[ES] Spain Implements Website-Blocking ‘Sinde Law’

IRIS 2012-2:1/18

Pedro Letai
IE Law School, Instituto de Empresa, Madrid

Spain’s new government has implemented the controversial Royal Decree based on the Intellectual Property final provision contained in the Ley de Economía Sostenible (Act for Economic Sustainability), informally known as *Ley Sinde* (Sinde Act), after former Minister of Culture Ángeles González-Sinde.

The Sinde Act was passed by the Spanish parliament in February 2011, but opposition from the public kept the socialist government from implementing the law. The main aim of the law is to protect copyright owners, creators and other rightsholders against financial harm caused by illegal downloading.

Under the act, copyright and intellectual property right owners should be able to report suspected infringing websites to a new governmental commission. The commission then determines the merit of the complaint and whether action should be taken against the company/individuals running the website in question and/or against the ISPs providing service to the website. If the claim is found to have merit, the complaint is passed on to a Spanish judge who then rules on whether the infringing website should be shut down or not. The Spanish government aims at making this an expedited process, with a goal of 10 days per complaint.

Unexpectedly, the Sinde Act has cancelled out the controversial Spanish private copying levy, applied to media content storage devices and supports. The private copying levy was established in 1987, but has been severely criticised by Spanish and European judiciary, see IRIS 2011-5/20, IRIS 2011-4/23 and IRIS 2010-10/7), mainly because of its indiscriminate application to all types of equipment and devices, including those likely to be used for purposes clearly unrelated to private copying (e.g., when acquired by a company, a professional or a public administration that will not use them for private copying purposes).

After negotiating with the sector, the government has decided to provide rightsholders with fair compensation for acts of private copying out of the federal budget. The exact amount agreed upon between the parties involved could range between EUR 37 and EUR 42 million, according to sources at the Ministry for Education, Culture and Sports. This money will come out of the State budget and will be directed towards copyright management societies in charge of distributing it to the content creators.

© European Audiovisual Observatory (Council of Europe) 2026

Real Decreto 1889/2011, de 30 de diciembre, por el que se regula el funcionamiento de la Comisión de Propiedad Intelectual, BOE no. 315 de 31 de diciembre de 2011

http://www.boe.es/aeboe/consultas/bases_datos/doc.php?id=BOE-A-2011-20652

Royal Decree 1889/2011 of 30 December 2011 regulating the Intellectual Property Commission, Official Journal no. 315 of 31 December 2011

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026