

Kluwer Patent Blog

Minister De Guindos says Spain will not join Unitary Patent system

Kluwer Patent blogger · Wednesday, March 22nd, 2017

Spain will not join the Unitary Patent system. That became clear today during a session of the Spanish parliament. Earlier this month, the parliamentary committee for economics, industry and competitiveness had [approved](#) a motion of the socialist party PSOE, requesting the government to reconsider joining the system. Only the Popular Party, which runs the minority government in Spain, voted against the motion.

In answer to a question of Patricia Blanquer, the author of the PSOE motion, minister Luis de Guindos of Economy and Competitiveness said today: ‘Although Spain has always supported the creation of an EU Patent system, we cannot join this system, both because of the (...) linguistic regime and because of doubts as to the legal protection it offers. In the past, this has also been the position of the PSOE government, which is shared by employers organisations (...).’ ([link to video](#))



Luis de Guindos

Patricia Blanquer answered she doesn't share the minister's view, as the Unitary Patent system was created years ago and a lot has happened since: ‘To maintain this position is not what a country like Spain should do and it is inappropriate for someone who dreams of leading the European project [De Guindos has the ambition to succeed Dutch minister Jeroen Dijsselbloem as chairman of the Eurogroup, ed]. If there is any clear example of enhanced cooperation, it is this project. Of the, as for now, 28 member countries of the European Union, 26 have decided to join the Unitary Patent. Only Spain and Croatia are outside. Is this the way we want to realize our ambition to be the locomotive of Europe? If so, we will not even be the last wagon on the train.



Patricia Blanquer

(...) Last week, Germany ratified the system [actually, so far only the parliament, the Bundestag, approved UPCA ratification. The Federal Council, the Bundesrat, is expected to vote on ratification on 31 March 2017, ed.], which makes it more than likely that the system will start functioning in December 2017. There is no time to lose. Don't let it happen that innovative Spanish companies lose competitiveness because we're outside the system. Choose for innovation and the talent in our country, because it is there and it is good. Resume the negotiations which were broken off a long time ago. From the outside, it is impossible to influence the system, neither its design nor to defend the use of Spanish. Moreover, after the Brexit Spain would be an excellent candidate for housing one of the sections of the Unified Patent Court. (...) Don't leave us outside the European dream of innovation and prosperity. (...)'

But minister De Guindos made clear there is no chance whatsoever of Spain joining the system any time soon: 'I agree that a European IP system is necessary which simplifies procedures and reduces costs for obtaining a patent. But if the use of Spanish is not allowed, this means our companies will have to translate their patent applications in one of the official languages of the UP system and they will have to respect patents which are not translated into Spanish.'

Apart from this, the system would create a lot of legal insecurity, because actions to attack the validity of a patent in another member state have to be done in the language of the patent application and if a Spanish company is attacked, it will have to submit itself to the language that is being chosen by the other party. To exclude the Spanish language is discriminatory for Spanish companies, especially the smaller ones (...). Finally, I would like to point out that Spanish companies can always use the Unitary Patent system once it has started functioning.'

In an interview with Kluwer IP Law, Patricia Blanquer has said it is '[detrimental to Spain to stay outside the Unitary Patent system](#)'.

For regular updates on the Unitary Patent and the Unified Patent Court, subscribe to this [blog](#) and the free [Kluwer IP Law Newsletter](#).

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.



Wolters Kluwer



2022 SURVEY REPORT

The Wolters Kluwer Future Ready Lawyer

Leading change

This entry was posted on Wednesday, March 22nd, 2017 at 2:36 pm and is filed under [European Union](#), [Spain](#), [Unitary Patent](#), [UPC](#)

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