



Why apply for an industrial design in Spain?

If you have an invention, a trademark or a design, register it.



GOBIERNO
DE ESPAÑA

MINISTERIO
DE INDUSTRIA, ENERGÍA
Y TURISMO



Oficina Española
de Patentes y Marcas

01 Why apply for an industrial design in Spain?

An industrial design adds value to a product, making it more attractive to customers and it may even be the consumer's main reason for their purchase. By protecting a design at the SPTO (Spanish Patent and Trademark Office), the proprietor obtains the exclusive right to prevent third parties from reproducing or imitating it without his/her authorization, but there are also other added benefits:

- It differentiates our products from those of our competitors
- It provides a better image of a company
- This is a right that can be inherited, mortgaged, licensed, transferred or sold, which helps obtaining additional income.

If your market is going to be the European Union, once you have applied for a Design in Spain you have a period of six months starting from the application date in which you can apply for a Community Design valid in the 28 countries of the European Union, granted by the European Union Intellectual Property Office (EUIPO). [More information](#)

02 What can you register as an industrial design?

The two requirements that must be met to register a design in Spain are:

- The design must be “**new**”. A design is considered new if no other identical design has been made public before the filing date of the application for registration
- It must have a “**unique character**”, which means that the impression it causes in an informed user must differ from the general impression that other previous design(s) may have caused

YOU CANNOT register as a design one that performs only a technical function, or the official symbols or emblems (such as the national flag) nor any that may be contrary to public order.

03 Did you know that industrial designs...?

- Can be applied for from 74.92 €*, without requiring an intermediary, can be processed electronically and paid with a credit card
- They are granted within an average period of 1 month but, if there are no defects, they may be granted in as little as 72 hours
- The grant coincides with the publication and the assessment of novelty/unique character is performed only if an opposition is filed
- They are published in color and electronically, such that the publication in the Official Bulletin can be used in a commercial catalogue
- They can be protected for 25 years and are compatible with other intellectual and industrial property rights

* Fees 2016. Electronic application reduces fees by 15%.

04 How can I find out if an industrial design is registered in Spain?

The SPTO offers free access to the Designs database, where you can search more than 230.000 designs that have been registered in Spain in the last 47 years. The database has several fields: applicant, title of the design, dates, etc. and allows viewing graphic information associated to the design.

05 When can I register a design in the Public Registry for Intellectual Property?

Occasionally, the result of the design may also be considered as an intellectual work, in such a way that intellectual property rights protection can be added to that provided by the registered design rights. This only occurs in cases in which the design has a certain degree of originality (creative step). Intellectual Property consists in the direct attribution by Law of a series of rights that benefit the creator (called copyrights), such that he/she has a monopoly on its exploitation to reproduce, distribute, publicly communicate and transform the work created.

The entitlement occurs automatically from the creation of the work itself, without requiring registration, although it is possible and recommended to register it, as evidence, in the Public Registry for Intellectual Property, dependent on the Ministry of Culture and the Autonomous Communities. This is the only Official Registry for Intellectual Property rights with the capacity of granting official certifications of any registration filed as a public document. It is important to consider the following:

- The validity of the author rights extends throughout the entire life of the author and 70 years after his/her death. The Intellectual Property registrar will assess the originality of the work, only for registration effects, and therefore **NOT** all designs can be filed in this Registry.
- The Law directly awards the individual who created the intellectual work all the rights regarding to such work. In order to register the rights in the name of a third party (another individual or corporation) you must provide documentary evidence to the Registry of the transfer of rights from the author to the holder or successive holders.
- Registration in the Public Registry for Intellectual Property generates a presumption, such that, unless there is evidence to the contrary, the rights registered exist and belong to the proprietor in the form determined in the respective entry (shifts the burden of proof to the plaintiff)

These effects are limited to the Spanish territory, without detriment to their value as a public document, as official evidence abroad for ownership rights.

[More information](#)

Why apply for an industrial design in Spain?

SPANISH PATENT AND TRADEMARKS OFFICE

ADDRESS

Paseo de la Castellana, 75
28071 Madrid. ESPAÑA

METRO

Nuevos Ministerios

BUS

5-7-14-16-19-27-37-40-43-45-126-147-150-C1 y C2

E-MAIL

difusion@oepm.es • informacion@oepm.es • registro@oepm.es • pyme@oepm.es

If you have an invention, a trademark or a design, register it.

INFORMATION: Tel.: 902 157 530 (Mon. to Fri. from 9:00 to 18:00 h.)
(from July 1st to August 31st from 9:00 to 15:00 h.) Fax: 91 349 55 97

DISSEMINATION: Tel.: 91 349 53 35 - 91 349 53 97 - Fax: 91 457 25 86

SME SUPPORT SERVICE: Tel.: 91 349 55 48 - 91 349 68 22

OPENING HOURS

Registry Services:

Monday to Friday, 9:00 to 14:30 and 16:00 to 18:00 h.

Saturday 9:00 to 13:00 h.

Registry Services (July 1st to August 31st):

Monday to Friday, 9:00 to 14:30 h.

Saturday 9:00 to 13:00 h.

Cash Services: Monday to Friday, 9:00 to 14:30 h.

WEBSITE

www.oepm.es

NIPO: 073-13-006-5



GOBIERNO
DE ESPAÑA

MINISTERIO
DE INDUSTRIA, ENERGÍA
Y TURISMO



Oficina Española
de Patentes y Marcas