

Spain: Supreme Court of Spain, First Civil Law Chamber, No. 568/2017, 20 October 2017

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In a long-awaited judgment, the Spanish Supreme Court has clarified the application of the TRIPS agreement to patent applications affected by the Spanish reservation to the EPC: Article 70.7 of TRIPS allowed owners of patent applications filed before 7 October 1992, but which were still pending when TRIPS came into force, to amend the patents to claim pharmaceutical products as such. However, according to the Supreme Court, this right to amend could only be used insofar as a decision on the grant of the patent had not yet been made.

A full summary of this case has been published on [Kluwer IP Law](#).