



Notification Number: 2013/244/E

Bill amending the Recast Text of the Act on Intellectual Property, approved by Royal Legislative Decree 1/1996, of 12 April, and Law 1/2000, of 7 January, on Civil Procedure.

Date received : 10/05/2013

End of Standstill : 12/08/2013

Issue of comments by : Commission

Message

Message 002

Communication from the Commission - TRIS/(2013) 01219

Directive 98/34/EC

Translation of the message 001

Notification: 2013/0244/E

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201301219.EN)

1. Structured Information Line

MSG 002 IND 2013 0244 E EN 10-05-2013 E NOTIF

2. Member State

E

3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General de Coordinación de Políticas Comunes y de Asuntos Generales de la Unión Europea.
Secretaría de Estado para la Unión Europea.

Ministerio de Asuntos Exteriores y de Cooperación.

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3. Originating Department

Subdirección General de Propiedad Intelectual.
Dirección General de Política e Industrias Culturales y del Libro.
Secretaría de Estado de Cultura.
Ministerio de Educación, Cultura y Deporte.

4. Notification Number

2013/0244/E - SERV60

5. Title

Bill amending the Recast Text of the Act on Intellectual Property, approved by Royal Legislative Decree 1/1996, of 12 April, and Law 1/2000, of 7 January, on Civil Procedure.

6. Products Concerned

Activities and services related to intellectual property.

7. Notification Under Another Act

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8. Main Content

The main aspects contained in the notified regulation are the following:

- a) Firstly, this standard amends the regulation of some of the limits or exceptions to copyright currently established by Spanish legislation on intellectual property, such as private copying or the restriction on illustration for teaching purposes.
- b) Secondly, an amendment is introduced in the regulation of intellectual property rights management societies. Three types of measures are highlighted in this regard. The first type of measure includes a detailed and systematic catalogue of the obligations of intellectual property rights management societies towards the public authorities and in respect of their associates, thereby significantly improving aspects relating to the determination of general tariffs. A second type of measure establishes a framework of infringements and penalties enabling civil responsibility to be placed on intellectual property rights management societies in the event of non-compliance with their legal obligations, which is an essential condition to guarantee compliance. Lastly, the third type of measure provides a precise definition of the scope of the executive responsibility of the General Administration of State and of the Autonomous Communities.
- c) Thirdly, the notified regulation establishes specific measures with a view to continuing to strengthen instruments used in response to non-compliance with these rights, thereby increasing legal supply in the digital sector.
- d) Lastly, this regulation primarily aims to transpose into Spanish law Directive 2011/77/EU of the European Parliament and of the Council, of 27 September 2011, amending Directive 2006/116/EC on the term of protection of copyright and certain related rights.

9. Brief Statement of Grounds

-Review the legal concept of private copying and the restriction on illustration for teaching purposes, taking



progress in information society into consideration.

-Strengthen the supervisory mechanisms of intellectual property rights management societies, ensuring greater transparency and effectiveness in their operation.

·Improve the protection of intellectual property rights against violations that may occur in the digital environment.

-Transpose into Spanish law the Community Directive of 27 September 2011, extending the term of the protection of the rights of performers and of the producers of phonograms by twenty years, increasing it from a period of fifty to seventy years.

10. Reference Documents - Basic Texts

References to the basic texts: - ROYAL LEGISLATIVE DECREEE 1/1996, of 12 April, approving the recast text of the Act on Intellectual Property, standardising, clarifying and harmonising the legal provisions in force in this area.

- ACT 1/2000, of 7 January, on Civil Procedure.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

No – the draft is not a technical provision or a conformity assessment procedure.

SPS aspect

No – the draft is not a sanitary or phytosanitary measure.



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

European Commission

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