

EL PAÍS

Spain's new intellectual property legislation: the key points

The law, which has already led to Google News closing operations, has just come into force

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An internet user unlawfully downloads copyright-protected content. / CLAUDIO ÁLVAREZ

Spain's controversial new Intellectual Property Law, [passed by the ruling Popular Party in the face of opposition](#) by the rest of the parties in Congress, is now a reality.

The measures came into force at the start of the year and have already had an impact, notably the so-called Google tax. Here we present a rundown of the key changes.

Goodbye to Google News

The so-called Google tax was imposed as a result of lobbying by the Association of Spanish Daily Publishers (AEDE) and requires online news aggregation services to pay a charge to publishers for indexing and using fragments of their stories. The law specifically states that payment for links to news sites published by organizations such as Google or Spanish aggregator Méneame is "unavoidable" and thus cannot be waived by publishers. In response to the government and AEDE's move, Google, which makes

no money from its Google News aggregator, has [withdrawn the service from Spain](#). Analysts have pointed out that Spain is now one of only a tiny number of countries that Google News does not cover, and also that Spanish news organizations are already witnessing a drop in online traffic directed their way by sites such as Google News.

Raiding the pirates' pockets

The new legislation also aims to combat unlicensed downloading of content, increasing fines to €600,000 for sites that breach intellectual property law. At the same time, advertisers, intermediaries and online payment services found to be benefiting from unlicensed downloading will also now be subject to the same legal action and fines. But for the moment, there is no intention to pursue members of the public who download content in this way. Spanish download site [Series.ly](#) has reacted to the new legislation by removing all content that might infringe copyright law.

A shared digital canon

In 2010, Spain was found to be in breach of European Union legislation over its “digital canon,” a tax levied on all electronic recording devices to compensate authors and creators from the money they lose as a result of private copying. The new legislation simply assigns €5 million from the annual budget to Spanish copyright collection societies – which is to say that the cost is now shared out by everyone. But the Supreme Court remains unconvinced by the new system and has asked the Court of Justice of the European Union whether it might be in breach of EU law.

Keeping tabs on the SGAE

In 2011, police [arrested several of the Sociedad General de Autores y Editores \(SGAE\) copyright collection society's board of directors](#), accusing them of creaming off funds for their personal use. This was a further blow to the credibility of an organization already unpopular with some sections of the Spanish public for its overly zealous approach to revenue collection: on a number of occasions, even newlyweds were told they would have to pay hundreds of euros for the songs played at their reception parties. The new legislation aims to increase transparency and accountability within the SGAE and other royalty collection organizations, requiring them to reach agreements with television and radio stations, as well as hotels and bars, over royalty payments that have been criticized as “abusive.” It also requires them to simplify how payments are made.

Targeting textbooks

The new intellectual property law also now requires universities to pay the Spanish Center for Reprographic Rights (CEDRO), which represents authors, for the use of manuals and textbooks on online learning platforms. As with the legislation covering news links, the tax is inalienable, meaning that authors cannot waive their fee.