

Organic Law

Amending Section III of Chapter 4 Under Title XIII of Book II of the Criminal Code

(No. 6, of November 11, 1987)

Article 1. Article 534 of the Criminal Code shall henceforth have the following wording:

“*Article 534.* Whoever willfully infringes industrial property rights shall be liable to ‘major detention’ (*arresto mayor*) and a fine of 30,000 to 600,000 pesetas.”

Article 2. New Articles 534*bis(a)*, 534*bis(b)*, 534*bis(c)*, and 534*ter*, the wording of which shall be as follows, are hereby incorporated in the Criminal Code:

“*Article 534bis(a).* Any person who willfully reproduces, plagiarizes, distributes or communicates to the public, either in its entirety or in part, a literary, artistic or scientific work or a transformation thereof or a performance incorporated in any kind of carrier or communicated by any medium, without the authorization of the owners of the corresponding intellectual property rights or their successors in title, shall be liable to a fine of 30,000 to 600,000 pesetas.

The same penalty shall be inflicted on any person who willfully imports, exports or stocks copies of such works or productions or performances without the said authorization.”

“*Article 534bis(b).*

1. Any person who commits any of the acts specified in the preceding Article shall be liable to ‘major detention’ (*arresto mayor*) and a fine of 50,000 to 1,500,000 pesetas when any of the following circumstances obtain:

- (a) he acts with gainful intent;
- (b) he infringes the author’s right of disclosure;
- (c) he appropriates the authorship of a work or part of a work or the name of a performer in relation to a performance;
- (d) he substantially alters the integrity of a work without the author’s consent.

2. A minor prison term (*prisión menor*), a fine of 50,000 to 3,000,000 pesetas and specific disqualification from engaging in the profession associated with the offense committed for a period of two to five years shall be imposed where, in addition to action with gainful intent, any of the following circumstances obtain:

- (a) the quantity or value of the unlawful copies are of particular economic significance;
- (b) the damage caused is of particular seriousness.

Under such circumstances the court may in addition order the temporary or permanent closure of the condemned party’s industry or business.”

“*Article 534bis(c).* In the event of condemnation, the court may order the publication of the sentence, at the infringer’s cost, in an official journal.”

“*Article 534ter.* The extent of civil liability deriving from the offenses specified in Articles 534*bis(a)* and 534*bis(b)* shall be governed by the provisions of the Law on Intellectual Property concerning the restraining of unlawful activity and indemnification for material and moral damage.”

Spanish title: Ley Organica por la que se modifica la Sección III del Capítulo 4.º, Título XIII del Libro II del Código Penal.— WIPO translation.

Source: Boletín Oficial del Estado, No. 275, of November 17, 1987.