[ES] Copyright Act

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The current Spanish Intellectual Property Law is the Royal Legislative Decree 1/1996 of 12 April (as amended) approving the Consolidated Act on Intellectual Property, which regularises, clarifies and harmonises the applicable statutory provisions.

This Legislative Decree is a consolidation of all previous regulations on copyright which were standing at the time of its adoption and aims at their regularisation, clarification and harmonisation. The Legislative Decree was adopted on the basis of the Second Final Provision of Act 27/1995 of 11 October on the incorporation in Spanish legislation of Council Directive 93/98/EEC of 29 October 1993 on the term of protection of copyright and certain related rights. This Second Final Provision authorised the Government to approve a final text consolidating all the applicable regulations on intellectual property before 30 June 1996.

The Royal Legislative Decree incorporated the revised Spanish Intellectual Property Act of 1987, as well as four other Acts, which were approved at that time for the implementation of four corresponding European Directives:

- Act 22/1987 of 11 November, of which several articles were amended by Act 20/1992 of 7 July;

- four regulations incorporating Directives 91/250/EEC, 28/100/CEE, 93/98/EEC and 93/83/EEC into the Spanish legal system: Act 16/1993 of 23 December, Act 43/1994 of 30 November, Act 27/1995 of 11 October and Act 28/1995, of 11 October.

The content of the Royal Legislative Decree is basically the same as that of the previous Spanish Intellectual Property Act, which addressed the problems arising from the extension of the types of protected works (computer programmes were introduced), from economic rights and the recognition of new copyrights for the first time. In accordance with the Berne Convention, this Act also regulated moral rights and dispensed with the registration requirement for works at the Intellectual Property Registry in order to ensure the effectiveness of the rights and their protection. It also abolished the legal monopoly of the General Society of Authors and Publishers (Sociedad General de Autores y Editores - SGAE) and introduced an open system for the different collecting societies.

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After its adoption, the Royal Legislative Decree was amended several times. Firstly, it was modified by Act 5/1998 of 6 March, by means of which Council Directive 96/9/EEC was implemented, and by the new Civil Procedure Code (Act 1/2000, 7 January), which revoked and modified several articles of the Royal Legislative Decree. It was also modified by Act 19/2006 of 5 June, with which intellectual and industrial property means of protection were extended. And finally, it was modified by Act 23/2006 of July 7 that amended the Consolidated Text of the Act on Intellectual Property. This last modification, the most important to date, implemented into Spanish legislation Directive 2001/29/EC of the European Parliament and Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, with which the European Union, in turn, sought to comply with the two World Intellectual Property Organization (WIPO) Treaties of 1996 on copyright and performances and phonograms.

Real Decreto Legislativo 1/1996, de 12 de abril, por el que se aprueba el Texto Refundido de la Ley de Propiedad Intelectual, regularizando, aclarando y armonizando las disposiciones legales vigentes sobre la materia

http://noticias.juridicas.com/base_datos/Admin/rdleg1-1996.html

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