
Kluwer Patent Blog

Commercial courts of Barcelona go one step further towards specialisation

Miquel Montaña (Clifford Chance) · Friday, January 27th, 2012

There seems to be ample consensus in that Justice is better administered by specialised Judges than by non-specialised Judges. With this view in mind, in 1993 the Barcelona Court of Appeal took a groundbreaking step forward by conferring exclusive competence to one section (Section 15) to hear appeals filed in intellectual property cases. The successful experience of Section 15 inspired the Spanish Parliament when it created the new Commercial Courts (“Juzgados de lo Mercantil”), which began operating on 1 September 2004. Before the creation of these Commercial Courts, any civil Court of First Instance based in cities such as Barcelona or Madrid, which are the capitals of Spanish Autonomous Regions, were competent to handle patent cases. Taking into account that in each of these cities alone there were more than fifty Courts of First Instance, not to mention the Courts based in other capital cities, the number of Spanish civil Courts of First Instance potentially competent to deal with patent cases by far exceeded one hundred.

The establishment of Commercial Courts on 1 September 2004 reduced the number of competent Courts dramatically, since these new Courts were assigned exclusive competence to hear patent cases, among other commercial matters. The Commercial Courts of Barcelona have now gone one step further towards specialisation by assigning exclusive competence to hear patent cases to three of the ten Commercial Courts based in Barcelona (Commercial Courts numbers 1, 4 and 5). The reform came into force on 1 January 2012.

All in all, this reform is just the latest step in a series of measures that have placed patent case law in Spain on the same level as other jurisdictions with longer patent traditions, which would have been unthinkable two decades ago.

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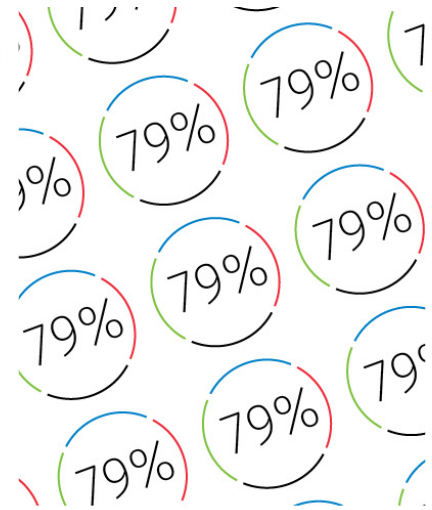
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