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Ireland: A Return to the Glory Days

Tierney IP, a professional Intellectual Property law practice founded in May 2014 and based in Dublin, assists and advises domestic and international clients in the clearance, protection, enforcement and legal exploitation of Soft IP rights such as Trade Marks, Copyright, Designs and Trade Secrets. Niall Tierney, a dual qualified lawyer and Trade Mark Attorney with over 20 years' in-house and private practice experience gained in Britain, Ireland and Switzerland, reveals how his firm's success is down to far more than the luck of the Irish.

Ireland's economic recovery makes it an exciting place to base a start-up legal practice. Ireland's position as the only English speaking Common law country within the Eurozone provides opportunities that would be of envy to my colleagues based in other EU countries. This advantage is attractive to businesses wishing to locate to a business friendly country with a strong centuries old legal tradition. The creation of the Commercial Court in 2004 and new Court of Appeal in 2014 has done much to enhance Ireland's reputation as a jurisdiction of choice for many commercial disputes.

There are significant challenges and hurdles to operating an independent legal practice in Ireland. In spite of the impending enactment of the Legal Services Regulation Bill, more needs to be done to ensure that Ireland has a streamlined 'business friendly' legal system. The majority of my IP international clients are aghast when I tell them that if they want to litigate in Ireland, they potentially have to instruct three different legal professionals, i.e. a specialist IP attorney, a solicitor and a barrister. By way of contrast, if an Irish business wants to litigate in the United States, the normal route is to instruct a specialist Intellectual Property firm which invariably has the team to handle, prepare and advocate the case; all under one roof.

I am particularly disappointed that the Irish Government has decided to defer the introduction of 'multi-disciplinary' practices in Ireland. I worked in the United Kingdom for the best part of 20 years where multi-disciplinary practices have been in operation and proven to be successful and regulated. It is inexcusable for a modern open economy such as Ireland to lose a significant competitive advantage by not having MDP's.

Being a member of the Eurozone has considerable advantages. Irish exports have been helped by a weak EURO vis-à-vis our main trading partners. The extraordinary close relationship with the United States and the United Kingdom has been a key factor in Ireland's recovery. Without the dedication and support of many US multi-nationals and our close cultural and economic ties with the United Kingdom, Ireland's recovery would certainly not have been as quick or impressive. We are an

open trading economy and must remain so for the sustainability of economic prosperity.

I have worked for a variety of legal practices in Britain and Ireland, seeing at first-hand what works and what does not. One area that needs a substantial re-think is how lawyers charge clients. Those firms which are flexible and willing to work with their clients by adopting and moving away from the traditional 'time spent' method of charging are reaping the rewards in the form of increased workload from happy clients. Taking the lessons I learnt in the City into my own practice and remaining constantly attuned to how clients' wish my services to be delivered, I shy away from charging on a 'time spent' basis for the majority of matters I handle.

Keeping up to date with emerging developments within the legal sector can be a challenge especially when one has to balance professional development with ensuring that existing clients are receiving a gold plated service. Regularly attending and speaking at conferences is perhaps the best way to keep abreast of developments. Liaising with professionals in other industries encourages one to move away from the sometimes constrained legal mind set and working with a large multi-media organisation in Switzerland instilled into me a commercial awareness which many lawyers lack or don't appreciate.

Client Care lies at the root of a good legal system. I was fortunate to have qualified and worked within the English legal system, one of the best regulated regimes in the world. Being trained as an English Solicitor engenders into you a strong 'client care' philosophy. Part of that culture requires you to have your client constantly at the heart of your practice. One of the best ways a client can receive the best possible service is for a legal practice to ensure complete clarity and certainty when it comes to fees. There is nothing a client detests more than opaque and meaningless explanations for work done. Lawyers need to be more willing to actively consider Alternative Billing structures, such as fixed and 'value based' fees.

As a sole practitioner who has worked both within

industry and private practice, I believe I offer and deliver a commercial 'no nonsense' based service. My practice is fortunate to be small enough to allow me consistently maintain my commercially focussed culture and to ensure that clients will always know that my advice will always be delivered with their needs fully in focus.

I like to think that my broad cross-industry and jurisdictional experience marks me out from my competitors. Throughout my career, I have acted for and advised some of the worlds' largest corporations and like to think that this has provided me with a vital international insight into how IP legal services should be delivered.

I firmly believe that being based in a country which has taken steps towards building a competitive commercially focussed legal system, the future is positive. There has never been a more exciting time to be a lawyer based in Ireland. As a sole practitioner, my plans are obviously constrained by size for the short term. Nonetheless, I intend to capitalise on my extensive cross industry and jurisdictional experience to build up a solid commercially focussed Intellectual Property law practice.

