KNOWLEDGE DEVELOPMENT BOX (CERTIFICATION OF INVENTIONS) BILL 2016
LEASUITHE TUARASCÁLA REPORT AMENDMENTS
1. In page 11, line 23, after “applicant” to insert “and place of production”.

—Senators Pádraig Mac Lochlainn, Máire Devine.

2. In page 13, lines 8 to 13, to delete all words from and including “The” in line 8 down to and including line 13 and substitute the following:

“The Controller shall keep records of—
(a) applications,
(b) KDB certificates issued,
(c) refusals to issue KDB certificates, and
(d) reviews,
in such manner and form as he or she considers appropriate.”.


—Senators Pádraig Mac Lochlainn, Máire Devine.

4. In page 14, to delete lines 18 to 39, and in page 15, to delete lines 1 to 8 and substitute the following:

“KDB report
18. (1) In this section, “KDB report” means the report required to be made under subsection (1) of section 103 of the Patents Act 1992 in so far as this Act is an enactment which falls within paragraph (b) of that subsection.

(2) The KDB report shall include statistical information in a form, and regarding such matters, as the Minister may direct.

(3) The KDB report shall not disclose details of any invention the subject of an application.

(4) The KDB report shall specify—
(a) the number of applications received by the Controller during the year to which
the report relates,
(b) the number of applications deemed to be withdrawn under section 8(2), and the number of applications withdrawn under section 10, by applicants during that year,
(c) the number of applications during that year in respect of which the Controller issued a KDB certificate,
(d) the number of applications during that year in respect of which the Controller refused to issue a KDB certificate,
(e) the number of refusals to issue a KDB certificate that were subject to a review during that year,
(f) the number of reviews carried out during that year that resulted in the confirmation of the decision to refuse to issue a KDB certificate,
(g) the number of reviews carried out during that year that resulted in the issue of a KDB certificate, and
(h) such other statistical information as may be prescribed.”.

5. In page 14, line 22, to delete “the Minister” and substitute “the Dáil”.
—Senators Pádraig Mac Lochlainn, Máire Devine.

6. In page 14, lines 24 to 27, to delete all words from and including “, but” in line 24 down to and including “Act” in line 27.
—Senators Pádraig Mac Lochlainn, Máire Devine.

7. In page 14, between lines 27 and 28, to insert the following:

“(3) The Minister may seek the introduction of appropriate categories or sectoral headings in respect of applications and request information from the Controller as to the proportion of applications under each heading.”.

—Senators Alice-Mary Higgins, Frances Black.

8. In page 14, line 36, after “applications” to insert “and name of applicants”.
—Senators Pádraig Mac Lochlainn, Máire Devine.

9. In page 15, between lines 6 and 7, to insert the following:

“(h) figures in respect of the geographical or regional distribution of applications,”.
—Senators Alice-Mary Higgins, Frances Black.

10. In page 15, between lines 7 and 8, to insert the following:

“(i) such general information as to the operation of the scheme as may be appropriate or relevant.”.
—Senators Alice-Mary Higgins, Frances Black.
11. In page 15, between lines 8 and 9, to insert the following:

“Review and scrutiny

19. (1) The Minister shall, as part of the annual Budget process, produce a report on the operation of the KDB including a consideration of the intersection of the KDB with other tax expenditure measures and its impact on the delivery of an effective tax rate for corporations.

(2) The Minister shall ensure appropriate annual information exchange between the Department of Jobs, Enterprise and Innovation and the Office of the Revenue Commissioners in order to facilitate the publication of information on the cost of this initiative, including the cost to date for the Exchequer in revenues forgone, as part of the annual budgetary process.”.

—Senators Alice-Mary Higgins, Frances Black.

12. In page 15, between lines 8 and 9, to insert the following:

“Review and scrutiny

19. The Minister shall, as part of the annual Budget process, produce a report on the operation of the KDB including a consideration of the intersection of the KDB with other tax expenditure measures and its impact on the delivery of an effective tax rate for corporations.

—Senators Alice-Mary Higgins, Frances Black.

13. In page 15, between lines 8 and 9, to insert the following:

“Review and scrutiny

19. The Minister shall ensure appropriate annual information exchange between the Department of Jobs, Enterprise and Innovation and the Office of the Revenue Commissioners in order to facilitate the publication of information on the cost of this initiative, including the cost to date for the Exchequer in revenues forgone, as part of the annual budgetary process.”.

—Senators Alice-Mary Higgins, Frances Black.

14. In page 15, between lines 8 and 9, to insert the following:

“Committee Scrutiny

19. An annual report on the operation of the KDB including a consideration of the intersection of the KDB with other tax expenditure measures and its impact on the delivery of an effective tax rate for corporations should be presented and discussed by the Joint Oireachtas Committee on Jobs, Enterprise and Innovation.”.

—Senators Alice-Mary Higgins, Frances Black.
In page 15, between lines 15 and 16, to insert the following:

“Intersection with wider enterprise and innovation strategy

20. (1) Companies applying for the KDB certificate should be asked to indicate at the time of application whether they are presently or have been previously in receipt of grants, subsidies, tax incentives or other enterprise or research and development supports from a public or semi-state body.

(2) Companies applying for grants, subsidies, tax incentives or other enterprise or research and development supports from a public or semi-state body should be asked to indicate whether they are presently or have been previously granted a KDB certificate.

(3) Information on the level or frequency of intersection between the KDB and other enterprise or research and development initiatives is to be made available to the Minister for Jobs, Enterprise and Innovation in order to inform overall jobs, enterprise and innovation strategies.”.

—Senators Alice-Mary Higgins, Frances Black.

16. In page 15, between lines 15 and 16, to insert the following:

“Intersection with wider enterprise and innovation strategy

20. (1) Companies applying for the KDB certificate should be asked to indicate at the time of application whether they are presently or have been previously in receipt of grants, subsidies, tax incentives or other enterprise or research and development supports from a public or semi-state body.

(2) Companies applying for grants, subsidies, tax incentives or other enterprise or research and development supports from a public or semi-state body should be asked to indicate whether they are presently or have been previously granted a KDB certificate.”.

—Senators Alice-Mary Higgins, Frances Black.

17. In page 15, between lines 15 and 16, to insert the following:

“Intersection with wider enterprise and innovation strategy

20. Information on the level or frequency of intersection between the KDB and other enterprise or research and development initiatives is to be made available to the Minister for Jobs, Enterprise and Innovation in order to inform overall jobs, enterprise and innovation strategies.”.

—Senators Alice-Mary Higgins, Frances Black.
“Annual report
31. The Act of 1992 is amended by the substitution of the following section for section 103:

“103. (1) Subject to subsections (2) to (4), the Controller shall, as soon as practicable but, in any case, not later than 5 months after the end of each year, make a report in writing to the Minister of the Controller’s activities under—

(a) this Act, and

(b) each other enactment for the administration of which the Controller is responsible.

(2) The report shall include, in respect of the year to which it relates, particulars of all rules made in that year under or for the purposes of this Act or other enactment referred to in subsection (1)(b) and an account of all fees, salaries and allowances, and other money, received and paid under this Act or such other enactment.

(3) The Minister shall ensure that a copy of the report is laid before each House of the Oireachtas not later than 6 months after the end of the year to which the report relates.

(4) Nothing in this section shall be construed as requiring the Controller to include in the report information the inclusion of which would, in the opinion of the Controller, be likely to prejudice the performance of the Controller’s functions under this Act or other enactment referred to in subsection (1)(b).”. “.