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Spain: Supreme Court, First Civil Law Chamber, 531/2014, 15 October 2014

Miquel Montañá (Clifford Chance) · Tuesday, May 12th, 2015

On 15 October 2014 the Spanish Supreme Court confirmed its earlier rulings on two issues: after an IP right has been found invalid in first instance but the Court of Appeal overturns this decision because it disagrees with the argument that was the basis for invalidity in first instance, (how) should the Court of Appeal deal with other nullity arguments that have been argued before but not decided upon by the Court of First Instance? And (how) should the Court of Appeal deal with nullity arguments that were dismissed by the Court of First Instance? The decision handed down by the Supreme Court is interesting because it flags-out the need to carefully analyze the issues resolved and not expressly resolved by a first instance decision before deciding whether or not an appeal should be filed.

 A full summary of this case has been published on Kluwer IP Law.

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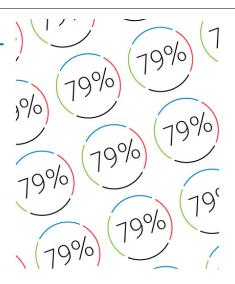
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