time-barred six years from the date of the first infringing act.

1.21 Is there a right of appeal from a first instance judgment and if so is it a right to contest all aspects of the judgment?

In Ireland, leave to appeal is not required. The Supreme Court has appellate jurisdiction from all decisions of the High Court and may exercise its jurisdiction on questions of both law and fact. The Notice of Appeal must state the grounds of the appeal and the relief sought. Appeals are heard on the basis of the documents that were before the High Court and the transcript of the oral evidence. An appeal is a review of the decision and no new evidence may be adduced except in exceptional circumstances.

1.22 What are the typical costs of proceedings to first instance judgment on (i) infringement and (ii) validity; how much of such costs are recoverable from the losing party?

In Ireland, the cost of proceedings will depend on the complexity of the matter, the length of the trial and amount of pre-trial applications involved. Infringement and validity are dealt with together at the same trial.

1.23 For countries within the European Union: What steps are being taken in your country towards ratification, implementation and participation in the Unitary Patent Regulation (EU Regulation No. 1257/2012) and the Agreement on a Unified Patent Court? For countries outside of the European Union: Are there any mutual recognition of judgments arrangements relating to patents, whether formal or informal, that apply in your country?

A constitutional amendment is required to ratify the Agreement of a Unified Patent Court. In May 2014, it was confirmed that a referendum to amend the constitution will be held but the timing has not yet been decided by the Irish Government. A decision is also awaited from the Irish Government on whether Ireland will host a Local Division of the Unified Patent Court or join a Regional Division.

2 Patent Amendment

2.1 Can a patent be amended *ex parte* after grant and if so how?

Under section 38(1) of the PA 1992, the patent proprietor may apply to the Controller to amend the specification of the patent, subject to such terms, including advertising, as the Controller sees fit. Where there are already proceedings in relation to the patent in existence before the court then such an application cannot be made to the Controller. An amendment, once made, is deemed to have had effect from the date of grant of the patent.

2.2 Can a patent be amended in *inter partes* revocation proceedings?

Yes. Section 38(2) of the PA 1992 provides that the court or the Controller, as the case may be, may, in invalidity proceedings, allow the patent proprietor to amend the specification of the patent in such a manner as the court or Controller thinks fit and subject to such terms as to advertising the proposed amendment and as to costs. Again, any such amendment is deemed to have had effect from the date of grant of the patent.

2.3 Are there any constraints upon the amendments that may be made?

Section 38(3) of the PA 1992 provides that any amendment shall be invalid to the extent that it extends the subject matter disclosed in the application as filed or that it extends the extent of the protection conferred by the patent.

3 Licensing

3.1 Are there any laws which limit the terms upon which parties may agree a patent licence?

Section 83 of PA 1992 renders void any condition in a licence agreement which, directly or indirectly, would prevent or restrict a party to the contract from using a third party's product or process or which would require a party to the contract to acquire any product which is not the subject of a patent, subject to limited exceptions.

3.2 Can a patent be the subject of a compulsory licence and if so how are the terms settled and how common is this type of licence?

Yes, the Controller may order the grant of a licence, provided that the patent has been in existence for three years, on the grounds that:

- a demand in the State for the subject matter of the patents is not being met or is not being met on reasonable terms;
- a demand in the State for a product which is protected by the patent is being met by importation other than from a member of the WTO;
- the establishment or development of commercial or industrial activities in the State is unfairly prejudiced; or
- a patent owner is unable to exploit his patent without infringing rights deriving from a second patent (but only to the extent necessary for such exploitation and provided that the invention involves an important technical advance of considerable economic significance in relation to the second patent).

4 Patent Term Extension

4.1 Can the term of a patent be extended and if so (i) on what grounds and (ii) for how long?

It is not possible to extend the duration of a patent; however, a form of 'extension' is available in relation to patents for medicinal and plant protection products to which the SPC regime applies. The

SPC takes effect from the expiry of the basic patent covering the product for a maximum term of five years from SPC grant or fifteen years from the date of authorisation of the product, whichever is earlier.

5 Patent Prosecution and Opposition

5.1 Are all types of subject matter patentable and if not what types are excluded?

The PA 1992 expressly provides that the following subject-matter/activities are not patentable 'as such':

- a discovery, a scientific theory or a mathematical method;
- an aesthetic creation;
- a scheme, rule or method for performing a mental act, playing a game or doing business, or a program for a computer; or
- the presentation of information.

In addition, the following subject-matter or activities are not patentable in any circumstances:

- an invention, the commercial exploitation of which would be contrary to public order or morality (in this regard, the mere fact that such exploitation is contrary to law does not of itself render it contrary to public order or morality);
- a plant or animal variety or an essentially biological process for the production of plants or animals other than a micro-biological process or the products thereof; or
- a method for treatment of the human or animal body by surgery or therapy and a diagnostic method practised on the human or animal body.

5.2 Is there a duty to the Patent Office to disclose prejudicial prior disclosures or documents? If so, what are the consequences of failure to comply with the duty?

No, there is not.

5.3 May the grant of a patent by the Patent Office be opposed by a third party and if so when can this be done?

No. The only means by which to challenge the grant of a patent is by way of revocation proceedings (post-grant).

5.4 Is there a right of appeal from a decision of the Patent Office and if so to whom?

It is possible to appeal a decision of the Controller to the High Court. Notice of the appeal must be given to the Court within three months of the decision being appealed.

5.5 How are disputes over entitlement to priority and ownership of the invention resolved?

An application can be made to the High Court for a determination as to entitlement to ownership subject to the application being made within two years of the grant of the patent. Disputes as to entitlement to priority typically arise in the context of revocation proceedings.

5.6 Is there a "grace period" in your country and if so how long is it?

Breaches of confidence and displays at exhibitions are treated as non-prejudicial disclosures provided that they took place not more than six months before the filing date.

5.7 What is the term of a patent?

The duration of a patent is twenty years from its filing date. A ten-year 'short-term' patent may be granted in respect of an invention which is new, susceptible of industrial application and *not clearly lacking* an inventive step.

6 Border Control Measures

6.1 Is there any mechanism for seizing or preventing the importation of infringing products and if so how quickly are such measures resolved?

Yes. On 1 January 2014, the European Union (Customs Enforcement of Intellectual Property Rights) Regulations 2013 came into force for the purpose of giving full effect to Regulation (EU) No. 608/2013 of the European Parliament and Council. The latter introduced a number of simplifications and changes to the procedure provided for in EU Regulation 1383/2003 which allows customs to deny entry to and destroy counterfeit and pirated goods in certain circumstances.

7 Antitrust Law and Inequitable Conduct

7.1 Can antitrust law be deployed to prevent relief for patent infringement being granted?

There has been no case-law in Ireland on this issue. No Irish court has ever refused to grant relief for infringement on the basis that to grant relief would give rise to a breach of competition law. Nevertheless, Irish patent law is subject to EU and national competition law so it is possible that relief could be refused on this ground in the particular circumstances of an infringement case.

7.2 What limitations are put on patent licensing due to antitrust law?

Please refer to questions 3.1 and 7.1 above.

8 Current Developments

8.1 What have been the significant developments in relation to patents in the last year?

In July 2013 the Irish Government approved proposals to broaden the 'Bolar' type research exemption provided for under Section 42 of the PA 1992. The proposed Intellectual Property (Miscellaneous Provisions) Bill will expand Section 42 to include "all studies, tests, experiments, clinical and field trials and the consequential practical requirements which are necessary for the purpose of obtaining marketing authorisation for new and generic products". The Department's website further notes that "in addition, a revised, expanded research exemption will cover acts done in this country relating to the acquisition of a marketing authorisation in a non-EU

Country". The Bill is currently in draft form. It is hoped to be published in July 2014 and enacted by the end of this year.

8.2 Are there any significant developments expected in the next year?

The Department of Jobs, Enterprise and Innovation launched a formal consultation on proposed changes to the legislation to broaden the scope of the 'Bolar' type research exemption set down in section 42 of the PA 1992. This provision creates an exemption from patent infringement for certain acts carried out by a generic manufacturer with a view to obtaining a marketing authorisation for a generic medicinal product.

The exemption as it stands is narrower in scope than that provided for in equivalent implementing legislation of certain other EU Member States. The aim of the new proposal is to broaden the scope of the exemption provision for both medicinal and veterinary products to include tests, experiments and trials which are necessary for the purpose of obtaining a marketing authorisation for a new as well as a generic product (i.e. carrying out tests on a combination product where one of the components is patented by a third party).

It is further proposed to extend the exemption to cover acts done with a view to seeking marketing authorisation in a non-EU Member State. It is unlikely that any proposed new legislation will be implemented until 2014.

8.3 Are there any general practice or enforcement trends that have become apparent in Ireland over the last year or so?

No, there are not.

Aoife Murphy

Whitney Moore Solicitors
Wilton Park House, Wilton Place
Dublin 2
Ireland

Tel: +353 1 611 0000
Fax: +353 1 611 0090
Email: aoife.murphy@whitneymoore.ie
URL: www.whitneymoore.ie

Aoife is an experienced commercial litigator with particular emphasis on intellectual property. She advises a wide range of indigenous and multi-national clients on all aspects of intellectual property issues, patents, trademarks, copyright and design. She has been involved in infringement and revocation patent actions concerning pharmaceuticals, coronary stents, electronic point of sale and vending machine apparatuses. She is currently acting on behalf of a Plaintiff client in what is believed to be the State's first entitlement action. She has also been involved in trademark and passing off litigation and litigation involving copyright enforcement and infringement.
Aoife is a member of the International Association for the Protection of Intellectual Property (AIPPI), the International Trademark Association (INTA), the Copyright Association of Ireland and sits on the Intellectual Property Committee of the Law Society of Ireland.

Robin Hayes

Whitney Moore Solicitors
Wilton Park House, Wilton Place
Dublin 2
Ireland

Tel: +353 1 611 0000
Fax: +353 1 611 0090
Email: robin.hayes@whitneymoore.ie
URL: www.whitneymoore.ie

Robin practises in commercial litigation with particular emphasis on intellectual property matters. Although acting for clients in commercial disputes across a broad range of activity, he has considerable experience in IP matters, including litigation involving claims of infringement and revocation of patents which protect medical devices, pharmaceuticals and electronic point of sale and vending machine apparatuses. Robin is also experienced in trade mark law and the law of passing-off, acting, amongst others, on behalf of plaintiffs and defendants operating in the FMCG and entertainment industries in High Court proceedings. He acted for McCambridge Ltd in its recent successful proceedings before the High Court and Supreme Court alleging passing-off of its bread packaging by a competitor.

WHITNEYMOORE
SOLICITORS

WhitneyMoore is recognised as one of Ireland's leading IP firms and provides clients with a full range of advisory and litigation expertise in all aspects of intellectual property. Contentious patent work includes acting in infringement and revocation actions involving pharmaceuticals, veterinary drugs, medical devices, EPOS and vending machine apparatuses and oil and gas extraction technologies.

WhitneyMoore has acted on behalf of parties in many High Court actions claiming trade mark infringement and passing off, acting amongst others for clients in the pharmaceutical, medical, auto, FMCG and entertainment industries. The firm also advises on a wide variety of other trademark issues including the importation of counterfeit goods and the protection of IP rights.

Current titles in the ICLG series include:

- Alternative Investment Funds
- Aviation Law
- Business Crime
- Cartels & Leniency
- Class & Group Actions
- Competition Litigation
- Construction & Engineering Law
- Copyright
- Corporate Governance
- Corporate Immigration
- Corporate Recovery & Insolvency
- Corporate Tax
- Data Protection
- Employment & Labour Law
- Environment & Climate Change Law
- Franchise
- Gambling
- Insurance & Reinsurance
- International Arbitration
- Lending & Secured Finance
- Litigation & Dispute Resolution
- Merger Control
- Mergers & Acquisitions
- Mining Law
- Oil & Gas Regulation
- Patents
- Pharmaceutical Advertising
- Private Client
- Product Liability
- Project Finance
- Public Procurement
- Real Estate
- Securitisation
- Shipping Law
- Telecoms, Media & Internet
- Trade Marks

GLG
Global Legal Group

59 Tanner Street, London SE1 3PL, United Kingdom
Tel: +44 20 7367 0720 / Fax: +44 20 7407 5255
Email: sales@glgroup.co.uk

www.iclg.co.uk