



CISAC Expresses Concern over Reform of Spanish Intellectual Property Law to Minister of Culture

Paris, 4 May 2006 – In the name of the 210 authors' societies in 109 countries and 2.5 million creators it represents, **CISAC expressed its concern to the Spanish Minister of Culture, Mrs Doña Carmen Calvo Poyato, over the reform of the Intellectual Property Law in Spain.** Certain amendments to the Bill on Intellectual Property, which is currently before the Upper Chamber of the Spanish Parliament after having been approved by the House of Representatives, constitute a real threat to authors' rights as established by the Spanish IP Law currently in effect. In addition, the reform would be a radical u-turn in current Spanish cultural policy. **The consequences of these amendments would be: (1) increased vulnerability of audiovisual creators, (2) inadequate remuneration for authors for the private copying of their works, and (3) arbitrary tariff setting by the Government for authors' rights in the event of a disagreement with a third party.**

Far from protecting the interests of authors and artists, the reform risks fragmenting rights and generating conflicts between authors and users of creative works. If approved in its present form, the legislation would mean a loss for authors' economic rights estimated by the Spanish authors' society SGAE at over 80 million Euros per year. **CISAC urges that the amendments be rejected and that a solution is found whereby creators' rights are fully restored.**

CISAC is most concerned with one amendment to the Bill which discriminates against audiovisual authors (directors, scriptwriters and music composers) by eliminating remuneration for the on-line exploitation of their works while establishing such right for actors and performers. Such an amendment would be contrary to international treaties to which Spain is a party, in particular the Berne Convention.

With regard to private copying, the current wording of the Bill provides for remuneration to apply only to copies made from "a source lawfully acquired for private use". This phrasing would NOT protect or remunerate authors for the private copying of their works as it would exclude, *inter alia*, remuneration for copies made from TV and radio broadcasts and electronic files.

Finally, an additional provision to the Bill empowers the Government to create an Intellectual Property commission with authority to set the tariff when those using copyright works refuse to pay at the rate set by the authors' society. This would open the door to arbitrary tariff and reduce authors' rights to being treated as mere merchandise.

CISAC, the International Confederation of Societies of Authors and Composers, works at improving the position of creators, at enhancing the quality of the collective administration of their rights and at co-ordinating the activities of authors' societies throughout the world. Through its 210 members in 109 countries, CISAC represents over 2.5 million creators and publishers in every artistic repertoire, including music, audiovisual works, drama, literature and visual arts. Founded in 1926, CISAC is based in Paris (France) with regional offices in Budapest, Buenos Aires and Singapore. www.cisac.org

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