[ES] Supreme Court Decides on the “Sinde Act”

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On 29 May 2012, the Supreme Court issued a first decision on the appeal filed by the *Asociación de Internautas* (Association of Web Users) concerning the legality of the so-called Sinde Act (see IRIS 2012-4/22, IRIS 2012-2/18, IRIS 2011-3/17 and IRIS 2011-2/23).

The “Sinde Act” is actually a modification of the Spanish Intellectual Property Act which aims at speeding up the procedure for blocking or closing down websites which provide illegal access to copyrighted content. It creates a Commission on Intellectual Property at the Ministry of Culture in charge a.o. of safeguarding intellectual property rights. To this effect, it introduces a procedure whereby a rightsholder can apply to the Commission on Intellectual Property against an allegedly infringing website.

In February 2012, the Association of Web Users asked the Supreme Court to clarify the legality of the new wording of the Intellectual Property Act as well as the functions that the Spanish Commission of Intellectual Property can exercise. As a precautionary measure, the appellant Association also requested the suspension of the Sinde Act until the Court decides on the matter.

The Supreme Court decided that there were no legal grounds for the the suspension of the Sinde Act. The Supreme Court reminds that the closing down of a web page by the Commission on Intellectual Property can be appealed before the Tribunals, so the eventual damage of such a sanction is not considered by the Supreme Court as irreparable.

The Supreme Court has still to decide on the legality of the “Sinde Act”, so the case remains open.

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