

How to register a company name in Spain

A **trade name** is more than just a name; it is how the public identifies your company in the marketplace.

Registering it legally prevents third parties from misusing it and strengthens your corporate identity, giving you legal protection against competitors.

While not mandatory, **registering a trade name** in Spain provides legal protection and exclusive rights to use the name in business and economic transactions.

What is a trade name?

While a trademark is a distinctive sign that allows business owners to distinguish their goods and services from those of their competitors, **a trade name is the sign that identifies business owners in commercial transactions** and distinguishes them from other companies carrying out identical or similar activities.

Therefore, if you are going to open a business and want to choose a name for it, you should first be aware that the law allows you to register two distinctive signs:

- **The trademark.**
- **The trade name.**

We discuss this topic in detail here: [Differences between trademarks, trade names, and company names.](#)

Specifically, this newsletter analyzes the main points to consider when registering a trade name in Spain.

Step-by-step guide to register a trade name

1. Check the availability of the name

Before filing an application to register a trade name, the first essential step is to ensure that this name, or even a similar one, is not already registered in one or more classes, either as a trademark or as a trade name. In other words, you must verify that the name is available in order to avoid unnecessary expenses and procedures.

In this regard, it is important to bear in mind that if an identical or similar registration is found for identical or similar goods, the application could be refused if the holder of the prior right files an opposition.

2. File the trade name application

When filing the application, you must comply with a series of requirements. The correct wording of the goods and services in a trade name application is essential, as the actual scope of the protection obtained depends on it.

I WANT TO REGISTER A TRADE NAME

3. Formal examination

Once the application has been received, the Spanish Patent and Trademark Office (SPTO) will examine that it contains the minimum required information, that the relevant forms have been submitted and that the applicant is entitled to own a trade name.

If any defects are found, the applicant has one month to correct them. In addition to the formal examination, the procedure also determines whether the submitted application is contrary to public order or morality.

4. Publication

If the above steps are fulfilled, **the trade name application is published in the Official Intellectual Property Gazette (BOPI).**

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From then on, anyone may file a **written opposition** to the granting of the requested trade name or submit a written statement of observations within two months.

5. Substantive examination

Once the deadline for filing oppositions has passed, the SPTO will determine whether the application is subject to any of the absolute grounds for refusal established in the Law.

In the event that an opposition is filed or the requested trade name infringes any of the aforementioned grounds for refusal, the prosecution will be suspended, notifying the applicant of the objections and oppositions filed, so that they may file arguments and provide the corresponding documents within a period of one month from the date of publication of the suspension in the Official IP Bulletin (BOPI).

6. Grant or refusal

If no prohibitions are incurred, and no oppositions have been filed or the SPTO considers them to have been overcome by the arguments submitted in response, the SPTO will proceed to issue a decision on the trade name.

- If the application is **rejected**, the applicant may file an appeal within one month of the decision being published in the BOPI.
- Third parties who have filed an opposition may also file an appeal within the same timeframe.

How long does it take to register a company name?

The maximum period available to the SPTO to resolve a trade name application is:

- **12 months** if the application is not rejected and there are no oppositions.
- **20 months** if any of the above circumstances apply.

In practice, applications usually take between six to twelve months to be resolved from the time they are received by the SPTO. However, this depends on whether a third party objects to the application or if whether it is rejected due to a defect in form and/or substance.

How long does a trade name registration last?

Although it can be renewed indefinitely for successive periods of 10 years, it is initially granted for 10 years from the filing date.

Do you need advice on registering a trade name?

At **UNGRIA**, we have experts in trademarks and trade names who can handle the registration of your company's name and manage the entire process involved:

- Advice on the most appropriate protection;
- Research of prior registrations;
- Registration viability report;
- Filing and prosecution of the trade name registration;
- Administrative defense (reply, response to suspension, appeal);
- Judicial defense in the review of final decisions by the SPTO;
- Surveillance and maintenance;
- Renewal.

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