[ES] Reform Plans for Spanish Copyright Law

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The Spanish government (Consejo de Ministros) announced plans to comprehensively reform intellectual property law in a press release issued on 14 February 2014. The plans include the introduction of ancillary rights for newspaper publishers.

The reforms package aims, firstly, to create a more effective framework for the activities of collecting societies. The system should also be made more transparent, according to the cabinet. Accounting and registration obligations will therefore be introduced. Remuneration models must, in future, be fair and non-discriminatory. Collecting societies will be urged to create licensing models that include central licensing offices for users, commonly known as one-stop shops (ventanilla única).

Sanctions for infringements will be introduced in the form of heavy fines, while in extreme cases an interim director may be installed within the collecting society concerned, or its operating licence may be withdrawn.

In order to improve copyright enforcement, the reform plans include an amendment of civil procedure law. To this end, rightsholders will be entitled to information to help them identify providers of content in breach of copyright. The Sección Segunda de la Comisión de Propiedad Intelectual (state body for the monitoring of copyright law, which is part of the Ministry of Education, Culture and Sport) will be given particular powers, including the authority to have a website blocked by petitioning a court. All measures will be limited to the service provider’s demands and end users will not be prosecuted.

The rules on private copying and the use of excerpts for teaching and research purposes will also be adapted to modern technological standards.

The reforms will also limit the quotation and review rights of news aggregators and search engines in order to ensure fair remuneration for the activities of newspaper publishers and journalists.

The reforms will also help to implement Directive 2011/77/EU on the term of protection of performers’ rights and Directive 2012/28/EU on orphan works. The government’s plans were submitted to parliament in the form of a draft bill.

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http://www.lamoncloa.gob.es/ConsejodeMinistros/Referencias/_2014/refc20140214.htm

Spanish government press release of 14 February 2014

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