

Kluwer Patent Blog

Irish referendum on joining the Unified Patent Court Agreement in June 2024

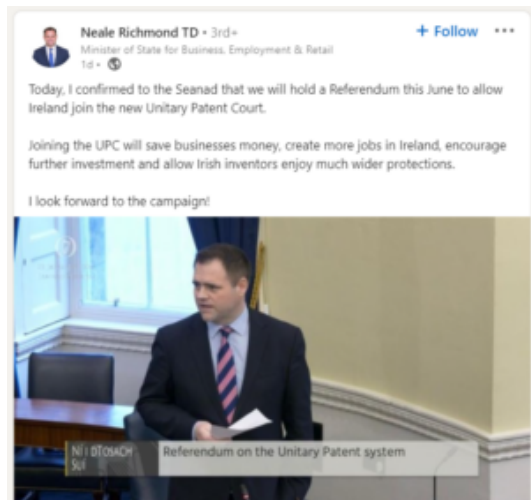
Kluwer Patent blogger · Thursday, January 25th, 2024

Ireland will hold a referendum on joining of the Unified Patent Court in June. This has been confirmed by the Irish government.

In a [post on LinkedIn](#), Neale Richmond, minister of state for business, employment and retail, announced: ‘Today, I confirmed to the Seanad that we will hold a Referendum this June to allow Ireland join the new Unitary [sic] Patent Court.

Joining the UPC will save businesses money, create more jobs in Ireland, encourage further investment and allow Irish inventors enjoy much wider protections.

I look forward to the campaign!’



The Irish government issued a [press release](#):

‘The Government has today (23rd January) approved a proposal to hold a constitutional referendum in June on Ireland’s participation in the Unified Patent Court. (...) The Government has also approved the priority drafting of a Bill to give effect to the proposed constitutional amendment. (...)

An amendment to Article 29 of the Constitution to add the UPC Agreement as an international agreement to the Constitution would be required before Ireland could join the UPC, as it entails a transfer of jurisdiction in patent litigation from the Irish courts to an international court.

The General Scheme of the Bill proposes to insert a new subsection 11 in section 4 of Article 29, providing that the State may ratify the Agreement on a Unified Patent Court signed at Brussels on February 19, 2013.

Following the passage of the legislation through the Houses of the Oireachtas, An Coimisiún Toghcháin, the Electoral Commission is responsible for explaining each referendum proposal in an independent and impartial way. It is also its role to promote public awareness of referendums and

to encourage people to vote.’

Exact date to be decided

The referendum will be held alongside local and European elections. The latter take place from 6 to 9 June 2024. On which date Ireland will go to the ballot remains to be decided.

In Ireland, the constitution needs to be amended as joining the Unified Patent Court entails the transfer of jurisdiction to an international court. Such amendment can only be approved by referendum.



If the Irish support joining the UPCA, Ireland will become the 18th member state of the Unitary Patent project. Dublin would also get its own local UPC division.

The Irish referendum was originally envisaged six to eight years ago, but postponed due to the uncertainty about the system after the Brexit vote, and to constitutional complaints in Germany.

The Irish Business and Employers Confederation (IBEC) has long called for a referendum. In the Irish [Business Post](#), Aidan Sweeney, Ibec’s Head of Enterprise and Regulatory Affairs said: “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 €1.663 billion per annum. (...) We look forward to campaigning for a ‘yes’ vote in the referendum (...).”

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