[ES] Supreme Court Agrees to Hear Arguments against Sinde Law

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The new anti-piracy law in Spain (the so called Sinde Law after former Ministry Ángeles González Sinde, see IRIS 2012-2/18, IRIS 2011-3/17 and IRIS 2011-2/23) has hit a setback after the country's Supreme Court agreed to hear an appeal by the Asociación de Internautas (Association of Web Users), who claimed the Sinde Law is unconstitutional.

Spanish copyright laws have been criticised for over a decade after various courts ruled that the file-sharing of unlicensed content was not illegal, hindering civil legal action even against those who provide software or web services that enable copyright infringement. Unlike in the UK and France, where new anti-piracy laws target those who actually access illegal content sources via three-strikes style systems, in Spain web-blocking was prioritised, making it easier for rightsholders to force copyright infringing websites offline.

The Asociación de Internautas says that the Sinde Law, which allows a government body to issue orders to internet service providers to block access to copyright infringing websites, is unconstitutional because only a court should be able to force a website offline.

The Spanish Supreme Court confirmed it will consider the Asociación de Internautas's claim, while also issuing an injunction that basically stopped the Spanish government from putting the anti-piracy system set out in the Sinde Law into force pending their hearing, though the Government can appeal that element at any point before March.

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