

“COMMERCIAL COURTS – WOULD THEY MAKE IT EASIER FOR THE RIGHT HOLDERS?”: THE SPANISH CASE

Blas Alberto González Navarro
High Mercantile Court. Spanish Judiciary High Council (CGPJ)
Section 15 of the Provincial Court of Barcelona (specialized in mercantile justice).

Con formato: Derecha: 0,63
cm

INTRODUCTION

The Mercantile Justice system in Spain is, today, one of most secure, reliable and prestigious sectors of the judiciary. According to lawyers, economists, university professors and lecturers, and the corporate sector itself, in Spain we are highly satisfied with the service provided by the Mercantile Courts. We will go on to review the specific competencies of this type of Court, why these competencies, and not others, were assigned, and how they have been implemented across the country. We will also take a look at the challenges they face.

This review brings us to two conclusions: Firstly, that in effect, Spanish mercantile justice is today one of the best examples of what, for the different actors in the judicial area and for society in general, can be called "quality justice". Secondly, that the main exponent of this quality is the case law being dictated in matters of intellectual property, particularly relative to trademarks and patents law.

1.- GENERALIST FUNCTION.

The specialization of Judges in mercantile justice is fairly recent. The speciality has only enjoyed official recognition since 1 September 2004. Before then, Judges specialized in mercantile law did not exist, and mercantile cases were resolved within the context of the general civil justice system. In other words, any civil Judge could preside at a mercantile hearing. In Spain, civil claims are the competency of the Courts of First Instance, which are exclusively civil in nature and responsible for dictating the first sentence, and of the Courts of First Instance and Inquiry, which are mixed courts with competencies both in civil and criminal law. The first are located in larger cities and capitals, and the latter in smaller towns.

Result: a civil Judge, regardless of whether he/she is based in Madrid or in a small town on the Costa del Sol, after dictating a sentence on divorce, on an eviction for default on rent payments, or on a traffic accident, would be expected to resolve a lawsuit between the partners in a corporation, a suspension of payments, or a bankruptcy. In small cities, the situation was even more complicated, as the same Judge would have to process police arrests and all criminal investigation procedures in his or her area.

The training that these Judges received in mercantile law was very general. To access a career in the judiciary it is necessary to have a law degree, but this does not represent specific training, only a general knowledge which requires practice and specialization after graduation. Neither does the system of public examinations to become a Judge provide specific training in mercantile law. The examination includes only 40 items on this area of the law, of which 4 correspond to industrial property rights certainly, preparation of the exam will provide knowledge of all the instruments of mercantile law, but only on a very general level. As long as this system persists (initiatives are now underway to modify access to the judiciary), the fact is that many Magistrates Judges find mercantile cases disagreeable. The reason is simple: because these cases are complex, they require detailed study in order to provide a reasonable and reasoned judicial response. This meant that Judges had to consider highly technical aspects of economics and accounting, which not all Judges are versed in.

In the 1990s, the Spanish Judiciary System was already aware of the need for the specialization of Judges, and the first steps in this direction were to create Courts of

Con formato: Derecha: 0,63 cm

First Instance in Madrid, Barcelona, Valencia and Sevilla specialized in family law, mortgage executions, rents, etc. However, this process did not extend to the field of mercantile justice.

One relevant event did however occur in matters of industrial property, still in force today: article 125 of our current Patent Law, dated 20 March 1986, in the text established by the Law of Trademarks of 2001, provided that competency for all patent procedures corresponds to *“the Judge of the Court of First Instance in the judicial capital of the region where the defendant is resident. Where several domiciles exist, a permanent domicile may be designated by the competent judicial authority”*. The Spanish law of Trademarks of 2001, and the Law for the Protection of Industrial Design of 2003, also establish this procedural regulation.

Thus, a regulation was introduced dictating that civil procedures in matters of industrial property can not be processed by an ordinary civil Judge, but by a Judge in the city where the regional High Court is located. In the region of Madrid all claims associated with patents and trademarks are heard before Judges in the capital; in Andalucía, in the courts of Granada, the judicial capital of the region; and in Cataluña, in the courts of Barcelona.

You will observe, however, that this regulation is not a rule of specialization, but only of territorial competency: in the cities of Madrid, Barcelona, or Granada, these matters were processed by all civil Judges, non-exclusively. Everybody dealt with everything.

2.- THE EXPERIENCE OF THE PROVINCIAL COURT OF BARCELONA.

Only one Court deviated from this general rule: the Provincial Court of Barcelona which, since the mid 1990s, had specialized one of its sections, number 15, in mercantile law. The origin of this specialization in practice, although not formalized by Spain's Organic Law of Judicial Authority, can be said to be Olympic in character.

You will recall that the 1992 Olympics were held in Barcelona. At the time and as a result of this event, a famous lawsuit was filed relative to the multi-national Nike and a local entrepreneur, whose company had a similar name, Niké (alluding to the Greek goddess of victory, also the origin of the U.S. trademark) and which also manufactured sports shoes and clothing. The Spanish company sold its sports shoes in Spain with a label in the form of a booklet, on which was printed the image of the Victory of Samotracia. Because the Spanish trademark was older than the U.S. trademark in Spain, initially this small company managed to paralyze the use of the famous American trademark in the midst of the Olympics, causing considerable economic and marketing damage. The claim was filed because the Spanish trademark had not been subjected to effective and practical use as required by the Spanish Law of Trademarks and associated E.U. legislation. A civil suit began in the Court of First Instance of Barcelona that became known as far away as the White House. This procedure, with several ramifications, has given rise to equally famous sentences by the Spanish High Court and Constitutional Court, knowledge of which is absolutely essential for any judicial actor in Spain wishing to approach our trademark law.

This case, however, ignited a spark that, some years later, would become a conviction: the need for civil Judges to receive specific training in matters such as industrial property, and the advisability that some Judges specialize in matters of mercantile law.

The approach adopted was based on precedent. Given that the process of formal specialization was reaching other areas of the civil justice system (e.g. family law), if

Con formato: Derecha: 0,63 cm

not the mercantile area, it was decided that in Barcelona, where the case load of mercantile claims is significant, the Provincial Court, which hears appeals against sentences dictated by the Courts of First Instance, could dedicate one of its sections to specialize in mercantile matters. By internal agreement of the Provincial Court, it was established that appeals against certain matters would be distributed exclusively to section number 15. The Magistrates Judges working in this section at the time agreed to this special assignment.

Thus in 1994 the first and only Spanish Court specialized in mercantile justice was created, and it quickly became a reference for the mercantile justice system across the country. Not even the High Court was capable of the depth of resolution and the capacity for doctrinal innovation and updating shown by this court, especially in matters of industrial property. This was largely thanks to the enormous effort of those first Magistrates Judges, who assumed the task of studying and investigating matters which, until that time, only a few had had occasion to handle in detail, because, since cases were distributed among all civil Magistrates Judges in the province, both in Courts of First Instance and Courts of Criminal Inquiry, a civil Judge encountered very few mercantile cases per year.

Which matters were assigned to court number 15 of the Provincial Court of Barcelona? The fact is that their competencies were not defined all at once, but were integrated gradually before being considered definitive, and maintained until 2004 when they finally received official recognition.

The three cornerstones of specialization were:

1.- Industrial property (patents, trademarks, industrial design ...) and associated cases of unfair competition. Barcelona is the leading authority on matters of this type in Spain, with a heavy and highly complex case load in matters such as pharmaceutical patents or trademark claims. It was and still is frequent for lawsuits in matters of industrial property to be accompanied by actions based on the Law of Unfair Competition of 1991, which is still in force.

2.- Creditor proceedings. Up to 2004, creditor proceedings were enormously complicated because of obsolete legislation dating back to the 19th and early 20th centuries, distributed over a multitude of special regulations whose effect was doubtful and which differentiated between trade and non-trade debtors, and between definitive and provisional insolvency, although in practice these differences were non-existent. The most frequent proceedings were corporate bankruptcies and suspensions of payment.

3.- Company law, that is, cases deriving from mercantile companies and similar. These cases are the most numerous, especially those contesting shareholder agreements and the demands for accountability of their administrators.

In addition to these three basic areas, Section 15 began to gain exclusive expertise in other, rarer matters, equally relevant economically and whose specific law required equally specific knowledge:

Intellectual property (copyright and similar). In Spain, "intellectual property" refers exclusively to copyright and similar rights. Patents and trademarks are referred to as "industrial property".

Maritime law, which opened the door to transport in general, related to problems deriving from national and international road, maritime and air transport.

Con formato: Derecha: 0,63 cm

Application of articles 81 and 82 of the E.C. Treaty, on the defence of competition against restrictive practices and conduct within the scope of the E.U.

Lawsuits related with advertising.

Legal appeals against decisions made by Trade Registrars.

You will observe that the mercantile competencies of Section 15 of the Provincial Court of Barcelona did not include all areas of mercantile law: excluded are civil procedures in matters of payment documents (letters of Exchange, cheques and payment notes), issues deriving from bank contracts, franchise, agency contracts, and other matters that are clearly within the scope of mercantile law. This exclusion was purely practical, since it was not feasible for Section 15 to assume the entire mercantile case load, naturally excessive for a single section. It was therefore necessary to decide what to leave out. Since the specialization was not legally defined, but was established to provide a practical solution, it was decided that Section 15 would only manage those mercantile areas that proved particularly difficult for their colleagues, lacking specialist training, and that the remaining sections of the Provincial Court continue to receive cases associated with the remaining areas.

Thus, as a result of internal agreement, the competencies of the only court in Spain specialized in mercantile law were established. In the rest of the country, as previously stated, the Provincial Courts did not distinguish mercantile cases in their civil sections, which were generalist in nature. Neither was the High Court specialized in any way. And of course, the Courts of First Instance and Preliminary Inquiry, also in Barcelona, continued to handle whatever civil and mercantile cases came through their doors.

3.- SPECIALIZATION, AT LAST.

Although there are former precedents, such as the Justice White Paper approved by the Spanish Judiciary High Council in 1997, the unquestioned need to advance along the road to specialization was expressly reflected in the National Pact for Justice Reform, signed by the major political parties on 28 May 2001. However, although industrial property was what originated the concept of jurisdictional specialization in the mercantile field, the final decision to modify the Organic Law of Judicial Authority stems from the reform of bankruptcy legislation. After numerous failed attempts and several unsuccessful projects since 1983, in July 2003 a new Bankruptcy law was finally approved, a modern regulation that is perfectly comparable to European and North American laws on matters of insolvency.

Who would apply this new regulation? Was it advisable for matters of corporate and consumer insolvency to be resolved by courts with no specific preparation? The answer to this last question was negative. In the same way as years before, when legislators recognized the extraordinary social and economic importance of protecting intangible property in the form of trademarks, designs and patents, when drawing up the new creditor law they considered that the success of this regulation, which represented something entirely novel in the Spanish justice system, also required a new class of Judges. At stake was the success of a new instrument to guarantee failing companies and the fulfillment of the rights of their creditors.

To perform this task, Mercantile Courts were created, charged with resolving these types of cases in the first instance, and staffed by specialized Judges. The objective was double:

Con formato: Derecha: 0,63 cm

* Firstly, to satisfy the requirement established by the new Bankruptcy Law of July 2003, which attributes, to the Judge presiding over the case, a knowledge of matters pertaining to various judicial disciplines which, up until then, were assigned to different jurisdictional, civil and social orders. This requirement demanded the specialization of the Court and its staff.

* Secondly, the intention is to advance firmly in the process of specialization, and the law commends to the Mercantile Courts other competencies additional to those related to creditor regulation. Notable among these additional competencies, due to its relevance, is that of industrial property. The legislator has expressly considered that this opens *“a path to the future which must bring significant results in the process of modernization of our Justice system.”*

Firstly, because all matters arising within their jurisdiction are resolved by Judges with specific, detailed knowledge of the subject, enabling quality resolutions in an area that is unquestionably technical and complex.

Secondly, because specialization enables faster dictation of resolutions, since the expert knowledge of the Judge means that less time is needed to study and resolve the case.

Thirdly, because it enables a more coherent and standardized interpretation of the law, and the creation of standard criteria. This prevents contradictory sentences in a context that is unquestionably European in vocation, and creates, in summary, greater juridical security.

All of the foregoing was gathered into a new article 86 of the Organic Law of Judicial Authority, the highest ranking regulation that establishes the structure and functions of our judicial system. The first paragraph deals with the competencies – related to civil and labour regulations, and both declarative and executive - of the mercantile Judge in matters of Bankruptcy law. But what is interesting to note here are the following two paragraphs, establishing the “additional competencies”:

“2. Mercantile Courts will also hear whatsoever matters within the competence of the civil jurisdictional order, regarding:

*a) Claims in which actions are exercised relative to unfair competition, **industrial property**, intellectual property and advertising, and whatsoever matters that within this jurisdictional order should fall under the protection of the laws regulating mercantile companies and cooperatives.*

b) The aims promoted under the protection of laws regulating national and international transport.

c) The aims relative to the application of Maritime Law.

d) The actions relative to general terms and conditions of contracts in the cases established in related legislation.

Con formato: Derecha: 0,63 cm

e) Appeals against decisions of the General Directorate of Registers and Notaries in matters of appeal against the qualification of the Mercantile Registrar, in accordance with the provisions of the Mortgage Law relative to this procedure.

f) Procedures for application of articles 81 and 82 of the EC Treaty and derived law, and the procedures for application of the articles to be determined by the Law for the Defence of Competition.

g) Matters attributed to the Courts of First Instance in article 8 of the Law of Arbitration when they refer to matters considered in this paragraph.

3. Mercantile Courts will be competent to recognize and execute foreign sentences and other judicial and arbitral resolutions, when these relate to matters within their competency, unless, per the provisions of treaties and other international regulations, their hearing corresponds to another court.”.

Although created in July 2003, the Mercantile Courts did not begin to operate until 1 September 2004, to coincide with the entry into force of the new creditor regulation.

The name of these new courts alludes to the predominant nature of the cases assigned to them, and not to a full identification with mercantile discipline or legislation. Thus, during this initial period, not all mercantile cases are assigned to Mercantile Courts, nor do Mercantile Courts exclusively deal with mercantile cases. As indicated by the legislator when creating these new courts: *“the criteria used to make this assignment, within the civil jurisdictional order, does not obey pre-established dogmatic criteria, but rather a pragmatic comparison of the practical experience that has preceded the specialization which is now going forward. Therefore, the process is prudent at the start, and will have to be developed progressively in future years depending on the experience gained”.*

Note that the criteria used to define what is included in this precept are the competencies adopted several years ago by Section 15 of the Provincial Court of Barcelona.

This process of specialization has also been timed to coincide with the Start-up of the Courts of Community Trademark. In effect, articles 82 and 86 of the Organic Law of Judicial Authority was also modified with the aim of expressly assigning an additional competency to the Mercantile Courts and to the Provincial Court of Alicante: to hear, in the first instance and the second instance, respectively and exclusively, all cases generated under the protection of the provisions of Regulations 40/94, of the E.U. Council, dated 20 December 1993, on Community trademarks; and 6/2002, of the E.U. Council, dated 12 December 2001, on community blueprints and models. In the exercise of this competency, the jurisdiction of these Courts is the entire national territory, and exclusively to these effects they will be named Courts of Community Trademark.

4.- WHO IS A SPECIALIZED JUDGE.

To become a Mercantile Court Judge in Spain, it is first necessary to be a member of the Judiciary, and successfully pass a stringent selection process. It is not possible to access this specialty from outside the judiciary, from a law firm, a university or other related activity. Mechanisms do exist in Spain to allow reputed professionals with

Con formato: Derecha: 0,63 cm

sufficient professional experience to access the role of Magistrate Judge or High Court Judge.

With the qualification of Magistrate Judge or Judge (Judge is the entry level category in Spain, progressing to Magistrate and in some cases, those best prepared achieve the top category of High Court Magistrate) and accrediting one year's tenure, any Judge can sit the specialization exam. The first examination was held at the beginning of 2004, in order to select the first mercantile Judges to begin operations on 1 September.

The first edition of the examination was sat by the most well-known Judges, those who had been hearing mercantile cases for years, especially in Madrid and Barcelona, and a second group of Magistrates who were simply interested in the subject. For the first two promotions, the exam consisted of two eliminatory judgments, one related to a bankruptcy case and the second on matters of industrial property, both based on real cases. In the following years a theory examination was added, which candidates had to memorize and then defend in an oral examination, similar to the well-established practice for specialization in labour courts and administrative claims courts. Experience demonstrated, however, that the real obstacle to pass the examination were the judgments. These were prepared by leading professors of Spanish mercantile law, and were extremely tough. Nearly 150 candidates applied for 50 positions, but only 37 passed the exam. Famous names who at the time were considered the elite of mercantile justice failed.

The second promotion was named in 2006, with another 12 specialists, some from courts which had been performing mercantile functions since 2004. The third promotion was named just a few weeks ago, with another 10 or 12 Judges specialized in mercantile cases, having passed an oral exam and a sentencing test. The theory paper focused on industrial property, competition law and unfair competition; while the sentencing test focused on creditor and company law.

After passing the exam, the candidates then spend a period in judicial school, located in Barcelona. During one month, they receive specific training in accounting and other economics subjects, traditionally absent from the general access examination to become a Judge in Spain. This training is programmed by the General Council of Judicial Power, but is based on the invaluable collaboration of organizations such as the National Association for the Defense of the Trademark (ANDEMA), the Study Center for the Promotion of Investigation (CEFI), or the Confederation of Chambers of Commerce, organizations which fortunately have been involved from the beginning to ensure that the new mercantile justice system is fully prepared to meet expectations. We all continue to work towards this goal.

Finally, following completion of the training course, the candidates go through practice training at a Mercantile Court. This is a brief period, around 15 days. The specialists are already fully familiar with court procedure, the focus here is on putting them in contact with procedures that they are unfamiliar with, mainly on the dynamics of creditor procedures.

At the end of this period the candidates are officially appointed by the General Council of Judicial Power as mercantile specialists. This marks the start of a three-year period during which any Judge that does not already work in a Mercantile Court or in a Provincial Court with mercantile functions, must transfer to a Mercantile Court in order to retain their specialist status.

Con formato: Derecha: 0,63 cm

5.- TODAY'S QUALITY.

The project has been a success. From the first, the sentences of the new mercantile Judges have met with the satisfaction of both professionals and the corporate sector. Not, obviously, because these sentences were always in their favour, but because they are correctly reasoned, with a basis in the law, and demonstrate expert knowledge of the subject matter. It is frequent for the chambers of commerce, and the colleges of lawyers, economists and auditors, to address the General Council of Judicial Power to request that more of courts with more specialized Judges be created.

With a new mercantile justice system, Spain has taken a giant step towards modernity, placing itself at the level of countries with up-to-date legislation, and with jurisdictional organs capable of satisfying the goals established. This is evident in two sectors – creditor law, and industrial property matters.

In the first, the Mercantile Courts are leading the evolution of the new creditor law, in force since 2004. There is not yet definitive case law in the High Court, therefore their decisions are generally highly innovative and awaited with interest by all legal bodies.

The second is not so new, but has experienced an enormous impulse since 2004. This is not surprising. Corporate directors and their lawyers are aware that the country now has Judges able to dictate solid sentences on technically complex issues, and do it quickly. They no longer fear that their case will end up in the court of a small town, where the defendant company is based, with a Judge who has had limited experience in marks and patents and has no specific training. The sentences of the latter, although well intentioned, are less secure, can differ significantly from a sentence in a neighbouring court, and take longer.

The resolution of a lawsuit related to marks or to pharmaceutical patents by a specialized Judge encourages the parties to apply to the courts to seek a solution when they are unable to come to an agreement. This has signified that today, in cities such as Madrid, Barcelona, Bilbao, Valencia or Granada, and particularly in the first two, highly relevant sentences are being dictated in matters of trademarks and patents. They are sentences which, through the use of specific juridical instruments, the use of E.U. and international law, and the use of their own technical concepts, are perfectly equal to those dictated in any European country, and in many cases superior. I invite the public to examine some of the recent sentences of the Mercantile Courts and Provincial Courts of Barcelona or Madrid on patents, for example those resolving the direct application in Spain of TRIPS agreements on product patents, that represent a revolution in our country with multi-million euro results in the field of pharmaceutical patents, or the sentences on the effective and real use of trademarks. There is room to debate the juridical criteria on which these sentences are based, but there is no question of their quality.

The number of cases on patents, designs and trademarks that reach our courts continues to increase. However, the question is not one of quantity but of complexity and quality. Each Spanish autonomous community (region) has a court and a Provincial Court responsible for resolving these matters (although, as we will discuss later, not all of these courts employ specialists). Although the volume of cases varies (obviously it is much higher in Barcelona and Madrid) lawsuits on patents and trademarks can represent, on a national average, 20% of the case load of these courts, that is of each 100 cases heard by a Mercantile Court, 20 are specific to these matters. However, the demands of this 20%, much more complex technically, are much higher

Con formato: Derecha: 0,63 cm

in terms of time: approximately 40-45% of a Judge's time is spent on cases of this type, particularly patents and trademarks.

The fact that judicial activity on these matters is growing is a sign of success, and of the confidence that it is generating in society and in the corporate sector. But it also represents an important challenge for the Spanish public administration, which I will go on to discuss.

6.- THE FUTURE.

The development of mercantile justice in Spain since 2004 has represented huge progress in jurisprudence in matters of industrial property, among others. But I do not wish to avoid the issues, and come to this marvelous city to give the impression that the situation in my country is idyllic.

On the contrary, I am convinced that the giant step taken in Spain with the specialization in mercantile justice is giving rise to even bigger demands. In a situation of neglect and abandonment, when regulatory instruments have become obsolete, or are unknown by the majority of Judges, it is easy to remain in a permanent state of lethargy. This was the case in Spain for many years. However, this lethargy is coming to an end, and Spanish Judges are taking the first step forward, with the support of modern legislation and the long-awaited specialization. When one looks back, the conclusion is clear: there is no going back.

It is therefore necessary for the Ministry of Justice, which manages the budget, and the General Council of Judicial Power, responsible for designing the program, to show much more support for mercantile jurisdiction. Because, although it is true that society and the corporate sector now have specialized courts to solve issues of patents and trademarks better and faster, it is necessary to extend this service to all areas. Allow me to mention three problems affecting mercantile jurisdiction today:

- The initial creation of 30 Mercantile Courts, distributed in large cities, has not been followed by the creation of many more additional courts. The case load in Barcelona and Madrid quickly demonstrated that the courts were going to become saturated. It is only thanks to the personal dedication of the Judges that the situation has not reached dramatic proportions. For this reason, from the initial five courts in Madrid and four in Barcelona in 2004, this year these cities will grow to nine and eight courts, respectively. However, they still need two additional courts each, and more courts are also necessary in other large cities such as Valencia or La Coruña.

Other judicial capitals of Autonomous Communities, where the respective High Courts are based and with competencies in industrial property, still do not have a Mercantile Court. One example is Granada. In 2007, Andalucía was third in terms of volume of patents and trademark lawsuits, following Madrid and Barcelona and ahead of Valencia and Bilbao. However, neither the Ministry nor the General Council of Judicial Power has made provisions for a Mercantile Court in this city. In these cases, sentences can be dictated by a specialized Judge (in the case of Granada), but the court is an ordinary Court of First Instance, with exclusive competencies in these matters, which however does not relieve them of other procedures pertaining to civil jurisdiction. This does not occur in a Mercantile Court whose competency is defined by law.

Con formato: Derecha: 0,63 cm

It is therefore essential to ensure that all regions have at least one Mercantile Court, headed by a specialist. Only in this way can we guarantee that all interested parties have access to mercantile justice of the correct standard.

- Secondly, Spanish courts of appeal are not yet staffed with specialists. If the Mercantile Courts, which are dictating significant sentences in matters of patents and trademarks, are lead by Judges who have passed specialization exams, it is also necessary to ensure that the Judges tasked with hearing appeals against their decisions are also specialized. It is a question of standardization and juridical security. In Spain, these appeals are resolved by the afore-mentioned Provincial Courts. The sentences dictated by Provincial Courts staffed with specialists, such as Madrid and Barcelona, demonstrate that this is a guarantee of professional solvency. It is necessary, therefore, to enable other regions to offer their citizens the same level of justice, guaranteeing that Provincial Court staff includes at least one specialist in industrial property.
- It is not only an issue of funding, but also of strategy. Is is necessary to definitively convince the General Council of Judicial Power that the judicial defense of industrial property is absolutely essential for the economic and social tissue of the country, for the construction of a true market economy based on corporate freedom, as established in our Constitution. The principal driver of development of mercantile justice should be the General Council, not the chambers of commerce, universities or other stakeholders. It is necessary that our governing body become much more involved, in two ways: by pressuring the Ministry of Justice for an annual increase in the number of Mercantile Courts and the assignment of specialists to the Provincial Courts, and by placing increased focus on post-specialization training, through continuous courses and seminars both at home and abroad, language training (highly necessary, as we all know), and detailed attention to problems still remaining with regard to patents and trademarks (for example, assessment of damages to intangible assets, on which we still have so much to learn).

These are a few examples to demonstrate that, although we are moving in the right direction, we need more resources in order to progress in the protection of areas such as industrial property, and to ensure that society and the corporate sector perceive their legal defense as something that is easily accessible and treated seriously and professionally. Our image today is very positive. We can't allow this opinion to change for the worse.

I am convinced that forums such as this, solidly committed to the defence of industrial property, will follow and support our process in Spain. We are proud of what we have achieved so far, and do not intend to give up. It is, after all, just another of our trademarks.

Con formato: Derecha: 0,63 cm