

# Kluwer Patent Blog

## Irish referendum on Unified Patent Court Agreement most likely in 2024

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**Just days after the announcement of a gender equality referendum in Ireland, which will be held in November, representatives of Irish industry urged the government to hold a referendum on ratification of the Unified Patent Court Agreement on the same date. However, it seems likely this will not take place before the start of next year.**

The Irish Business and Employers Confederation (IBEC) and the Association of Patent and Trade Mark Attorneys (APTMA) called for the UPCA referendum in an [report published on 14 March 2023](#). Ireland is legally required to hold a referendum to ratify the UPCA.

‘Triona Walshe, Chair of the UPC Committee of APTMA, outlined: “We urge Government to hold the necessary referendum this November to ensure that Irish businesses have the same strategic competitive advantage available under the new UPC system as those businesses in European countries



which are already part of the new UPC system. We welcomed the support of Joint Oireachtas Committee on Enterprise, Trade and Employment for ‘expediting the timing of the referendum on this important issue’, which would provide the necessary certainty and for preparatory plans to be put in place.

“Companies clearly recognise the urgency at stake. Four out of five companies responding to a joint Ibec-APTMA survey stated that the referendum must take place 2023. Successful ratification will allow Ireland to fully participate in the new pan-European patent system. A new local division of the court is to be established in Dublin, which will support the further expansion of the patent-intensive sectors across the country, creating jobs, benefitting SMEs, and boosting Ireland’s innovation performance.”

Aidan Sweeney, Ibec Head of Enterprise & Regulatory Affairs said: “Last week’s announcement by Government to hold a referendum on gender equality in November 2023 opens the real possibility for the referendum on the Unified Patent Court to be run alongside it. May 2024 was the latest indicative date for the UPC referendum because at the time it was the only set polling date, and it wasn’t going to be run as a stand-alone issue. Now that another vote will be put to the people earlier, the referendum on the UPC must be included.

“Ireland stands to gain significantly through participating in this specialist pan-European court system. A conservative estimate of the value add to the Irish economy for our participation in the UPC could be worth as much as €1.663bn per annum. However, much of the opportunity is dependent on Ireland’s participation in a timely fashion. Establishing a well-run and attractive Local Division that is ready to go shortly after the UPC starts operating will be key to competing for patent litigation to be heard before the Irish-based court.”

Last year, the Irish government [announced a referendum on the UPCA would be held in 2023 or 2024](#).

The call for a UPCA referendum was [discussed last week in Irish Parliament](#), however, and it became clear there is little chance the referendum will be held this year. In answer to a question of Fine Gael politician David Stanton, deputy prime minister Micheál Martin said: ‘I agree with Deputy Stanton that it would make sense to passing legislation and then hold a referendum on the Unified Patent Court. I do not have the exact timelines in respect of this matter. I am always cautious about holding two or three referendums on the same day. (...) We are holding referendums in November, but there is no reason that would could not hold a referendum on this matter in early 2024. We could just take it on, notwithstanding concerns about whether it would pass or whether people understand the complexities relating to the Unified Patent Court.’

Last year, Ibec and APTMA published a survey of Irish business about the Unitary Patent System, which included the following conclusions:

- Over three quarters (78%) of companies indicated that they were likely to increase their patenting activity due to Ireland’s participation in the Unitary Patent and the Unified Patent Court.
- Approximately 83% small and micro enterprises said they were very likely to increase their patenting activity on the back of the new system.
- 80% of respondents stated that the referendum ratifying the UPC Agreement should take place in 2023.
- Activities to raise awareness of, and to educate companies across the Irish enterprise base on, the new Unitary Patent System will be required.

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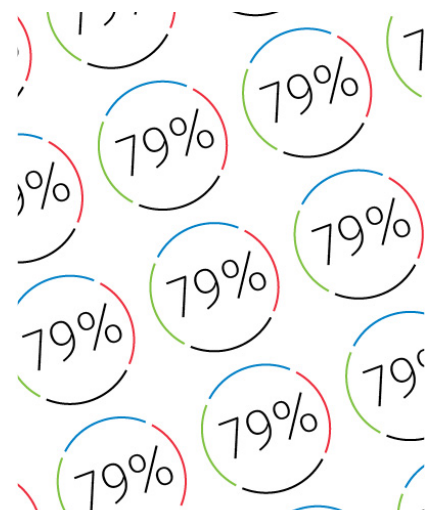
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