

Council for Trade-Related Aspects
of Intellectual Property Rights

Original: Spanish

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

SPAIN

Addendum

By a communication of 24 June 1999, Spain, in accordance with Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, gave notification that the Ministry of Education and Culture (Subdirectorate-General for Intellectual Property) has revised and updated the legislation on intellectual property notified by Spain to the Council for TRIPS.

- The updating of the Spanish enactments on intellectual property, which is attached hereto, introduces certain changes to the legislation previously notified by Spain.
- The current intellectual property laws included in this update which had not previously been notified to the Council for TRIPS are as follows:
 - Royal Decree No. 1248/95 of 14 July, partially amending Royal Decree No. 479/1989 of 5 May, regulating the composition and proceedings of the Intellectual Property Arbitral Board, published in the Official Journal of 4 August 1995.¹
 - Royal Decree No. 1802/1995 of 3 November, establishing the system for determination of compensatory payments for private copying in the cities of Ceúta and Melilla, published in the Official Journal of 8 December 1995.²
 - The Articles of the Penal Code specifically referring to intellectual property (Organization Act No. 10/1995 of 23 November, published in the Official Journal of 24 November 1995).³

¹ See document IP/N/1/ESP/C/4/Add.1.

² See document IP/N/1/ESP/C/7.

³ See document IP/N/1/ESP/E/1.

UPDATE OF SPANISH ENACTMENTS ON INTELLECTUAL PROPERTY

- Royal Legislative Decree No: 1/1996 of 12 April, approving the Revised Text of the Law on Intellectual Property, repealed, in its Single Disabling Clause, a series of regulatory provisions. The laws that are no longer in force are the following:
 - Law No. 22/1987 of 11 November, on Intellectual Property.
 - Law No. 20/1992 of 7 July, amending Law No. 22/1987 of 11 November, on Intellectual Property.
 - Law No. 16/1993 of 23 December, incorporating in Spanish law Council Directive 91/250/EEC of 14 May, on the legal protection of computer programs.
 - Law No. 43/1994 of 30 December, incorporating in Spanish law Council Directive 92/100/EEC of 19 November, on rental right and lending right and on certain rights related to copyright in the field of intellectual property.
 - Law No. 27/1995 of 11 October, incorporating in Spanish law Council Directive 93/98/EEC of 29 October, harmonizing the term of protection of copyright and certain related rights.
 - Law No. 28/1995 of 11 October, incorporating in Spanish law Council Directive 93/83/EEC of 27 September, on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.
- Additionally, under the Revised Text of the Law on Intellectual Property (Royal Legislative Decree No. 1/1996 of 12 April), the following enactments – as established in its Single Disabling Clause – remain in force:
 - Royal Decree of 3 September 1880, approving the Regulations for the implementation of the Law of 10 January 1879 on Intellectual Property.
 - Royal Decree No. 448/1988 of 22 April, regulating the distribution of cinematographic films and other audiovisual works in the video medium.
 - Royal Decree No. 396/1988 of 25 April, to give effect to Article 72 of the Intellectual Property Law, concerning control of printing.
 - Royal Decree No. 479/1989 of 5 May, regulating the composition and proceedings of the Intellectual Property Arbitral Board, where not amended by Royal Decree No. 1248/1995 of 14 July.
 - Royal Decree No. 1584/1991 of 18 October, approving the Regulations of the General Intellectual Property Register, where declared to be in force in paragraph 3 of the single transitional provision of Royal Decree No. 733/1993 of 14 May.
 - Royal Decree No. 1434/1992 of 27 November, to give effect to Articles 24, 25 and 140 of Intellectual Property Law No. 22/1987 of 11 November, in the

wording given them by Law No. 20/1992 of 7 July where not amended by Royal Decree No. 325/1994 of 25 February.

- Royal Decree No. 733/1993 of 14 May, approving the Regulations of the General Intellectual Property Register.
 - Royal Decree No. 1694/1994 of 22 July, harmonizing Law No. 30/1992 on Rules governing general government institutions and the Common Administrative Procedure under Royal Decree No. 1584/1991 of 18 October approving the Regulations of the General Intellectual Property Register.
 - Royal Decree No. 1248/95 of 14 July, partially amending Royal Decree No. 479/1989 of 5 May, regulating the composition and proceedings of the Intellectual Property Arbitral Board.¹
 - Royal Decree No. 1802/1995 of 3 November, establishing the system for determination of compensatory payments for private copying in the cities of Ceúta and Melilla.²
- Other laws regulating intellectual property matters are as follows:
 - Penal Code Organization Act (Organization Act No. 10/1995 of 23 November), Chapter XI, Sections 1 and 4 of which cover offences against intellectual property rights, also repealing Organization Act No. 6/1987 of 11 November.³
 - Law No. 5/1998 of 6 March, incorporating in Spanish law European Parliament and Council Directive 96/9/EC of 11 March 1996, on the legal protection of databases.
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