



# The intellectual property and technology list of the Commercial Court - another reason to litigate in Ireland

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The introduction of the specialist sub-list of the Commercial Court; the Intellectual Property and Technology List (the IP/Tech List) provides further support to the Irish Courts' unique position to capitalise on international jurisdiction shopping, in the context of choice of law clauses in commercial contracts.

For more on this see my piece "Four reasons why Ireland should be top of the jurisdiction shopping list of international businesses" [here](#).

The IP/Tech List was established under a revised Order 63A of the Rules of the Superior Courts and came into operation on 22 October 2021. This sub-division of the Commercial Court is dedicated to intellectual property cases and disputes relating to complex technology matters with specialist judges being assigned to this list by the President of the High Court.

A broad variety of cases such as those involving issues of technological complexity and disputes which are sufficiently concerned with intellectual property proceedings (including IP rights and unfair commercial practices), are eligible for entry on the list. There is no exhaustive list of entry categories of appropriate cases, with the Court having wide range discretion to admit matters as it sees appropriate having regard to its assessment of technological complexity. The degree of technological complexity which merits entry to the IP/Tech list will become clearer as the list operates, with entry applications for the IP/Tech List to be made as part of any application for entry to the Commercial List.

## Procedural improvements

All cases in the IP/Tech List will be case managed to minimise costs and prioritise a timely resolution. The new regime provides for a detailed pre-trial procedure, which includes the holding of a case management conference after the close of pleadings.

The case management conference allows for the Court to consider aspects of the case including pleadings, interrogatories, and expert evidence as well as the time that the Court will likely require for advance reading. At that juncture the Court can direct that the proceedings be heard on affidavit only, or a combination of affidavit and oral evidence. The Court may also direct that the proceedings be heard without discovery or with limited discovery.

This early judicial scrutiny, particularly in relation to the discovery process is a welcomed procedural development which is likely to have a significantly favourable impact on costs.

## **Attractive forum for resolving disputes**

This introduction of this dedicated list in the only remaining common law jurisdiction within the European Union, makes the Irish Courts a very attractive forum for resolving intellectual property and technology disputes in an efficient, expeditious and as cost-effective manner.

These are welcomed procedural improvements for legal practitioners as well for businesses in the technology, and IP-intensive industries and will no doubt have a positive impact on the disposal of intellectual property and technology disputes before the Irish Courts.

*For further information on this topic please feel free to contact Elaine White at [elaine.white@ogier.com](mailto:elaine.white@ogier.com)*

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