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Spain: The Court of Appeal of Barcelona (Section 15), Court of Appeal of Barcelona, 57/2017, 18 May 2017

Adrian Crespo (Clifford Chance) · Thursday, November 16th, 2017

In a lengthy obiter dicta, the Barcelona Court of Appeal seems to depart from a longstanding assumption of Spanish law: that the mere continuance of the infringement (i.e. the presence of the infringing goods on the market) is per se enough to justify the urgent interest in the grant of a preliminary injunction. Rather, an “additional element” is needed. However, no guidance is provided as to the nature of this additional element. Furthermore, the Court agrees to an exceedingly rare occurrence in Spanish patent litigation, whereby the injunction is swapped for the provision of a monetary security by the defendant.

A full summary of this case has been published on [Kluwer IP Law](#).

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