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Patent case: Ruling of Barcelona Commercial court no. 5, Spain

Adrian Crespo (Clifford Chance) · Friday, December 28th, 2018

The Barcelona patent courts have provided further guidance on preliminary injunctions within the context of trade fairs, where the standard of evidence is higher than usual. Indirect evidence, such as an expert report based on a video of the competitor's allegedly infringing machine, is generally not good enough. If the patentee lacks direct, "hands-on" evidence of the technical features of the defendant's products, it must generally file a saisie-style application first. Furthermore, the patent holder must dispel any suspicions that it might be using the injunction in bad faith. Filing the application well in advance of the fair might be critical for this purpose.

Case date: 09 November 2018

Case number: 1275/2018

Court: Commercial Court of Barcelona

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

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