

**Question for written answer P-005317/2016
to the Commission**

Rule 130

Nessa Childers (S&D)

Subject: Implementation in the Republic of Ireland of Articles 2 and 3 and Recital 17 of Directive 2004/48/EC on the enforcement of intellectual property rights

Articles 2 and 3 and Recital 17 of Directive 2004/48/EC give small intellectual property owners the right to protect their property quickly and cost-effectively in all Member States.

However, while the Irish courts have 'notional' discretion to hear small companies unrepresented by lawyers, they refuse to hear unrepresented companies as a point of principle. This has been confirmed by the Irish Company Law Review Group Report of March 2016.

Therefore, and for example, a small owner would have to spend circa EUR 7 000 - EUR 10 000 to contest a EUR 3 000 claim; furthermore, Ireland does not offer free legal aid for these types of cases.

Does the Commission consider the cost of legal services for low-value cases in Ireland to be detrimental to the proper application of Articles 2 and 3 and Recital 17 of Directive 2004/48/EC?

Does the Commission consider that Ireland's court processes with regard to enforcement of intellectual property rights guarantee Irish citizens their rights under Articles 2 and 3 and Recital 17 of Directive 2004/48/EC?