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**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: Spanish

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

Spain

The following communication, dated 31 January 1996, has been received from the Permanent Mission of Spain to the WTO.

In accordance with Article 63, paragraph 2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, I have pleasure in transmitting herewith, for purposes of notification to the Council for TRIPS, the laws and other provisions in force in Spain on the subject covered by the said Agreement.

Nearly all the enactments included in the attached lists have the status of "Main laws and regulations relating to intellectual property", and a first set of "Other laws and regulations" is also enclosed.

With regard to the list of enactments relating to industrial property, all those included therein have already been communicated to the International Bureau of WIPO, hence it is not necessary to attach the full texts. The same is true of the notified set of "Other laws and regulations".

As regards the list of laws relating to intellectual property, a series of them have been notified to WIPO, while others have not. Annex 1 to the list enumerates those which have not been communicated to that Organization. Consequently, this communication will be supplemented as soon as possible by transmission of the full texts. As regards the remaining enactments on the list, i.e. those not included in Annex 1, such transmission is not necessary as they have been communicated to WIPO.

As far as the enactments contained in the list of laws relating to geographical indications are concerned, none of them have been communicated to WIPO, and the full texts will therefore also be transmitted as soon as possible as a supplement to this communication.

Lastly, it should be pointed out that the attached lists should not be considered as final, and Spain reserves the right to complete them at a later stage.

A. MAIN LAWS AND REGULATIONS

I. LIST OF ENACTMENTS RELATING TO INDUSTRIAL PROPERTY
(Communicated to WIPO)

1. Law 17/1975, of 2 May 1975, on the establishment of the Autonomous "Industrial Property Register" Agency.¹
2. Royal Decree 2573/1977, of 17 June 1977, approving the Institutional Rules of the Autonomous "Industrial Property Register" Agency.¹
3. Industry Act 21/1992, of 16 July 1992 (only the First Additional Provisional is relevant to industrial property).¹
4. Royal Decree 305/1993, of 26 February 1993, partially amending the Institutional Regulations of the Spanish Office of Patents and Trademarks, approved by Royal Decree 2573/1977.¹
5. Revised text of the Royal Decree-Law of 26 July 1929 on Industrial Property (Industrial Property Charter), published by Royal Order of 20 April 1930, as amended by Law 12/1975 on Protection of New Varieties of Plants and by Law 17/1975 establishing the Autonomous "Industrial Property Register" Agency.¹
6. Law 11/1988, of 3 May 1988, on Protection of Layout-designs of Integrated Circuits.²
7. Royal Decree 1465/1988, establishing regulations to give effect to Law 11/1988, of 3 May 1988, on Protection of Layout-designs of Integrated Circuits.²
8. Law 12/1975, of 12 March 1975, on Protection of New Varieties of Plants.³
9. Royal Decree 1674/1977, of 10 June 1977, approving the General Regulations on Protection of New Varieties of Plants.⁴
10. Patent Law 11/1986, of 20 March 1986.⁵
11. Royal Decree 2245/1986, of 10 October 1986, approving the Regulations for the Implementation of Patent Law 11/1986, of 20 March 1986.⁶

¹See document IP/N/1/ESP/I/1 - to be distributed.

²See document IP/N/1/ESP/L/1 - to be distributed.

³See document IP/N/1/ESP/P/4 - to be distributed.

⁴See document IP/N/1/ESP/P/5 - to be distributed.

⁵See document IP/N/1/ESP/P/1 - to be distributed.

⁶See document IP/N/1/ESP/P/2 - to be distributed.

12. Trademark Law 32/1988, of 10 November 1988.⁷
13. Royal Decree 645/1990, of 18 May 1990, approving the Regulations to give effect to Trademark Law 32/1988 of 10 November 1988.⁸
14. Royal Decree 2424/1986, of 10 October 1986, concerning the application of the European Patent Convention, done at Munich on 5 October 1973.⁹
15. Royal Decree 441/1994, of 11 March 1994, approving the Harmonizing Regulations for Law 30/1992, of 26 November 1992, on Rules governing general government institutions and the Common Administrative Procedure for proceedings relating to the granting, maintenance and amendment of industrial property rights.¹⁰
16. Royal Decree 1123/1995, of 3 July 1995, for the application of the Patent Cooperation Treaty, done at Washington on 19 June 1970.

⁷See document IP/N/1/ESP/T/1 - to be distributed.

⁸See document IP/N/1/ESP/T/2 - to be distributed.

⁹See document IP/N/1/ESP/P/3 - to be distributed.

¹⁰See document IP/N/1/ESP/I/2 - to be distributed.

II. LIST OF LEGAL TEXTS IN FORCE RELATING TO INTELLECTUAL PROPERTY
(Itemized by hierarchical status, and secondarily by chronological order)

<u>TITLE</u>	<u>ENTRY INTO FORCE</u>
Law 22/1987, of 11 November 1987, on Intellectual Property. ¹¹	7 December 1987
Organization Act 6/1987, of 11 November 1987, amending Section III of Chapter IV, Part XIII, Book II of the Criminal Code. ¹¹	7 December 1987
Law 20/1992, 7 July 1992, amending Law 22/1987, of 11 November 1987, on Intellectual Property. ¹¹	15 July 1992
Law 16/1993, of 23 December 1993, incorporating in Spanish law Council Directive 91/250/EEC, of 14 May 1991, on the legal protection of computer programs. ¹²	25 December 1993
Law 43/1994, of 30 December 1994, incorporating in Spanish law Council Directive 92/100/EEC, of 19 November 1992, on rental right and lending right and on certain rights related to copyright in the field of intellectual property. ¹²	1 January 1995
Law 27/1995, of 11 October 1995*, incorporating in Spanish Law Council Directive 93/98/EEC, of 29 October 1993, harmonizing the term of protection of copyright and certain related rights. ¹²	14 October 1995
Law 28/1995, of 11 October 1995*, incorporating in Spanish law Council Directive 93/83/EEC, of 27 September 1993, on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission. ¹²	14 October 1995
Royal Decree of 3 September 1880*, approving the Regulations for the implementation of the Law of 10 January 1879 on Intellectual Property. ¹³	September 1880
Royal Decree 448/1988, of 22 April 1988*, regulating the distribution of cinematographic films and other audiovisual works in the video medium. ¹³	15 May 1988
Royal Decree 396/1988, of 25 April 1988*, to give effect to Article 72 of the Intellectual Property Law, concerning control of printing. ¹³	29 April 1988

¹¹See document IP/N/1/ESP/C/1 - to be distributed.

¹²See document IP/N/1/ESP/C/2 - to be distributed.

¹³See document IP/N/ESP/C/3 - to be distributed.

* Texts not communicated to WIPO, which will be transmitted in full to the WTO.

<u>TITLE</u>	<u>ENTRY INTO FORCE</u>
Royal Decree 479/1989, of 5 May 1989*, regulating the composition and proceedings of the Intellectual Property Arbitral Board. ¹⁴	1 July 1989
Royal Decree 1584/1991, of 18 October 1991*, approving the Regulations of the General Intellectual Property Register. ¹⁵	29 November 1991
Royal Decree 1434/1992, of 27 November 1992*, to give effect to Articles 24, 25 and 140 of Intellectual Property Law 22/1987, of 11 November 1987, in the wording given them by Law 20/1992 of 7 July 1992. ¹¹	17 December 1992
Royal Decree 733/1993, of 14 May 1993*, approving the Regulations of the General Intellectual Property Register. ¹⁵	1 March 1994
Royal Decree 1694/1994, of 22 July 1994*, harmonizing Law 30/1992 on Rules governing general government institutions and the Common Administrative Procedure under Royal Decree 1584/1991, of 18 October 1991 approving the Regulations of the General Intellectual Property Register. ¹⁵	22 August 1994

¹⁴See document IP/N/1/ESP/C/4 - to be distributed.

¹⁵See document IP/N/1/ESP/C/5 - to be distributed.

IV. SPANISH LEGISLATION IN RESPECT OF GEOGRAPHICAL DESIGNATIONS

(Texts which will be transmitted in full to the WTO)

1. General provisions¹⁶

- Law 25/1970, of 2 December 1970, Rules Governing Wine-growing, Wine and Alcohols (Official Gazette of 5 December 1970).
- Title III of Decree 835/1972, of 23 March 1972, approving the regulations for Law 25/1970, Rules Governing Wine-growing, Wine and Alcohols (Official Gazette of 11 April 1972).

Wines¹⁷

- Royal Decree 157/1988, of 22 February 1988, establishing rules applicable to the Designations of Origin and Qualified Designations of Origin of wines and the respective Regulations (Official Gazette of 24 February 1988).
- Royal Decree 1906/1995, of 24 November 1995, amending Royal Decree 157/1988, of 22 February 1988, establishing rules applicable to the Designations of Origin and Qualified Designations of Origin of wines and the respective Regulations.

Other agricultural products and foodstuffs¹⁸

- Fifth Supplementary Provision to Decree 835/1972.
- Royal Decree 1573/1985, of 1 August 1985, regulating the Generic and Specific Designations of foodstuffs
- Order of 25 January 1994, specifying the points of correspondence between Spanish legislation and EEC Regulation 2081/92, on geographical indications and designations of origin for agricultural products and foodstuffs.
- Royal Decree 728/1988, of 8 July 1988, establishing the rules applicable to the Specific and Generic Designations of Origin of non-wine and agricultural products and foodstuffs.
- Royal Decree 1254/1990, of 11 October 1990, regulating the use of geographical names protected by Generic and Specific Designations of Origin in agricultural products and foodstuffs.
- Royal Decree 1396/1993, of 4 August 1993, amending Royal Decree 1254/1990, of 11 October 1990, regulating the use of geographical names protected by Generic and Specific Designations of Origin in agricultural products and foodstuffs.

¹⁶See document IP/N/1/ESP/G/1 - to be distributed.

¹⁷See document IP/N/1/ESP/G/2 - to be distributed.

¹⁸See document IP/N/1/ESP/G/3 - to be distributed.

- Supplementing Decrees¹⁹
 - Decree 3711/1974, on olive oil, cheese and cured ham.
 - Royal Decree 972/1982, on dried kidney beans, lentils, chickpeas and rice.
 - Royal Decree 830/1984, on asparagus.
 - Royal Decree 2671/85, on peppers.
 - Royal Decree 1297/87, on fresh meat and cured sausages.
 - Royal Decree 759/88, on foodstuffs and agricultural products obtained without the use of synthetic chemicals.
 - Royal Decree 251/90, on honey, dried fruit and nougat.
 - Royal Decree 1554/90, on fruit with stone, fruit with pips, wild strawberries, cultivated strawberries, tiger nuts and tiger nut milk.
 - Royal Decree 729/93, on salted meat.
 - Royal Decree 730/93, on aubergine.

¹⁹See document IP/N/1/ESP/G/4 - to be distributed.

B. LIST OF "OTHER LAWS AND REGULATIONS"

Title Date of adoption and publication	Summary description
<p>- Penal Code Organization Act (Organization Act 10/1995, of 23 November 1995, Official Gazette No. 281, of 24 November 1995) (Only Section I of Chapter XI, Articles 270 to 277 and the Single Disabling Clause)</p>	<p>Regulates penal categories relating to offences against intellectual property rights in general. The first Section refers to intellectual property (copyright), the second Section to industrial property.</p> <p>The disabling clause affects penal categories in this field as regulated by the previous Penal Code.</p>
<p>- Unfair Competition Act. (Law 3/1991, of 10 January 1991. Official Gazette No. 10, of 11 January 1991)</p>	<p>Lays down rules for the protection of competition in the interests of the economic agents participating in market activities and, consequently, establishes the prohibition of acts of unfair competition.</p>
<p>- Competition Protection Act. (Law 16/1989, of 17 July 1989. Official Gazette No. 170, of 18 July 1989)</p>	<p>The Law is designed to establish a regulatory foundation to guarantee adequate competition and the protection of competition against any attack contrary to public order. This enactment embodies prevailing Community principles with regard to protection of competition.</p>