



Practical Considerations for IP Rights Holders

An Irish Perspective

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Pinsent Masons



INTRODUCTION

- Who I am
- The key message
- First, the Elephants in the room



The Irish Economy Today

- Two economies
- Full employment at 4.8%, expected to drop to 4.7% in 2021
- GDP growth rate was 6.1% 2019 expected to be 4.8% in 2020 and slow to 4.2% in 2021
- 34,000 houses are needed every year over the next 10 years for supply to meet demand – currently at 26,000
- Numbers directly employed in multinational sector in Ireland is at an all-time high of 245,096
- 63% FDI investment in 2019 came from the United States
- US major Techs investing in large campuses in Dublin





EUROPEAN ECONOMIC FORECAST

Ireland

SPRING 2020

	2019	2020	2021
GDP growth (% , yoy)	5,5	-7,9	6,1
Inflation (% , yoy)	0,9	-0,3	0,9
Unemployment (%)	5,0	7,4	7,0
Public budget balance (% of GDP)	0,4	-5,6	-2,9
Gross public debt (% of GDP)	58,8	66,4	66,7
Current account balance (% of GDP)	-9,4	4,6	4,4

Economic and Financial Affairs



Exports – CSO figures

Top ten exporting partners 2018

Rank	Country	€million	% of total exports
1	USA	39,347	28
2	Belgium	18,251	13
3	UK	16,135	11
4	Germany	10,551	7
5	Netherlands	7,683	5
6	Switzerland	6,478	5
7	France	5,398	4
8	China	4,673	3
9	Italy	3,640	3
10	Japan	3,325	2



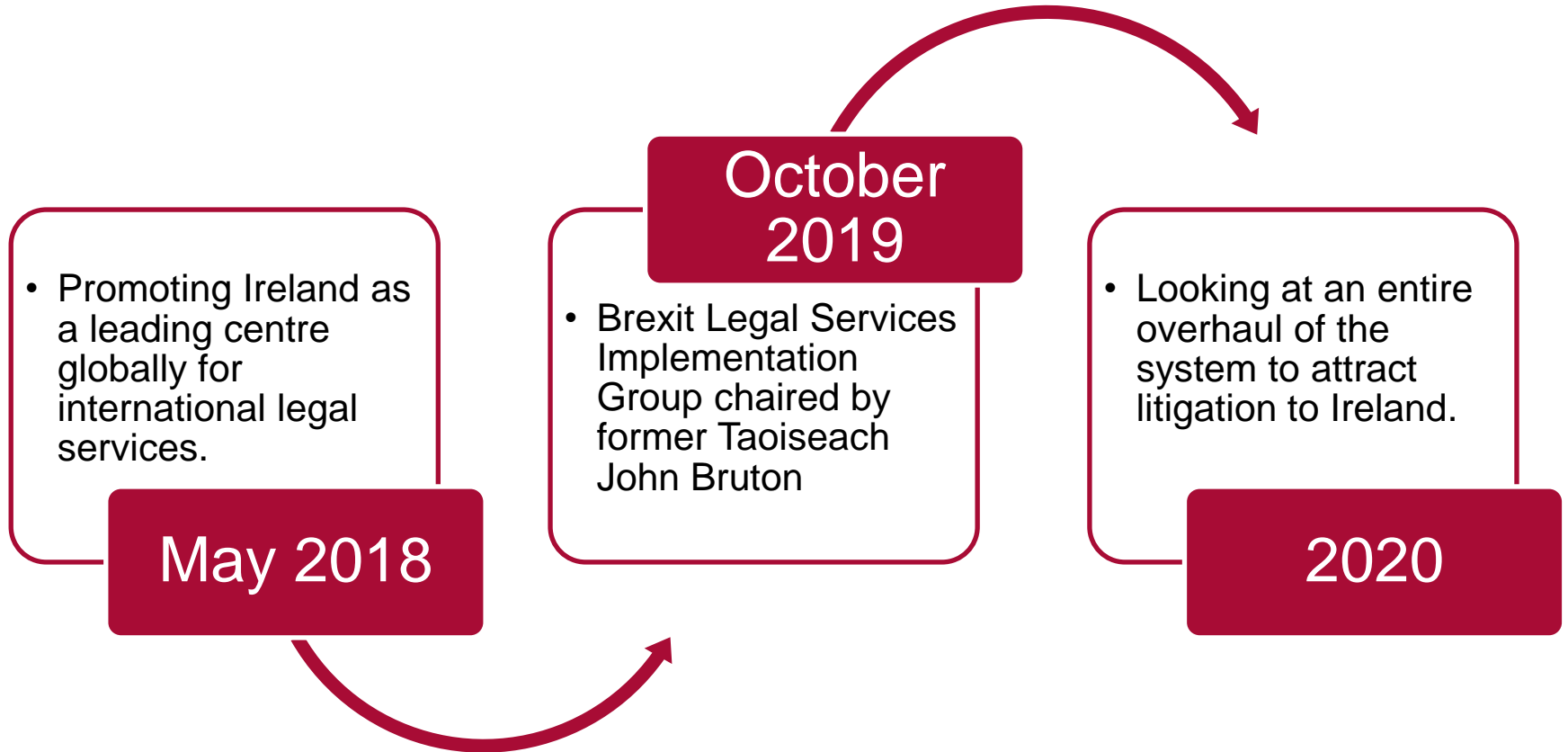
Imports – CSO figures

Top ten importing partners 2018

Rank	Country	€million	% of total imports
1	UK	19,992	22
2	USA	17,038	18
3	France	11,491	12
4	Germany	10,598	12
5	China	5,315	6
6	Netherlands	3,003	3
7	Belgium	1,650	2
8	Italy	1,584	2
9	Japan	1,449	2
10	Spain	1,446	2



Irish Legal Profession & Brexit



Judicial Appointments

Appointments to the High Court

The Hon. Mr. Justice Brian O'Moore

The Hon. Mr. Justice Mark Sanfey

The Hon. Ms. Justice Mary Rose Gearty

The Hon. Ms. Justice Niamh Hyland

The Hon. Mr. Justice Mark Heslin

Appointments to the Court of Appeal

The Hon. Mr. Justice Seamus Noonan

The Hon. Ms. Justice Mary Faherty

The Hon. Ms. Justice Úna Ní Raifeartaigh

The Hon. Mr. Justice Robert Haughton

The Hon. Mr. Justice Brian Murray

The Hon. Ms. Justice Ann Power

The Hon. Mr. Justice Maurice Collins



Business Preparedness

Department of Business, Enterprise and Innovation (see dbei.gov.ie)

- The 31 Local Enterprise Offices (LEOs) across the country run a Brexit Mentor Programme to support business owners and managers.
- InterTrade Ireland (ITI) offers up to €2,250+ to help you engage professional advice to get Brexit ready.
- Enterprise Ireland continues to run a number of Brexit Advisory Clinics across the country offering information and practical support to companies.
- A €300 million Brexit Loan Scheme is open for eligible businesses with up to 499 employees to innovate, change or adapt in response to Brexit-related challenges. Loan amounts range from €25,000 up to €1.5 million, for terms of up to three years and a maximum interest rate of 4%. Loans up to €500,000 unsecured. This may be useful for businesses who have Brexit impacts on their cashflow (conditions apply).



Source: Department of Business, Enterprise and Innovation (<https://dbei.gov.ie/en/>)

Overview of Trade Barriers in the six different Brexit scenarios

	EEA Scenario	Revised political declaration, best-case scenario	Revised political declaration, worst-case scenario	Customs Union scenario	FTA agreement scenario	No agreement (WTO terms)
Tariffs on agri-food products	Low	None	None	Low	Medium	Highest ¹
Tariffs on manufactured goods	None	None	None	None	None	Highest ¹
Customs procedures	Yes	Yes ²	Yes ²	Yes ²	Yes	Yes
Regulatory divergence on goods	Lowest	Low	Medium	High	High	Highest
Service barriers	Lowest	Low	Medium	Highest	Highest	Highest

1. The analysis assumes that the UK replicates the EU's current external tariffs and arrangement of tariff rate quotas (TRQs) in key agriculture sectors, e.g. beef and dairy.

2. Unless a political agreement can be reached to avoid customs procedures.



Source: dbej.go.ie

Common Travel Area – IRL, UK, Channel Islands & Isle of Man

8 May 2019 - The Tánaiste Simon Coveney TD and the Chancellor of the Duchy of Lancaster David Lidington MP signed an MOU the purpose of which was to commit certain terms to writing so as to record the rights enjoyed by UK & Irish citizens on foot of the Common Travel Area arrangement/agreement which has existed between the two countries since 1922.

It gives the UK a unique opportunity irrespective of Brexit outcome to consider Ireland a spring board into Europe



Common Travel Area - IRL, UK, Channel Islands & Isle of Man

Covers right to

- **to travel freely** between the UK and Ireland and reside in either jurisdiction.
- associated rights and privileges for Irish citizens in the UK and British citizens in Ireland including the right **to reside, to work, to study and to access social security benefits and health services, and to vote in local and national parliamentary elections.**
- *“This includes the EU level of fees and SUSI grants for UK citizens attending Irish Higher Education Institutions (HEIs), along with SUSI grants for Irish students attending UK HEIS.”*



Conclusion

- See Ireland as a spring board
- Adopt approach of US professional services
- Call me if you need directions!

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