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# Kluwer Patent Blog

## Spanish Courts move one step further towards the path of specialisation

Miquel Montaña (Clifford Chance) · Friday, June 12th, 2015

In a world of increasing legal complexity, it is a common ground – except in Luxembourg – that the lack of specialisation results in the administration of injustice rather than in the administration of justice. The President of Section 15 of the Barcelona Court of Appeal appeared to have this logic in mind when, in 1993, he had the vision to persuade his fellow Judges to assign the different Sections of that Court to various specialised areas. For example, it was decided that Section 15 would be the only competent Section to resolve appeals in patent cases. At that time this was an absolute revolution, as the old structures and inertia of the Spanish judicial system was such that this groundbreaking development could not have been even dreamed of. But, thanks to that inspiring vision, since then all appeals in patent cases have been assigned to Section 15. The successful precedent of Section 15 was key to the creation of the so-called “Mercantile Courts” throughout the Spanish territory on 1 September 2004, which to a large extent were modelled on Section 15. These Courts added a new layer of specialisation to the Courts of First Instance. For example, they were assigned exclusive competence to deal with patent cases, which formerly were under the competence of general Civil Courts. However, as time went by, it became increasingly clear that another layer of specialisation was needed. Consequently, the Barcelona Commercial Courts decided to make the necessary reforms so that only three Commercial Courts would be competent to take on patent cases: Commercial Courts numbers 1, 4 and 5. On 18 March 2015 a meeting of Judges in Madrid decided to follow the example of the Barcelona Courts and assign a reduced number of Commercial Courts to specialise in patent cases. As a result, once this agreement is implemented, only Commercial Courts numbers 7, 8, 9 and 10 will be competent to take on patent cases in Madrid. All in all, although this is – no doubt – a very positive development, proper justice will not be served until the Government allocates the necessary resources to the Commercial Courts, in order to resolve the collapse of many of these Courts due to their massive case overload.

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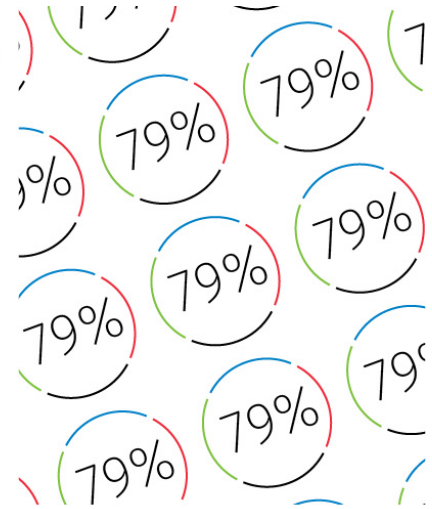
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