

SPANISH PATENT AND TRADEMARK OFFICE

EUROPEAN PATENT VALIDATIONS. GENERAL INFORMATION

1.- Time limit to file the translation, and possibility of requesting an extension of the time limit.

According to the EPC and the Spanish law, the proprietor of the European patent must supply a translation of the specification into Spanish. The period for filing the translation is **three months** after the date on which the mention of the grant or the decision to maintain the patent as amended, or limited, is published in the European Patent Bulletin. Nevertheless, this period of filing **could be extended for two months** if it is requested before the expiration of the period. The request for extension may be filed by fax, to the number: + 34 91 349 53 04, and must be written in Spanish. The European patent and the grant date should be identified in the letter requesting the extension. If the request for extension is filed in due time, the extension time limit is automatically granted. The Office always informs the patent's proprietor on the taken decision. No fee is required for that request. The following text is suggested:

“En relación con la patente europea nº cuya mención de concesión se ha publicado en el Boletín Europeo de patentes de fecha, el solicitante desea acogerse a la Regla 12.2 del Tratado sobre el Derecho de Patentes, PLT, y en su virtud, mediante el presente escrito solicita una prórroga del plazo establecido para la presentación de la traducción de la patente europea”.

["In relation to the European patent nº (publication number) whose mention of the grant has been published in the European Patent Bulletin of (publication date of mention), according to Rule 12.2 of the Patent Law Treaty, PLT, the applicant hereby asks for an extension of the time limit established for filing the translation of the European patent specification"].

2.- Formal requirements of the translation:

a) Who is entitled to prepare the translation under Spanish Law?

- Agents accredited to OEPM ([Industrial Property Agents](#)).
- [Sworn interpreter](#) appointed by the Spanish Ministry of Foreign Affairs.

b) Who is entitled to act before the OEPM?

- Agents accredited to OEPM (Industrial Property Agents).
- The interested parties with legal capacity according to the Third Title of the Law 30/1992, 26 of November, on Legal Regime of the Public Administrations and the Common Administrative Procedure.

Residents in a State **not member of the European Union** shall act, in any case, by means of an Agent.

c) How to file the translation

The translation may be filed in three different ways:

- On paper, only (the fee for printing shall not be reduced)
- On line. [To transmit electronically](#) the translation, the patent holder needs a digital certificate, issued by an authority with that capacity. (The fee for printing shall be reduced).

3.- Physical requirements of the translation

a) Size of sheets, margins, numbering of pages and lines:

- The size of the sheets shall be A4 (29.7 cm x 21 cm).
- Margins:
 - Top: 35 mm
 - Right side: 20 mm
 - Bottom: 20 mm
 - Left side: 20 mm
 - Gutter: 5 mm
- Numbering of pages. The first page in which the description starts will be numbered with digit 2. The numbers shall be centred at bottom of the sheet, but shall not be placed in the margin.
- Numbering of lines. Description and claims lines shall be numbered every fifth line.

b) Space of typing, and font:

- The space/writing between lines: single (1)
- Spaced: one blank line between paragraphs
- Font: Arial 9.
- Paragraphs not indented, except in description, if necessary.

c) Content of the translation document

- According to WIPO ST.22, word splitting by the use of hyphens should be avoided (for example, at the end of lines or table cells).
- The first sheet of the description (numbered with digit 2) will be headed with the word “**DESCRIPCION**” (centred at the top, capital letter, in bold type).
- Next, the title of the invention, with the same format that the rest of the text of the description (without underlined, neither italics, nor capital letter), in independent paragraph.
- Next, the text of the description. The word “**Ejemplos**” (examples for the best mode to carry out the invention) in bold type.

- Listing of references, if any:
 - Two types of different listing of references:
 - Listing of reference to cited documents in the description (as background art or bibliography). It shall be placed in the same order in which it was published by the EPO, in document B1.
 - Listing of numerical references of drawings. It shall be placed at the end of the description, before the claims.
- Once the description is finished, the text of claims shall start in a new sheet. The first sheet of the claims will be headed with the word “**REIVINDICACIONES**” (centred at the top, capital letter, in bold type).
- Next, the text of claims.
- The translation must be accompanied by a copy of the drawings in the European patent specification, even when there is no textual matter to be translated. The figures of drawings will be inserted in the “Word” document that contains the description and claims, in a new sheet, following the claims.
- All the set pages, including drawings, will be numbered consecutively with Arabic numerals (description, claims, drawings: 2, 3, 4, 5, 6 ... etc.).

4.- Forms

When the translation is filed on paper (on paper only, or in paper + diskette, or CD or DVD), there are two official forms to be used. The first one is for **provisional protection** and it is called **“Traducción de Reivindicaciones de una Solicitud de Patente Europea”** (Translation of the claims of a European patent application).

When the application has been granted, the translation shall be accompanied by the official form **“ Traducción de una Patente Europea que designa España”** (Translation of a European Patent designating Spain).

If the translation is filed electronically via on line, the software creates the form when the user introduces the required data.

See the explanatory instructions in English for filling in the forms.

5.- Fees for printing the translation

Fees to be payable to OEPM are as follow:

1.- Provisional Protection (Article 67.3 EPC):

- 1.- When the translation is filed **on paper only: 107,80 Euros**
- 2.- When the translation is filed **electronically: 91,63 Euros.**

2.- Legal protection under Article 65 EPC:

- When the translation is filed **on paper only**:

- Fee for printing the Spanish translation, when the translation comprises:

a).- No more than 22 pages: **320,93 Euros**

b).- More than 22 pages: **12,90 Euros** plus, for the 23th and each subsequent page.

- When the translation is filed **electronically**:

- Fee for printing the Spanish translation, when the translation comprises:

a).- No more than 22 pages: **272,79 Euros**

b).- More than 22 pages: **10,97 Euros**, plus for the 23th and each subsequent page.

Payments in favour of Oficina Española de Patentes y Marcas have to be made by bank transfer, **in Euros**, to the following bank address:

LA CAIXA
Pº Castellana, 75
28046 MADRID (ESPAÑA)
Bank account: ES 22 2100 5038 31 0200001807.
(SWIFT Code: CAIXES BB XXX)

Payers are requested to indicate in the payment form the name of the patent's proprietor, the European patent number, and the phrase "Validation of a European Patent". We would be very grateful if a payment receipt's copy or other notice about the payment is sent to the Office.

6.- Renewal fees for European patents to be paid in Spain

See the paper information "*Renewal fees and OEPM bank account*"

7.- Re-establishment of rights.

See the paper information "*Information on re-establishment of rights in Spain*".

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