

---

# Kluwer Patent Blog

## Case comment on Judgment of 27/03/2009, Provincial Court Barcelona (Audiencia Provincial Barcelona), 27 March 2009

Miquel Montaña (Clifford Chance) · Friday, March 27th, 2009 · Landmark European Patent Cases

The Provincial Court of Barcelona dismissed an appeal filed against a judgment from the Commercial Court number 4 of Barcelona, which had concluded that the product claims of the patent in suit were valid and enforceable in Spain under Articles 27.1 and 70.7 of TRIPS. The main interest of the judgment lies in the fact that it has further confirmed that, under Spanish law, Articles 27.1 and 70.7 of TRIPS are self-executing and that the fading effects of the Spanish Reservation to the European Patent Convention can no longer be invoked against patents falling within the scope of application of Articles 27.1 and 70 of TRIPS. In particular, the Court emphasized that since patent law has not been harmonised by the Community yet, it is up to national Courts to decide whether or not (some) TRIPS' provisions may be directly applied.

---

*To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).*

### Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

---

79% of the lawyers think that the importance of legal technology will increase for next year.

**Drive change with Kluwer IP Law.**

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT  
The Wolters Kluwer Future Ready Lawyer  
Leading change

This entry was posted on Friday, March 27th, 2009 at 6:05 am and is filed under [Case Law](#), [Spain](#), [Validity](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.