SEANAD ÉIREANN

AN BILLE UM FHORBAIRT TIONSCAIL 2008
INDUSTRIAL DEVELOPMENT BILL 2008

LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 65 of 2008] [04 February, 2009]
SEANAD ÉIREANN

AN BILLE UM FHORBAIRT TIONSCAIL 2008
—AN COISTE

INDUSTRIAL DEVELOPMENT BILL 2008
—COMMITTEE STAGE

Leasuithe
Amendments

* Government amendments are distinguished by an asterisk.

SECTION 3

1. In page 4, paragraph (a), line 11, to delete “inserted” and substitute “as substituted”.
   — Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast,
     Dominic Hannigan, Alan Kelly.

2. In page 4, paragraph (b), line 14, to delete “inserted” and substitute “as substituted”.
   — Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast,
     Dominic Hannigan, Alan Kelly.

3. In page 4, paragraph (c), line 17, to delete “inserted” and substitute “as substituted”.
   — Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast,
     Dominic Hannigan, Alan Kelly.

4. In page 4, paragraph (d), line 20, to delete “inserted” and substitute “as substituted”.
   — Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast,
     Dominic Hannigan, Alan Kelly.

5. In page 4, paragraph (e), line 23, to delete “inserted” and substitute “as substituted”.
   — Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast,
     Dominic Hannigan, Alan Kelly.

6. In page 4, paragraph (f), line 26, to delete “the substitution of” and substitute “substituting”.
   — Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast,
     Dominic Hannigan, Alan Kelly.

SECTION 4

7. In page 4, paragraph (a), line 33, to delete “inserted” and substitute “as substituted”.
   — Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast,
     Dominic Hannigan, Alan Kelly.

8. In page 4, paragraph (b), line 36, to delete “inserted” and substitute “as substituted”.
   — Senators Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast,
     Dominic Hannigan, Alan Kelly.
SECTION 5

9. In page 4, before section 5, to insert the following new section:

5.—(1) All property vesting in the Minister under section 19 of the Act of 1961 immediately before the commencement of this section shall, upon such commencement, stand vested in Enterprise Ireland.

(2) Any patent in respect of an invention or discovery to which section 19 of the Act of 1961 applies that immediately before the commencement of this section vested in a relevant person shall, upon such commencement, stand transferred to Enterprise Ireland.

(3) Any application for a patent in respect of an invention or discovery to which section 19 of the Act of 1961 applies made by a relevant person, and pending immediately before the commencement of this section, shall be deemed to have been made by Enterprise Ireland.

(4) All rights and liabilities of the Minister arising by virtue of any contract in force immediately before the commencement of this section and relating to any property transferred by virtue of this section shall, upon such commencement, stand transferred to Enterprise Ireland.

(5) All rights and liabilities of a relevant person arising by virtue of any contract in force immediately before the commencement of this section and relating to—

(a) any patent transferred by virtue of this section, or
(b) any application to which subsection (3) applies,

shall, upon such commencement, stand transferred to Enterprise Ireland.

(6) Particulars of the transfer of patents effected by subsection (2) shall be entered by the Controller of Patents, Designs and Trademarks in the Register of Patents as soon as may be after the commencement of this Act.

(7) All acts done, or purporting to have been done, before the commencement of this section, by Enterprise Ireland or a relevant person in respect of—

(a) any patent or other property transferred by this section, or
(b) an application to which subsection (3) applies,

being acts that by reason only of section 19 of the Act of 1961 would (but for this subsection) be invalid, shall be and be deemed always to have been valid and effectual for all purposes.

(8) Every right and liability transferred by this section to Enterprise Ireland may, on and after the commencement of this section, be sued on, recovered or enforced by or against Enterprise Ireland in its own name and it shall not be necessary for Enterprise Ireland to give notice to any person of the transfer of any right or liability by this section.

(9) Enterprise Ireland shall have the power to transfer, assign, licence or otherwise dispose of any or all of the property vesting in, or transferred to, it under this section.

(10) Section 19 (other than subsection (2)) of the Act of 1961 is repealed.
(11) In this section—

“Act of 1961” means the Industrial Research and Standards Act 1961;

“relevant person” means—

(a) Institute for Industrial Research and Standards,

(b) Eolas,

(c) Forfás, or

(d) Forbairt.”.

* 10. In page 5, lines 1 and 2, to delete subsection (3) and substitute the following:

“(3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

TITLE
* 11. In page 3, line 9, after “1993;” to insert the following:

“TO PROVIDE FOR THE TRANSFER OF ALL PROPERTY OF THE MINISTER UNDER SECTION 19 OF THE INDUSTRIAL RESEARCH AND STANDARDS ACT 1961 TO ENTERPRISE IRELAND;”. 