

# Irish Commercial Court Update Regarding Entry Applications

The landscape of Court applications has undergone some considerable changes since the outbreak of COVID-19 and a major change in Commercial Court procedure is highlighted in the case of RE Clariant AG 2020 IEH 182 (002). Mr Justice Barnville confirmed that he will deal with applications for entry to the Commercial List by reviewing the papers in circumstances where both parties consent to same. Furthermore, he will hand down directions in relation to the exchange of pleadings which will mean that you will be in a position to progress your case and may in fact get it to hearing in circumstances where you have a matter that you want expedited and that meets the threshold of the Commercial Court. A key benefit of having a case heard before the Commercial Court is that Mr Justice Barnville case manages all cases which results in proceedings being managed in a manner which is just and expeditious.

Commercial Court proceedings are defined in Rule 1 of Order 63A of the Rules of the Superior Courts and include claims in contract or tort arising out of business transactions where the value of the claim is not less than €1 million, intellectual property cases (including passing off), certain types of arbitration claims, and appeals from, or judicial review applications in respect of, any statutory body where the judge in charge of the list considers that, having regard to the commercial or any other aspect of such an application, it is one appropriate for entry into the Commercial List. The only reason that you will be refused entry to the list is if you have not complied with the aforementioned criteria or if there has been significant delay in bringing the matter before the Court.

If you have a case that you require to be heard quickly and is likely to have the consent of both parties and require some assistance in relation to same, please do not hesitate to contact Elizabeth Burke, email [eburke@clarkhill.ie](mailto:eburke@clarkhill.ie), or Clodagh MacNamara, email [cmacnamara@clarkhill.ie](mailto:cmacnamara@clarkhill.ie), for advice.