

Leaflet Patents in Spain

Duration

The patent has a maximum duration of 20 years from the date of filing of the application, provided that annual fees are paid in due time.

Compulsory use

Within 3 years from the publication of the notice of grant or 4 years from the date of filing of the application, whichever period ends last, the patented invention must be worked in Spain, in another EU member country or in another WTO member country to an extent sufficient to satisfy the demand of the Spanish market. The working must be carried out by the owner of the patent or by somebody authorized by the owner of the patent (e.g. a licensee) and may not be discontinued for more than three consecutive years. If there is no such working without legitimate reasons, any person may apply for the grant of a compulsory license.

Marking

Marking is not compulsory. If desired, products may be marked "Pat. No.", "Patente No." or "Patente española No.", followed by the number of the patent.

EU member countries

Spain is a member of the European Union (EU). As far as patents are concerned, this has the consequence that once products protected by the patent are sold by or with the permission of the patentee in one EU member country, shipment of these products into and out of other EU member countries basically cannot be prevented.