

## Utility model: what it is, what it is for, and what it protects

Protecting an invention is essential to prevent copying and gain a competitive edge in the market. In Spain, one of the most commonly used forms of protection by small and medium-sized enterprises, entrepreneurs, and inventors is the **utility model**. It is a faster and more cost-effective option than a traditional patent and is particularly useful for **technical improvements to existing products**.

### What is a utility model?

A utility model is a form of intellectual property that protects inventions which, although new and involving an inventive step, entail giving an object a **configuration, structure, or composition that results in a practically appreciable advantage for its use or manufacture**.

In exchange for an exclusive right to exploit the invention, the utility model (like a patent) is made available to the public.

However, this form of protection has certain limitations. In particular, utility models cannot be used to protect processes, pharmaceutical substances and compositions, biological material, or any creations that are expressly excluded by law.

### What is the purpose of a utility model?

Registering a utility model offers a number of legal and competitive advantages:

- The owner obtains an **exclusive right to exploit the invention in Spain** for the duration of the registration (third parties can be prevented from manufacturing, selling, or using the invention in Spain without the owner's consent).

Utility model protection can also be extended internationally.

- **Prevents copying:** it allows for legal action against competitors who reproduce or market the invention without authorization.
- Intellectual property assets **increase a company's value** and can be licensed or sold.
- Having registered protection builds **trust and provides legal certainty** for potential partners and investors.
- The procedure is **faster and more cost-effective than that of a patent**, making it a very attractive option for small businesses and entrepreneurs.

## Difference between a patent and a utility model

In Spain, the main difference between a patent and a utility model lies in the **level of inventive activity required**, the **duration** of protection, and the **complexity** of the registration process.

A patent is intended for inventions with a high degree of originality and can protect both products or systems as well as processes. The granting process requires an exam to take place and, thus, is typically longer, more complex, and more expensive than that of a utility model.

For its part, **the utility model is designed to protect technical or functional improvements to existing objects**. The level of inventive step required is lower than that for a patent and its grant is not dependent on an exam, which allows for faster and more cost-effective protection.

In practice, and generally speaking (since the specific details and characteristics of each invention must always be examined), a utility model is usually the most appropriate option for minor mechanical improvements, tools, devices, or utensils, while a patent is typically used for more complex technological developments or innovations of greater scope.

## Term of a utility model

Unlike a patent, which can last 20 years, **a utility model is valid for a non-extendable maximum of 10 years**, starting from the filing date of the application. To keep it in force, the corresponding annual fees must be paid from the date of grant.

# Utility model application

When applying for a utility model, certain **documents** must be prepared and filed, including:

- A description;
- One or more claims;
- Drawings (if applicable);
- Proof of payment of the applicable fees.

For an invention to be registered as a utility model, it must meet the following **requirements**:

- Novelty: it must not have been previously disclosed;
- Inventive step: it must not be very obvious to a person skilled in the art;
- Industrial applicability: it must be possible to manufacture or use it industrially.

As mentioned earlier, utility models typically protect inventions that are generally simple but highly practical, especially those that introduce functional improvements to existing tools, devices, or products. In this regard, it is common for many everyday innovations in **industrial, domestic, or professional settings** to be registered under this category. The following are some representative examples; however, each specific case must always be analyzed to determine the most appropriate form of protection:

- An improved opening system for bottles or containers that prevents spills.
- A kitchen knife with an optimized blade for reater cutting precision.
- A hand tool with an ergonomic, non-slip handle.
- An adjustable stand for cell phones or tablets with improved stability.

## Utility model registration

If you have developed a technical improvement, a new device, or an innovative functional solution, registering a utility model may be the best way to protect your work and prevent copying. At **UNGRIA**, we analyze your case, assess the feasibility of protection, and handle the entire application process.

Please, do not hesitate to contact us for expert advice.

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