

How to register a utility model in Spain

If you are developing a technical improvement for a product, mechanism, or tool, probably you have wondered how to prevent others from copying it. In many cases, the best form of protection is not a patent, but a **utility model**.

Specifically, a utility model is a form of Intellectual Property that grants its owner an **exclusive right to a technical invention** (requiring a lower level of inventiveness than a patent) for a **non-extendable period of up to ten years**. The primary effect of this right is to prevent others from manufacturing, using, or placing the product or process in question on the market.

Requirements for registering a utility model in Spain

For an invention to be eligible for protection as a utility model in Spain, it must meet, among others, three concurrent requirements: novelty, inventive step, and industrial applicability.

1. Novelty: the invention must not have been made public prior to filing the utility model application. Publishing the product on social media or displaying it at trade shows or marketplaces before registration could violate this first requirement of novelty.

2. Inventive step: there must be a significant technical improvement over the prior art (by "prior art" we mean the body of knowledge, documents, products, or technologies that already exist and have been disclosed publicly before filing a patent or utility model application. This serves to determine whether an invention is truly new and involves an inventive step).

As for the inventive step required for a utility model, the threshold is lower than that for patents; the goal is not a technological revolution, but rather a practical functional improvement.

3. Industrial applicability: finally, industrial applicability requires that the invention can be manufactured in any productive sector, thereby excluding from protection purely abstract or theoretical ideas that lack a physical embodiment capable of industrial application.

Steps for registering a utility model in Spain

The administrative process before the Spanish Patent and Trademark Office (SPTO) requires **meticulous documentation to avoid delays or rejections due to formal defects**. Before filing the application, it is advisable to conduct a **search to determine whether the same invention already exists**.

This preliminary phase allows you to:

- Reduce the risk of rejection.
- Identify potential conflicts.
- Improve your protection strategy.
- Draft the claims correctly.

The second step is **to draft the description appropriately, from both a technical and legal perspective**: the effectiveness of a utility model depends on the quality of its technical description.

A poorly drafted document not only hinders the grant, but can also leave the invention unprotected against imitations that exploit loopholes in the claims.

This specification must meet a series of requirements and include certain sections, among which we highlight:

- Title of the invention.
- Technical description.
- Technical problem it solves.
- Technical drawings or figures, if necessary.
- Claims.

In addition, it is important to note that **failure to comply with style guidelines** when submitting technical documentation is a **common reason for formal rejection**, which can delay the process **by several months**.

The next step is **to file the application with the Spanish Patent and Trademark Office (SPTO)**, which will be responsible for:

- Verifying that all documentation is complete and that the applicable fees have been paid.
- Verifying that the invention is eligible for registration as a utility model.
- Verifying that all requirements are met.

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The application is then published in the Official Intellectual Property Gazette (BOPI).

Following publication, **interested third parties may file oppositions** if they believe the invention does not meet the legal requirements. A sound legal strategy is key at this stage of the utility model registration process.

If there are no impediments, the SPTO grants the utility model, and the owner obtains exclusive rights in Spain for a non-extendable period of up to 10 years from the filing date.

How long does it take to register a utility model?

The average prosecution time is typically **between four and eight months** (which is much faster than the process for a conventional patent).

How much does it cost to register a utility model?

The cost depends on several factors:

- Official fees.
- Professional drafting.
- Technical complexity.
- Defense against potential oppositions.

The technical quality of the application is what truly determines the value of the protection.

Do you need help registering a utility model?

At UNGRIA, we help inventors, startups, and companies protect their innovations through robust Intellectual Property protection strategies. Our specialists can assist you with:

- Prior art searches;
- Technical drafting;
- Filing with the Spanish Patent and Trademark Office (SPTO);
- Defense against oppositions;
- National and international strategy.

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