

B1 Information on Contracting States B1

ES SPAIN ES

General information

Name of Office:	Oficina Española de Patentes y Marcas Spanish Patent and Trademark Office
Location and mailing address:	Paseo de la Castellana 75, 28071 Madrid, Spain
Telephone:	(34) 902 157 530
Facsimile machine:	(34-91) 349 55 97
E-mail:	informacion@oepm.es
Internet:	www.oepm.es
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission
Does the Office send notifications via e-mail in respect of international applications?	Yes
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS ¹
Competent receiving Office for nationals and residents of Spain:	Spanish Patent and Trademark Office, European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation ² restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Inventions made in Spain ³ Applications by residents ³

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¹ For further details on how to request this Office to make applications available to DAS, see www.oepm.es.

² Law No. 24/2015 of July 24, 2015, on Patents, Art. 163.

³ Unless priority of an earlier application filed at the Spanish Patent and Trademark Office is claimed.

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Competent designated (or elected) Office if Spain is designated (or elected):	National protection: Spanish Patent and Trademark Office (see National Phase)
	European patent: European Patent Office (EPO) (see National Phase)
May Spain be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: Patents, utility models European: Patents
Provisions of the law of Spain concerning international-type search:	None
Provisional protection after international publication:	<p>Where the designation is made for the purposes of a national patent: After a patent has been granted, the applicant is entitled to reasonable compensation for the period following the international publication of the international application. For that purpose, and if the international publication has not been effected in Spanish, the applicant must submit to the Office a translation of the international application into Spanish. The provisional protection applies as from the date of publication of the international application in Spanish by the Office.</p> <p>Where the designation is made for the purposes of a European patent: After the international publication (if in Spanish) or, where that publication was in a language other than Spanish, after the publication by the Office of a translation into Spanish of the claims of the European patent application submitted by the applicant in view of provisional protection and accompanied by a special fee, compensation reasonable in the circumstances may be requested. The translation of the claims into Spanish cannot be filed before the international application has entered the European regional phase and the mention of the international publication has been published in the <i>European Patent Bulletin</i>. If the applicant does not reside in Spain or in a country of the European Union, the translation must be either prepared by a patent attorney entitled to practice before the Office, or certified by a sworn translator appointed by the Ministry of External Affairs of Spain. In addition, persons who declare to have linguistic and technical knowledge in accordance with the Ministerial Order ETU/320/2018 of March 26, 2018 may also prepare the translation</p>

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Are there special provisions concerning the deposit of microorganisms and other biological material?

Yes (see Annex L)

For a European patent — See European Patent Organisation (EP) in Annex B2

Information of interest if Spain is designated (or elected)

For national protection

Time when the name and address of the inventor must be given if Spain is designated (or elected):

The indication of the address of the inventor is not required by the Office. The name may be indicated in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.
