

The Intellectual Property Act (IPA) has transposed two directives: the 2011/77/EU Directive that, among other things, extends the protection of the rights of producers of phonograms and those of the artists, singers and performers from 50 to 70 years from the first lawful publication of phonograms, and the Directive EU/28/2012 governing the use of orphan works by cultural institutions and public broadcasters.

The new IPA also modifies several limits on copyright. With regards to the limit of private copying (when prior authorization from the holder of such rights is not required to be considered lawful, and that shall be subject to equitable compensation) the IPA establishes that only the following copies can avail themselves of such limits: (i) those that are carried out by a natural person without assistance from third parties; (ii) arising from a physical support containing a disclosed work to which it has been accessed legally; (iii) by using equipment or non-typographical technical instruments; (iv) exclusively for private use; and v) for nonprofit purposes.

A mandatory collective management right has also been created to remunerate the publishers and authors of content reported in periodicals intended for informative purposes or to encourage opinion or entertainment (known as "Google fee"). Those online-content aggregators using "non-significant fragments" shall not require prior authorization for such use, but they will be debtors of the mentioned fee.

Also broadened is the exception of illustration for educational purposes within the field of scientific research and distance education. A new right of remuneration has also been established derived from exploitation performed by the members' staff of the universities and public research centers, for which prior authorization is not required.

In addition, the regime of intellectual property rights management bodies has been modified by implementing effective mechanisms to control them.

Finally, the procedure of restoration of legality established by the IPA which is intended to safeguard intellectual property rights from potential breaches by information society providers has been amended. Such providers have been expressly included among the providers against which that procedure can be addressed, namely, those that provide unauthorized access to works protected, or facilitate the description or location of such works actively, which shall not be considered neutral or limited to mere technical intermediation activities, as well as those that offer sorted listings and classified links, regardless that these links are provided by users.

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