

Submission of Information by Third Parties

Spain

According to the general grant procedure of Spain, *i.e.*, the procedure which does not involve preliminary (substantive) examination,¹ once the continuation of such procedure has been published in the *Official Industrial Property Gazette*, a period of two months is granted to third parties to raise duly reasoned and documented comments on the prior art report (search report). Once the deadline for third parties to submit comments on the prior art report has passed, the written submissions are forwarded to the applicant to set out comments which he considers appropriate on the prior art report, make the comments which he deems relevant to the comments raised by third parties and, if he so desires, to amend the claims, within two months. Independently of the content of the prior art report and of the comments submitted by third parties, once the deadline for the applicant's comments has passed, the Spanish Patent and Trademark Office will grant the patent, announce this in the *Official Industrial Property Gazette* and provide the public with the documents relating to the patent, together with the report on prior art and all the comments relating to such report. In the case where claims have been amended, the public shall be provided with the amended claims, with an indication of the respective date(s) of the amendment.

¹ Within three months following the publication of the report on prior art (search report), the applicant may express his request to undertake a substantive examination or to continue the grant procedure without examination. In any case, where no preference has been expressed within those three months, the grant procedure will continue without such examination.