

SERVICE CHARTER

2021-2024



National Patent

OEPM

Excellence, sustainability,
talent, innovation and cooperation




GOBIERNO
DE ESPAÑA

MINISTERIO
DE INDUSTRIA, COMERCIO
Y TURISMO



Oficina Española
de Patentes y Marcas






Spanish Patent and Trademark Office, O.A. (OEPM), is an Autonomous Body attached to the Ministry of Industry, Trade and Tourism, through the Under-secretariat.

The OEPM promotes and supports technological and economic development by providing legal protection to the various types of Industrial Property through the granting of Patents and Utility Models (inventions), Supplementary Protection Certificates (SPC), Industrial Designs (designs), Trademarks and Trade Names (distinctive signs) and protection titles for Topographies of Semiconductor Products (integrated circuits). Likewise, the OEPM disseminates the information contained in the titles it processes and other titles to which it has access.

The purpose of this **Service Charter**, framed within the OEPM **Quality Policy**, is to provide information on:

- ▶ **Services offered** by the OEPM Patent and Technological Information Department **in the field of National Patents.**
 - ▶ The **commitments and quality indicators assumed**, which can be improved based on the suggestions of our users.
 - ▶ The **relief measures** provided in the event of non-fulfilment of the commitments assumed.
- 

NATIONAL PATENTS

The National Patent related services provided by the OEPM Patent and Technological Information Department are as follows:

- ▶ Admission and filing date granting.
- ▶ Formal examination and classification of the national patent application in accordance with the International Patent Classification.
- ▶ Elaboration of the search report and written opinion.
- ▶ Publication of the application and the search report.
- ▶ Substantive examination of the application.
- ▶ Granting or denying of the application.
- ▶ Technical examination of oppositions filed against the grant of a National Patent, resulting in granting or denial of the requested protection.
- ▶ Registration of legal changes (transfers, rights in rem, licences, purchase options and any other legal business or modifications of rights provided for by law) relating to patents of invention, for the purpose of informing third parties.

WHAT DO WE COMMIT TO?

Quality Commitments

The services provided by the Patent and Technological Information Department, in the field of National Patents, are carried out in accordance with the following **quality standards**:

Electronic applications

- ▶ Electronic National Patent applications, without defects that prevent from granting a filing date, will be validly filed within a maximum period of 3 working days from entry into the Office.

Handing over the search report (SR) and the written opinion to the applicant

- ▶ 40% of search reports (SR) and written opinion of NO CAP national patent applications, without defects during their procedure, will be handed within a maximum period of 6 months from the filing date and 100% within a maximum period of 11 months from the filing date.
- ▶ Search reports (SR) and written opinion of CAP national patent applications without defects during their procedure, will be handed within a maximum period of 6 months from the filing date.

HOW DO WE MEASURE FULFILMENT OF THE COMMITMENTS?

Indicators

Electronic applications

- ▶ Percentage of electronic National Patent applications, without defects that prevent from granting a filing date, validly filed in 3 working days or less from entry into the Office.

Handing over the search report (SR) and the written opinion to the applicant

- ▶ Percentage of search reports and written opinion of NO CAP national patent applications without defects at acceptance or formal or technical exam, handed over in 6 months or less from the filing date.
- ▶ Percentage of search reports and written opinion of national Patent applications without defects at acceptance or formal or technical exam, handed over in 11 months or less from the filing date.
- ▶ Percentage of search reports and written opinion of CAP national patent applications without defects at acceptance or formal or technical exam, handed over in 6 months or less from the filing date.

COMPLAINTS AND SUGGESTIONS

Complaints and suggestions can be submitted electronically at <https://www.oepm.es/es/qs/index.html> and in person or by post using the form: https://sede.oepm.gob.es/eSede/comun/Formularios_web/Formulario_DE_QUEJA_SUGERENCIA_FELICITACION.pdf

Once the complaint or suggestion has been received, the OEPM is committed to replying within 18 working days. If no reply is received in this time period, the interested party may contact the General Inspectorate for Services at the Ministry of Industry, Trade and Tourism (Article 16.3 of RD 951/2005).



RELIEF MEASURES

In the event of failure to fulfil any of the commitments assumed in this Service Charter, users can file a complaint in accordance with the provisions of the Complaints and Suggestions section, indicating the commitment that is considered to have been unfulfilled.

Once the complaint has been received, and within a maximum period of 18 working days, the OEPM Director will send the citizen a letter informing them of the circumstances responsible for non-fulfilment, as well as the appropriate measures that, where applicable, have been adopted.

Failure to fulfil the commitments stated in this Charter shall in no case give rise to State liability.





Unit Responsible for Archive Service

Department of Patents and Technological Information OEPM



GOBIERNO
DE ESPAÑA

MINISTERIO
DE INDUSTRIA, COMERCIO
Y TURISMO



Oficina Española
de Patentes y Marcas

SPANISH PATENT AND TRADEMARK OFFICE, O.A.

www.oepm.es

Paseo de la Castellana, 75
28071, MADRID
Telephone: +34 910 780 780

Means of Transport:

Metro: Nuevos Ministerios (L6 – L8 – L10);

RENFE Suburban Railways: Nuevos Ministerios

Buses: 3 - 5 - 7 - 14 - 16 - 19 - 27 - 37 - 40 - 43 - 45 -
51 - 64 - 66 - 124 - 126 - 128 - 147 - 149 - 150 - C1 y C2

NIPO (on line): 116-22-007-7