[ES] Spanish Congress Rejects Controversial Copyright Bill

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On 21 December 2010 the Spanish Congress rejected a controversial bill aimed at protecting intellectual property rightsholders from Internet downloaders. All of the main Spanish parties, except for Prime Minister José Luis Rodríguez Zapatero's Socialist Party rejected the so-called Sinde Bill, named after Culture Minister Ángeles González-Sinde. The draft legislation would have set up a government commission which would have then provided courts with details of websites offering access to copyright-protected material, such as music, movies, video games or software. A judge could then have ordered the closure of offending websites.

The Sinde Bill would give the Commission on Intellectual Property, an administrative body under the Ministry of Culture, the power to handle complaints and to propose the closure or blocking of websites. Judicial review would be borne by the *Sala de lo Contencioso Adminsitrativo de la Audiencia Nacional* (the Chamber for Administrative Matters of the Spanish High Court), which would make a decision in a maximum period of four days.

Objections to the Sinde Bill were already raised at the time of its initial proposal. The opposition, which had submitted several amendments to ensure greater judicial intervention in the process, favoured a more moderate approach. It expressed support for intellectual property rights, but absolute rejection of the government project. For the opposition parties, the provision would institute a rapid judicial procedure whereby the Commission on Intellectual Property would be offered the power of closing down websites. Legislation may establish the closure of websites through which files protected by copyright may be downloaded, including music, movies, video games and software, but always under judicial authorisation, insisted the opposition.

The Socialist Party argued that sufficient judicial guarantees were contained in the law, as the High Court would ultimately decide whether to authorise the closure of sites which infringe intellectual property rights. For the critics of the law, such guarantees do not exist, as the Court would not decide on the merits.

But critics of the law should not claim victory yet. The copyright bill is currently being debated in the Senate, where the Socialists may negotiate with other parties to try to win their support and, in case of failure, seek a compromise with

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them. This means that the Sinde Bill ain't dead yet.

Anteproyecto de Ley de Economía Sostenible

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Sustainable Economy Bill

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