

Press Release

Ireland Must Strengthen its Legal Framework for ICT and e-Business related activities – Forfás

Establishment of Specialist e-Courts Tops List of Recommendations

The competitive advantage which Ireland has built up in Information & Communications Technologies (ICT) and e-Business related activities should be underpinned by improving the Irish Legal Framework to include specialist e-Courts and by increasing the legal protection provided to intellectual property, according to a new report published by Forfás today (29 October 2002).

The report, which is entitled '*Legislating for Competitive Advantage in e-Business and Information & Communications Technologies*', notes that while Ireland achieved a competitive advantage through the early enactment of the Electronic Commerce Act 2000 and the Copyright and Related Rights Act 2000, other countries with which we compete now have similar legislation in place. The report was commissioned by Forfás from Dennis Kelleher, BL.

This report outlines the policy responses of other countries from a legal perspective, and assesses key legal and regulatory requirements to support a competitive business environment. Specifically, the report recommends that:

- Consideration should be given to the establishment of a specialist technology court (an 'e-Court') in Ireland to adjudicate on ICT and e-Business related law and to develop the expertise of the Judiciary in these areas. This is to provide a secure, certain and responsive legal system that will attract global research and knowledge intensive businesses to locate in Ireland;

- Patent, Copyright, and Intellectual Property law should be updated to protect the rights of companies that develop intellectual property;
- An offence for the theft of confidential information should be created to take account of the increasing value of information to Irish businesses;
- The stamp duty regime for the assignment or transfer of intellectual property should be reviewed to ensure that Ireland compares favourably with competitor countries. This is required to encourage companies to develop and manage high-value intellectual property in Ireland and to establish Ireland as a centre for the global distribution of high-value digital content;
- Greater protection from the threat of cybercrime should be provided for Irish consumers and businesses who use the Internet and transact business electronically, through the early implementation of the Council of Europe's Convention on Cybercrime. Businesses and consumers must be confident that they have the same legal security, protection and rights for electronic transactions, contracts, and communications as they have for conventional transactions.

Forfás believes that Ireland now has an opportunity to take a leadership position in putting in place a legal and regulatory framework that will provide a competitive advantage in the development of research and of information and communications technology industries and the development of the Information Society in Ireland.

The emergence of new information and communications technologies, the increased delivery of goods and services over electronic networks, and the adoption of e-Business processes are giving rise to fundamentally new forms of commerce for which the legal framework remains to be determined and modified.

“Ireland can develop as a global centre for research and e-Business, if we are proactive in providing a secure and certain legal framework for e-Business and ICT,”

Mr Martin Cronin, CEO Forfás, said at the launch of the report.

“This would be an important source of competitive advantage for nations competing for trade and investment. Ireland’s early enactment of the Electronic Commerce Act, 2000 showed that being proactive can provide Ireland with significant first-mover advantages,” he added.

The ICT sector accounts for over a third of Ireland’s exports and e-Business and ICT related research represents a large and growing proportion of R&D expenditure in Ireland. To attract and develop firms that invest in research and e-Business, Ireland must provide an attractive legal environment.

“A secure legal environment for e-business and information and communications technologies’ is critical to building a knowledge-based economy which can sustain growth in living standards in a more competitive international environment,” Mr. Cronin observed.

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