



SCP/34/2

3. Report on the international patent system: Certain aspects of national/regional patent laws

Spain

Information on Organic Law 7/2022,
of July 27, amending Organic Law
6/1985, of July 1, on Judiciary, in
matters related to Commercial
Courts.

Review of SPTO's resolutions

Specialized
section on
IP of the
Provincial
Court

Formalities
appeal:
High Court
of Justice

Appeal for
cassation:
Supreme
Court

Competent Provincial Court

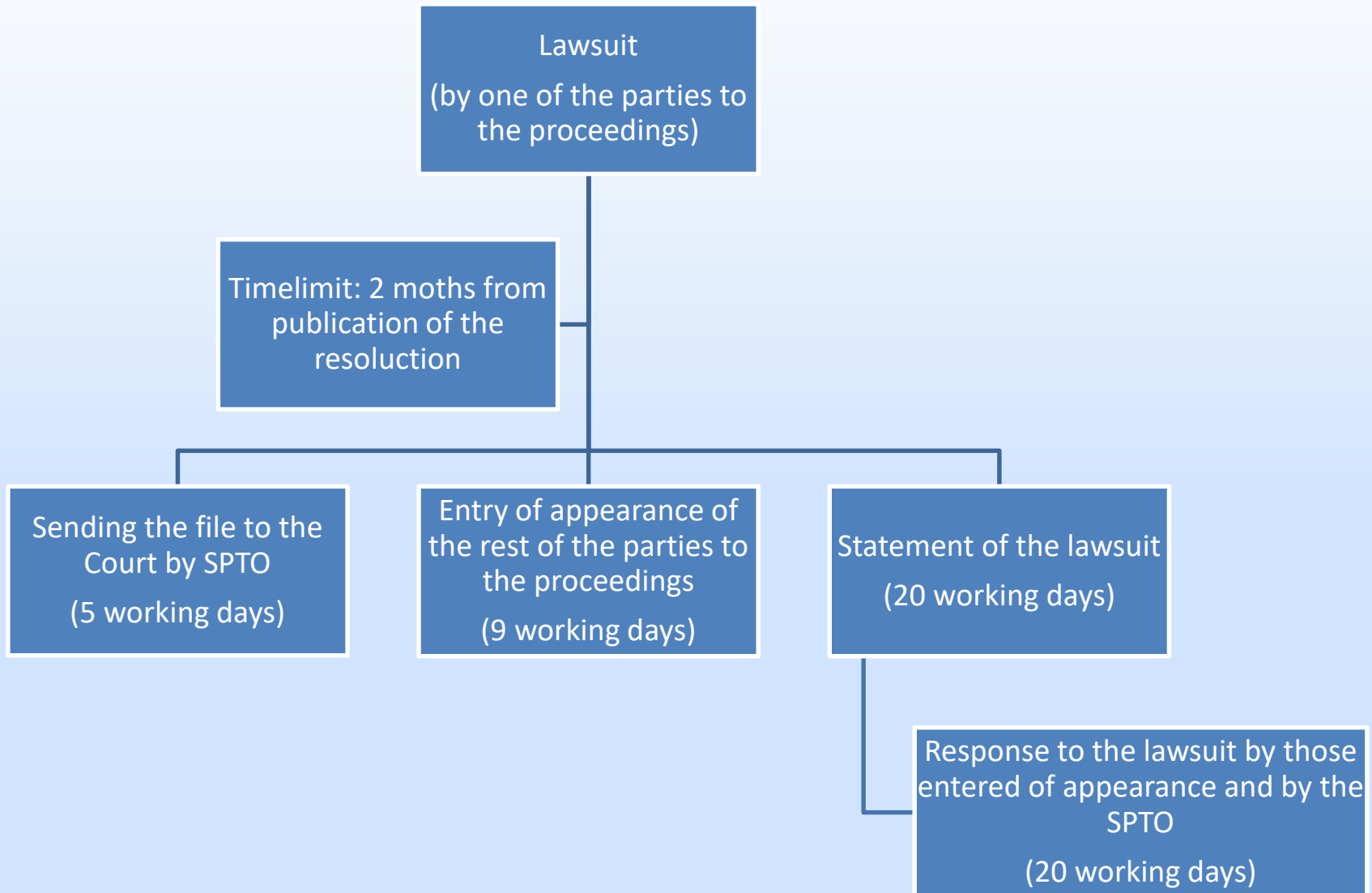


Competent Provincial Court

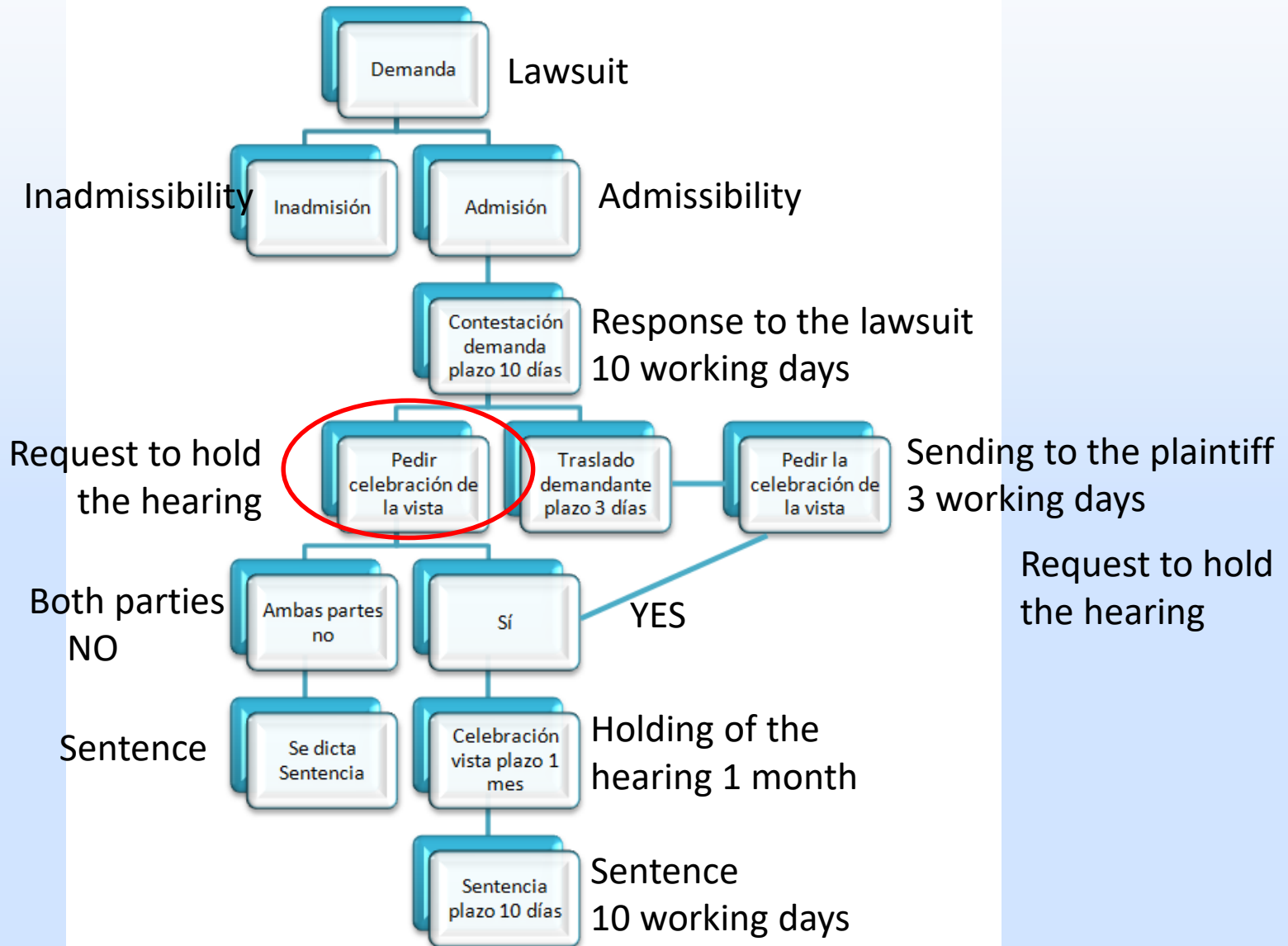
Territorial jurisdiction shall rest with the specialized section on IP of the Provincial Court of:

- the city with the seat of the High Court of Justice in the Autonomous Communities corresponding to the defendant's domicile, or failing that, the place of residence of the representative authorised to act on behalf of the holder in Spain
- at the plaintiff's option, the city where the SPTO has its seat (Madrid)

Juicio Verbal



Fases del juicio verbal





Proposals for the amendment of the Spanish Patent Law

Art. 5.3: exception to patentability of plants or animals exclusively obtained by means of an essentially biological process.

Art. 5.6: deletion of exception to patentability of a mere deoxyribonucleic acid (DNA) sequence with no indication of a biological function. (not foreseen by EPC).

Art. 137: extensión of inventions that may be protected as utility models to pharmaceutical substances and compositions.

Art. 141: utility models applications will include an abstract and adaptation of utility models to PLT.

Art. 147bis: branch off for utility models.

Principales novedades

Art. 170: translation of the claims only, in order the PCT applications get provisional protection.

Art. 175: any professional representative (not just Patent attorneys) having residence in the EEA will be able to represent applicants not having residence in the EEA

Art. 176: adaptation of the Patent advisor-client privilege to the foreseen agreement within the B+ Group

DA 3º: Preferential processing of applications related to public health



**THANK YOU VERY MUCH FOR YOUR
ATTENTION**

Oficina Española de Patentes y Marcas, O.A. (OEPM)