

Royal Decree 733/1993, of May 14, 1993, Approving the Regulations on the General Registry of Intellectual Property*

TABLE OF CONTENTS**

Sole Article: Approval of the Regulations

Additional Provisions

Transitional Provision

Repeal Provision

Final Provisions

Annex: Regulations of the General Registry of Intellectual Property

ANNEX REGULATIONS OF THE GENERAL REGISTRY OF INTELLECTUAL PROPERTY

Article

Chapter I: Purposes, Functions and Structure of the Registry

General Purposes of the Registry	1
Organization of the Registry.....	2
Functions of the Territorial Registries.....	3
Functions of the Central Registry.....	4
Composition and Functions of the Coordination Commission	5
Heads of the General Registry of Intellectual Property.....	6
Sections of the Registry.....	7
Information Media.....	8

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Chapter II: Requests for Registration and Recording

Section 1: General Provisions

General Requirements for Requests	9
Filing of Requests and Forms Addressed to the Registry.....	10
Requirements for Documents Filed for Entry in the Register	11

Section 2: Requests for Registration

Entitlement to Request Registration	12
Requirements for Registration Requests	13
Documents Annexed to the Request for the Description or Identification of Works.....	14
Registry Competent to Effect Registration.....	15

Section 3: Requests for Recording

Entitlement to Request Recording.....	16
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Chapter III: Operating Procedure of the Registry

Acceptance of the Request.....	17
Correction of Defects.....	18
Communication to the Central Registry and Incompatible Requests.....	19
Processing of the Request.....	20
Examination and Settlement Criteria.....	21
Continuity of Procedure.....	22

Chapter IV: Settlement of Requests

Settlement: Period, Reasons and Notification	23
Presumed Termination.....	24
Communication to the Central Registry	25
Contents of the Register Entry.....	26
Effect of Registration.....	27

Lapse of the Registration.....	28
Correction of Errors.....	29
Chapter V: Publicity of Registrations	
Publicity of Register Entries.....	30
Publicity of Files.....	31
Publicity of Computer Programs.....	32

Approval of the Regulations

Sole Article. The Regulations of the General Registry of Intellectual Property [*Registro General de la Propiedad Intelectual*] appearing in the Annex to this Royal Decree are hereby approved according to the provisions of **Articles 129 and 130** of Law 22/1987, of November 11, 1987, as amended by Law 20/1992, of July 7, 1992.

ADDITIONAL PROVISIONS

Establishment and Coordination of the New Registration System

First. (1) The Coordination Commission of the General Registry of Intellectual Property [*Comisión de Coordinación del Registro General de la Propiedad Intelectual*] is hereby created to act in accordance with the terms of this Additional Provision and those of [Article 5](#) of the Regulations approved.

(2) The Commission shall be integrated in the General Registry of Intellectual Property as provided in [Article 2\(2\)](#) of the Regulations.

(3) The membership of the Commission shall be that specified in [Article 5\(2\)](#) of the Regulations.

(4) The Commission shall be constituted within a period of two months following the entry into force of this Royal Decree.

(5) The following shall be the functions of the Commission during the period of establishment of the General Registry of Intellectual Property:

- (a) adoption of criteria and formulation of the resulting proposal to the competent authorities with a view to the setting of the calendar and the procedure for the starting up of the Territorial Registries [*Registros territoriales*];
- (b) adoption of criteria and formulation of proposals on the following in particular:
 - 1 decision on the number of Territorial Registries in each Autonomous Community [*Comunidad Autónoma*];

- 2 selection and design of the compatible computer system referred to in [Article 8\(2\)](#) of the Regulations, and setting of the timetable for its introduction;
 - 3 establishment of standard forms for registration requests;
 - 4 setting of the period within which the transfer of records and files is to take place between the present General Registry of Intellectual Property to the Territorial Registry corresponding to the place of residence of the person who effected the first entry, pursuant to the Second Additional Provision of this Royal Decree;
 - 5 decision on what Registry should be competent for records and files for which no such competence can be identified according to the criterion set forth in the foregoing subparagraph or those also specified in [Article 15](#) of the Regulations;
- (c) adoption of criteria and proposal to the competent authorities regarding the minimum provision of human and material resources with which to ensure the efficient operation of the Territorial Registries;
- (d) all other functions provided for in general terms by [Article 5](#) of the Regulations that are to be exercised during the starting-up period for the better achievement of its aims.

Documentation of the General Registry Eliminated

Second. (1) Entries and documentation relating to works, performances and productions having come into being or taken place prior to the coming into operation of the new registration system shall be transferred to the Territorial Registry corresponding to the place of residence of the owner of the first entry within the period set by the Coordination Commission. The Territorial Registries shall inform the persons concerned of the transfers.

(2) Where it is not possible to identify the competent Territorial Registry according to the foregoing paragraph or by reference to the criteria specified in [Article 15](#) of the Regulations, the Coordination Commission shall propose an allocation, which shall be communicated by the Central Registry [*Registro Central*] to the Territorial Registry declared competent.

(3) In the cases provided for in the foregoing paragraph, the Territorial Registries shall assume competence with respect to the records transferred as provided in [Article 15\(6\)](#) of these Regulations.

Fees

Third. The fees payable for the rendering of registration services shall be governed by Law 8/1989, of April 13, 1989, on Public Fees and Charges [*Ley 8/1989, de 13 de abril, de Tasas y Precios Públicos*], in the absence of Autonomous Community legislation.

TRANSITIONAL PROVISION

Timetable for the Coming into Operation of the Registration System

Sole Provision. (1) The registration system provided for in the Regulations annexed hereto shall come into operation according to the timetable approved on a proposal by the Coordination Commission, as specified in the First Additional Provision of this Royal Decree.

(2) On a proposal by the Commission, the competent advisory body of the Autonomous Community concerned shall publish, in the Official Bulletin [*Boletín Oficial de la Comunidad Autónoma*] of that Community, the date as from which the Territorial Registry will begin to operate according to the provisions laid down in this Royal Decree and the annexed Regulations. The same decision shall likewise be published in the Official Bulletin of the State [*Boletín Oficial del Estado*].

(3) Until such time as the Territorial Registry referred to in the foregoing paragraph comes into operation, the registration functions shall continue to be governed by the provisions of Royal Decree of 1584/1991, of October 18, 1991, Approving the Regulations on the General Registry of Intellectual Property¹ [*Real Decreto 1584/1991, de 18 de octubre, por el que se aprobó el Reglamento del Registro General de la Propiedad Intelectual*].

REPEAL PROVISION

Repeal of Provisions

Sole Provision. The following are repealed:

- (a) Royal Decree 1584/1991, of October 18, 1991, Approving the Regulations on the General Registry of Intellectual Property;
- (b) Decree 2165/1965, of July 15, 1965, on the appointment of the Registrar General of Intellectual Property [*Decreto 2165/1965, de 15 de julio, sobre nombramiento del Registrador General de la Propiedad Intelectual*], insofar as it may be considered in force.

FINAL PROVISIONS

Development Faculty

First. (1) The Minister of Culture is authorized to enact such provisions as the development of this Royal Decree may require.

(2) Before enacting the provisions referred to in the foregoing paragraph, the Minister shall hear the Coordination Commission, the Territorial Registries and the Central Registry.

(3) The Minister of Culture may request the Coordination Commission to make the corresponding proposals for regulatory development.

¹ See *Copyright and Neighboring Rights Laws and Treaties*, SPAIN—Text 14-01 (*Editor's note*).

Entry into Force

Second. This Royal Decree shall enter into force on March 1, 1994.

CHAPTER I PURPOSES, FUNCTIONS AND STRUCTURE OF THE REGISTRY

General Purposes of the Registry

1. The aim of the General Registry of Intellectual Property shall be
 - (a) the recording of rights in works, performances or productions protected by Law 22/1987, of November 11, 1987, as amended by Law 20/1992, of July 7, 1992, and by other legal provisions and international treaties ratified by Spain on the protection of intellectual property;
 - (b) the registration of instruments and contracts constituting, transferring, amending or cancelling real rights and any other facts, acts and titles, whether voluntary or mandatory, that affect the said registrable rights.

Organization of the Registry

2.—(1) The General Registry of Intellectual Property shall be the only such body on the whole national territory.

(2) The Registry shall consist of the Territorial Registries, the Central Registry and the Coordination Commission.

(3) The Territorial Registries shall be established and managed by the Autonomous Communities.

(4) In Ceuta and Melilla there shall be separate Territorial Registries governed by the relevant Government Delegation.

(5) The Central Registry shall form part of the General Administration of the State and shall be under the authority of the Ministry of Culture. It shall be competent throughout the national territory for the exercise of the functions assigned to it by these Regulations.

(6) The structure and operation of the various Registries shall conform to the provisions of these Regulations.

Functions of the Territorial Registries

- 3.—(1) The Territorial Registries shall be responsible for
 - (a) the processing and settlement of registration or annotation files;
 - (b) the making of such entries as are required;
 - (c) the certification and publicizing of the rights, instruments and contracts recorded at the relevant Registry;

- (d) the issue of reports of a technical character on matters relating to the registration of rights, instruments and contracts concerning works, performances and productions protected by the Intellectual Property Law² [*Ley de Propiedad Intelectual*], where they are required to do so by judges, courts or other public bodies or agencies.

(2) The Territorial Registries shall likewise be responsible for any other function not expressly assigned to the Coordination Commission or to the Central Registry by these Regulations.

Functions of the Central Registry

4. The functions of the Central Registry shall be the following:

- (a) the design and management of the information network of the General Registry of Intellectual Property;
- (b) the general publicizing, for information only, of files registered with the Territorial Registries, as a consequence of the function referred to in the foregoing subparagraph;
- (c) the receipt of forms and requests addressed to any Territorial Registry, to which they shall be forwarded on the day following their filing as provided in [Article 10\(2\)](#);
- (d) the issue of the reports provided for in these Regulations and those that the Coordination Commission requests of it, insofar as they relate to functions entrusted to the Central Registry by the foregoing subparagraphs.

Composition and Functions of the Coordination Commission

5.—(1) The Coordination Commission shall be governed by the rules of procedure that it shall have approved, subject to the provisions of Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure [*Ley 30/1992, de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común*].

(2) The following shall be members of the Commission:

- (a) one representative of each Autonomous Community;
- (b) one representative of the Ministry of Culture, designated to represent the Territorial Registries of Ceuta and Melilla;
- (c) the Head of the Central Registry.

The Commission shall be presided over by the representatives of the Autonomous Communities in the manner laid down by the rules of procedure that the Commission shall have approved. The secretariat shall be provided by the Head of the Central Registry.

(3) The following shall be the functions of the Commission:

² *Ibid.*, Text 1-01 (*Editor's note*).

- (a) approval of the rules of procedure provided for in [paragraph \(1\)](#) above;
- (b) proposal to the competent authorities, for approval, of the provisions necessary for the smooth operation of the General Registry of Intellectual Property;
- (c) proposal to the competent authorities, for adoption, of whatever coordination and information measures are necessary;
- (d) settlement of any disputes that arise in the application of [Articles 15](#) and [19](#) of these Regulations, on the selection of the competent Registry and on incompatible requests respectively, and in accordance with the procedure laid down therein;
- (e) proposal to the Central Registry of the most effective means of performing the function of general publicity entrusted to it under [Article 4\(1\)\(b\)](#) of these Regulations;
- (f) any other function that may be entrusted to it by laws or regulations, and especially those relating to the computer system and standard printed forms for the registration request.

Heads of the General Registry of Intellectual Property

6.—(1) The Head of the Central Registry of Intellectual Property shall be appointed from among officials belonging to group A bodies or scales who hold degrees in Law. His post shall have the rank specified in the corresponding schedule of appointments.

(2) The Head of the Territorial Registry shall be appointed by the Autonomous Community concerned, subject to its own provisions.

Sections of the Registry

7.—(1) The Central Registry of Intellectual Property and the Territorial Registries shall organize their documentation and information media in Sections according to the classes of works, performances and productions that are the subject of intellectual property rights.

(2) The Sections mentioned in the foregoing paragraph shall be the following:

- (a) Section I: books, pamphlets, printed forms, letters, writings, speeches and addresses, lectures, forensic reports, *ex cathedra* pronouncements and any other works of the same nature, with the exception of those included in Section III;
- (b) Section II: musical compositions with or without words;
- (c) Section III: dramatic, dramatico-musical, choreographic and mimed works and theatrical works in general;
- (d) Section IV: cinematographic and audiovisual works;
- (e) Section V: works of sculpture, painting, drawing, engraving and lithography, illustrated short stories, strip cartoons and comics and also drafts and sketches for such works, other three-dimensional works, whether or not they

are works of applied art, photographic works and works expressed by a process analogous to photography;

- (f) Section VI: projections, plans, models and designs of works of architecture or engineering, and also graphic works, maps and designs relating to topography, geography and science;
- (g) Section VII: computer programs;
- (h) Section VIII: performances of performers;
- (i) Section IX: phonographic productions;
- (j) Section X: the production of audiovisual recordings;
- (k) Section XI: ordinary photographs;
- (l) Section XII: the editorial productions provided for in [Article 119](#) of the Law.

(3) Each Section may, according to its nature, create subsections for undisclosed works, acts and productions and also for those that are disclosed but not published.

(4) The rights recognized by [Article 116](#) of the Law on Intellectual Property shall be registered with the Section corresponding to the work, performance or production to which they relate.

Information Media

8.—(1) Records shall be kept in appropriate books, files or physical media suitable for accommodating and expressing beyond doubt and with adequate legal security, guarantees of preservation and ease of access and understanding, all the particulars that are to be recorded in the Register.

(2) Compatible computer systems shall be installed at the Central and Territorial Registries to ensure consistency of classification and consultation criteria and guarantee real-time access to each of the various Registers.

CHAPTER II REQUESTS FOR REGISTRATION AND RECORDING

Section 1 General Provisions

General Requirements for Requests

9. Requests filed with the Registry shall fulfill the general requirements set forth in Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure, in addition to those expressly specified in these Regulations, depending on the type of registration requested.

Filing of Requests and Forms Addressed to the Registry

10.—(1) Forms and requests addressed to any of the branches of the Registry may be filed on the forms and with the bodies provided for in Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure.

(2) They may also be filed with any of the Registries referred to in these Regulations, whether Central or Territorial, which shall forward them on the day following their filing to the Registry specified in the request in question.

(3) The filing date of a request shall mark the beginning of the examination period referred to in [Article 23\(1\)](#) of these Regulations, without prejudice to the exceptions provided for in [paragraph \(2\)](#) of the said Article.

Requirements for Documents Filed for Entry in the Register

11.—(1) The initial registration of works, performances and productions may be effected at the simple request of the author or owners of the rights recognized in Book II of the Law on Intellectual Property, filed according to the formalities laid down in these Regulations.

(2) Instruments or contracts by which intellectual property rights are transferred, modified or terminated may only be registered or recorded by virtue of a public document or court decision. Termination shall in addition be recorded *ex officio* when the term of protection expires in accordance with the Law on Intellectual Property.

Section 2 Requests for Registration

Entitlement to Request Registration

12.—(1) The following are entitled to request registration:

- (a) authors and other original owners of intellectual property rights, for their own works, performances or productions;
- (b) successive owners of intellectual property rights.

(2) Requests may be filed direct or through a representative in the manner provided for in [Article 32](#) of Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure.

Requirements for Registration Requests

13. Requests for the registration of intellectual property rights and instruments and contracts relating to such rights must, in addition to meeting the general requirements referred to in [Article 9](#) of these Regulations, contain the following particulars:

1. where they relate to artistic, scientific and literary works provided for in Book I of the Law,
 - (a) the name, nationality and permanent residence of the author or authors and, where applicable, of the requester if a different person. In any case a photocopy of the national identity document, or other qualifying document in the case of foreigners, shall be required.

In the case of collective works and those disclosed under a pseudonym or sign or anonymously, the name or designation of the natural person or legal entity responsible for exercising the intellectual property rights shall also be specified.

In the case of composite works, the name of the author or joint authors of the preexisting work shall be specified.

In the case of audiovisual works, the producer's name or corporate designation, nationality and permanent address shall be stated;

- (b) the nature and conditions of the intellectual property rights filed for registration;
 - (c) the title of the work;
 - (d) the description of the work or a mention of the elements whereby it may be fully identified in accordance with the provisions of the following Article;
 - (e) a statement on whether or not the work has been disclosed. If it has, the date and place of disclosure;
2. where they relate to intellectual property rights of performers registrable in Section VIII,
- (a) the name, nationality and permanent address of the performer and, where applicable, of the requester if a different person. In any case a photocopy of the national identity document, or other qualifying document in the case of foreigners, shall be required;
 - (b) the nature and conditions of the rights filed for registration;
 - (c) a detailed description in writing, on a maximum of 25 sheets, of the performance;
 - (d) the place and date of the performance;
 - (e) the title and author of the work performed;
3. where they relate to intellectual property rights of producers of phonograms, registrable in Section IX,
- (a) the name, nationality and permanent address of the producer and, where applicable, of the requester if a different person. In any case a photocopy of the national identity document, or other qualifying document in the case of foreigners, shall be required;
 - (b) the nature and conditions of the rights filed for registration;
 - (c) the legal deposit number;
 - (d) the title and author of the work embodied in the phonogram;
 - (e) the names of the main performers;
 - (f) the type of phonogram and method of recording;
 - (g) the place and date of publication of the phonogram;
4. where they relate to intellectual property rights in the case of the production of audiovisual recordings, registrable in Section X,

- (a) the name, nationality and permanent address of the producer of the audiovisual recording and, where applicable, of the requester if a different person. In any case a photocopy of the national identity document, or other qualifying document in the case of foreigners, shall be required;
 - (b) the nature and conditions of the rights filed for registration;
 - (c) a maximum of 25 sequences, provided that they allow the recording to be identified, and a written summary not exceeding 25 pages;
 - (d) the place and date of disclosure, if it has taken place;
5. when they relate to intellectual property rights in the case of ordinary photographs, registrable in Section XI,
- (a) the name, nationality and permanent address of the photographer and, where applicable, of the requester if a different person. In any case a photocopy of the national identity document, or other qualifying document in the case of foreigners, shall be required;
 - (b) the nature and conditions of the rights filed for registration;
 - (c) two positive prints measuring 18 x 24 centimeters to be filed by the requester;
 - (d) the place and date of disclosure, if it has taken place;
6. where they relate to intellectual property rights in the case of unpublished works in the public domain, registrable in Section XII,
- (a) the name, nationality and permanent address of the editor and, where applicable, of the requester if a different person. In any case a photocopy of the national identity document, or other qualifying document in the case of foreigners, shall be required;
 - (b) the nature and conditions of the rights filed for registration;
 - (c) a mention of the legal deposit and ISBN numbers;
 - (d) the title of the work, the name of the author or authors and the year of entry into the public domain;
 - (e) the number of pages or sheets;
 - (f) the place and date of first publication.

Documents Annexed to the Request for the Description or Identification of Works

14. The description or identification of the works to which the registration request relates shall contain the following particulars or material in addition to the mention of the type of work:

- 1. with regard to those included in Section I of the Register, the number of pages or sheets, the number of volumes and the format. Where the work has not been disclosed, a copy of it shall be deposited with the Registry. In the

case of a work disclosed by publishing, the legal deposit and ISBN numbers shall be noted;

2. with regard to those included in Section II of the Register, the musical genre, the approximate running time and the instrumentation of the work. Where the work has not been disclosed, a copy of the score shall be deposited with the Registry. In the case of a work disclosed by reproduction or publication, the legal deposit number and the ISBN number, if any, shall be noted;
3. with regard to those included in Section III of the Register, the running time in the case of dramatico-musical works. Where the work has not been disclosed, a copy or, where appropriate, the score shall be deposited with the Registry. In the case of works disclosed by publication, the legal deposit and ISBN numbers shall be noted.

In the case of choreographed or mimed works, the running time shall be recorded. The description shall be given by the submission of a written extract or summary of the work which shall not exceed 25 pages;

4. with regard to those included in Section IV of the Register, a maximum of 25 sequences that allow the work to be fully identified, and a written summary not exceeding 25 pages.

In the case of cinematographic works, in addition to the requirements specified in the foregoing subparagraph, the running time, the original language of the final version and the main performers;

5. with regard to those included in Section V of the Register,
 - (a) for sculptures, the material and sculpting technique used, the dimensions and a maximum of three photographs measuring 18 x 24 or 24 x 24 centimeters to serve as the three-dimensional representation of the work;
 - (b) for works of drawing and painting, the type of medium, the material and technique used, the dimensions and a maximum of three copies or photographs measuring 18 x 24 or 24 x 24 centimeters that allow the work to be fully identified;
 - (c) for engravings and lithographs, the graphic process, the type of medium, the matrix, the colors or inks used in printing, the format, a maximum of three photographs measuring 18 x 24 or 24 x 24 centimeters that allow the work to be fully identified, and the print number;
 - (d) for strip cartoons and comics, the number of pages or sheets, the number of volumes and the format and the legal deposit and ISBN numbers. If they have not been published, the requester shall file an original or copy of the written text and a copy or photograph of the drawing of each of the most representative characters or images;
 - (e) for photographic works, the requester shall file two positive prints measuring 18 x 24 or 24 x 24 centimeters, with the title;

6. with regard to those included in Section VI of the Register,
 - (a) for architectural and engineering drawings, plans and designs, the request must specify the type of work and the number and date on which the project was initialled by the Official College of either Engineers or Architects; alternatively, where appropriate, a written extract or summary of the work, not exceeding 25 pages, should be enclosed, including the necessary graphic material in DIN-A3 format with the graphic reference scale;
 - (b) for models, the scale and a maximum of three photographs measuring 18 x 24 or 24 x 24 centimeters to serve as a three-dimensional representation of the project;
 - (c) for graphs, maps and drawings relating to topography, geography and science in general, the dimensions or scale and at least one partial reproduction or detail that shows the essential features of the work;
7. with regard to those included in Section VII of the Register,
 - (a) for computer programs, the requester shall describe the work by presenting the first 10 and last 10 sheets of the source code or summary on a maximum of 20 folio sheets of the user's manual of the program, provided that the said manual reproduces the essential elements of the program;
 - (b) in the case of unpublished programs, the entire source code must be filed.

Registry Competent to Effect Registration

15.—(1) For the first registration of intellectual property rights that the authors and other owners of rights apply for in respect of their own works, performances or productions, the Territorial Registry corresponding to the permanent residence of the requesting author or owner shall be competent. Where there are two or more requesters with different residences, the residence of the one who appears first shall be applicable.

To that end the permanent residence shall be, for natural persons, that determined by the census, that appearing on the national identity document or that of ordinary residence, in that order. For legal entities it shall be the address of the registered office.

(2) The provisions of the foregoing paragraph shall apply also where there is no prior registration within the meaning of [Article 22](#) without prejudice to compliance with the publicity requirements contained therein.

(3) Competence to effect the successive entries in relation to the intellectual property rights in the same works, performances or productions shall belong to the Territorial Registry with which the first entry was made.

(4) Where the persons or entities referred to in [paragraphs \(1\) and \(2\)](#) above do not have a permanent residence in Spain, they may request registration or recording in the Territorial Registry that is most convenient for them, without prejudice to the provisions of [paragraph \(3\)](#).

(5) A certificate of entry in the records and files of a Territorial Registry shall be conveyed to another at the request of the owner of registration of intellectual property rights registered therein, subject to the prior hearing of the other owners of the registration, if there are any. In any case, the originating Territorial Registry shall inform the Central Registry of the transfer, and shall retain an express and sufficient record of the registration particulars conveyed to the other Territorial Registry.

(6) In the cases provided for in the foregoing paragraph, the Territorial Registries in receipt of such transfers shall carry out their functions in relation to all the registration files and accompanying documentation transferred to them.

(7) Where it cannot be ascertained which Registry is competent according to the criteria laid down in this Article, the Coordination Commission shall settle the matter according to the procedure laid down in [Article 19](#) of these Regulations to the extent applicable.

Section 3 Requests for Recording

Entitlement to Request Recording

16.—(1) The following may seek the precautionary recording of their rights:

- (a) those who win favorable court rulings ordering the precautionary recording of a claim of ownership of intellectual property rights or the constitution, transfer, modification or lapse thereof;
- (b) those who win a seizure order that has been enforced in relation to the intellectual property rights of a debtor;
- (c) those who have won an enforcement order which, subject to prior procedural formalities, may be enforced in relation to intellectual property rights;
- (d) those who, as plaintiffs in ordinary litigation seeking compliance with any obligation, have, in accordance with the law, won rulings ordering the seizure or preventing the disposal of the disputed rights;
- (e) heirs in relation to their rights of inheritance where there has been no specific apportionment among them of specific property, shares or undivided portions thereof;
- (f) legatees who are not entitled by law to seek testamentary judgments;
- (g) those who file with the Registry a title that cannot be registered owing to remediable failure to meet a given requirement or owing to incapacity on the part of the Registrar;
- (h) those who in a given case have been entitled to demand it under the provisions of another law.

(2) Precautionary entries shall lapse on deletion, expiry or conversion into registrations. The lapse of precautionary entries may be either total or partial.

(3) The periods for the expiry of precautionary entries and the procedure for their deletion shall be governed by the provisions of mortgage legislation.

CHAPTER III OPERATING PROCEDURE OF THE REGISTRY

Acceptance of the Request

17.—(1) On the filing of a request form with any of the branches, whether central or territorial, of the General Registry, the person responsible shall record the date, hour and minute of filing.

Where the request is filed with a body different from those referred to in the foregoing paragraph and the hour and minute of filing are not recorded, it shall be understood as having been filed at midnight on the said date.

(2) Where the person who files the form so requests, the Registry official responsible shall issue a receipt of filing, a copy of the request showing the particulars specified in the foregoing paragraph being recognized as such.

(3) Where the Registry with which the request is filed is not the one competent to make the entry, it shall forward the request and accompanying documentation to the Registry that it considers competent on the day following the filing of the request, and shall notify the requester accordingly. Such notification shall not be required where it is stated in the request that the Registry whose intervention is sought is different from that with which the filing is made.

(4) Where, after prior consultation of the Central Registry, the Registry with which the request has been filed is unable to ascertain which Registry is competent, either because the first registration has not taken place or because it is not known where it took place, or because there is no record of the prior registration, it shall inform the requester accordingly and invite him to clarify the matter or provide the information necessary for competence to be determined in accordance with [Article 15](#). That invitation shall be subject to the time limits, requirements and effects provided for in the following Article with respect to the correction of defects.

(5) The Coordination Commission, conforming to the procedure laid down in [Article 19](#) insofar as it is applicable, shall decide which Registry is competent if competence cannot be ascertained in the manner provided for in the foregoing paragraph.

Correction of Defects

18.—(1) Where the request, the form or the documentation filed contains any corrigible defect, the Head of the Registry shall call upon the requester to correct it within the period laid down in Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure.

(2) The letter of invitation shall make it clear to the person concerned that the period for the examination of his request is suspended until such time as the defect noted has been remedied, and also that failure on his part to comply with the invitation in the terms specified shall cause him to be regarded as having abandoned the request, which will be shelved without further processing.

Communication to the Central Registry and Incompatible Requests

19.—(1) When the request has been filed and any defects have been corrected, the Territorial Registry shall communicate its essential contents to the Central Registry within a period of 10 days.

In the case of filing with a body other than the Territorial Registry, the period of 10 days shall start to run on the latter's receipt of the request and once the defects in the request, if any, have been corrected.

(2) Where the Central Registry notes the existence of registrations or requests either made or pending before other Registries that may be incompatible with the one forwarded, it shall inform accordingly, within a month counted from the date of receipt of the communication, the Territorial Registry that forwarded it. Where appropriate, and on the same date, it shall notify the event to the Registry with which the request or registration incompatible with the newly-filed request was made.

(3)(a) Where the incompatibility occurs between two or more pending requests, the Territorial Registries concerned shall forward the communication by the Central Registry to the persons concerned, at the same time ordering the suspension of the examination period and allowing them a period not exceeding one month within which to make such statement as may serve their interests and submit such documents as they may consider appropriate.

(b) The Territorial Registries shall send to the Central Registry, within one month following the completion of the procedure referred to in the foregoing subparagraph, a communication with a statement of reasons that includes the basis on which the dispute should be settled, where appropriate forwarding the same, and also the statements made, to the Territorial Registry or Registries involved in the dispute.

(c) Without prejudice to the provisions of the foregoing subparagraph, the Central Registry may, within the period specified in the following subparagraph, procure from the Territorial Registries the necessary documentation held in the files kept by them.

(d) On receipt of the communications, if the arguments put forward by the contending Territorial Registries conflict, the Central Registry shall file a report with the Coordination Commission within a period of 15 days so that the latter may rule within a further period of 15 days on the matter of the competent Territorial Registry.

(e) The Central Registry shall convey the ruling of the Commission to the Territorial Registries concerned so that the competent Territorial Registry may where appropriate make the final entry in what remains of the examination period, according to the provisions of the second subparagraph of [Article 23\(2\)](#).

(f) Incompatibilities that arise within one and the same Territorial Registry shall be settled by it and reported to the Central Registry. In that case the Territorial Registry may apply to the Central Registry for a non-binding report.

(4) Where the incompatibility occurs between the request filed and an entry already made, the provisions of [Article 27](#) of these Regulations shall apply, except where a rectification of files is called for, in which case the provisions of mortgage legislation shall apply insofar as they are compatible.

Processing of the Request

20.—(1) The formalities that the Territorial Registry has to observe before settling shall be those specified in these Regulations and in the regional implementing provisions, and in any case shall be subject to Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure.

(2) Without prejudice to the provisions of the foregoing paragraph, the Registry

- (a) may at any time approach the requester to ask for clarifications or suggest amendments to the contents of his request to facilitate the making of the entry requested;
- (b) shall give a hearing to concerned third parties who are connected with the case, and also to the holders of entries made or pending that might prove incompatible with or be affected by the request being processed;
- (c) may request such reports as it considers necessary, notably of management bodies among those provided for in Title IV of Law 22/1987.

Examination and Settlement Criteria

21.—(1) The Head of the Territorial Registry shall examine the requests filed and the legality of instruments and contracts relating to registrable rights, and shall settle them by deciding to allow, suspend or refuse registration.

(2) Examination and settlement shall take place according to what emerges from the contents of the instruments and contracts, Register entries and, where applicable, rulings handed down under the provisions of [Article 19](#) of these Regulations.

Continuity of Procedure

22.—(1) For instruments or contracts by which intellectual property rights are transferred, modified or extinguished to be registered, the right of the grantor in the instruments or contracts concerned must itself first be registered.

(2) Where there is no such prior registration, the Registry shall, at the instigation of the requester

- (a) decide to suspend the examination period;
- (b) notify the registration request in person or by circular to those persons who, according to available information, might lay claim to rights in the same work, performance or production;
- (c) publish the registration request, at the requester's expense, in the Official Bulletin of the State and in that of the corresponding Autonomous Community.

Where the rights filed for registration relate to a computer program, the notifications and publication referred to in [subparagraphs \(b\)](#) and [\(c\)](#) above respectively shall contain only the information specified in [Article 32](#) of these Regulations.

Where no one files opposition to the registration within six months following publication, the Registry shall effect it during what remains of the examination period if it fulfills the other legal requirements.

CHAPTER IV SETTLEMENT OF REQUESTS

Settlement: Period, Reasons and Notification

23.—(1) The Territorial Registry shall make a final ruling within a maximum of three months following the filing date of the request.

(2) The period between the date of a request to correct defects under [Article 18](#) of these Regulations and the date on which the defects are duly corrected shall not be included in the calculation of the said period.

In the cases provided for in [paragraph \(3\)](#) of [Article 19](#) concerning potentially incompatible requests, the calculation of the three-month period shall resume on the date of notification to the Territorial Registry by the Central Registry of the ruling of the Coordination Commission for the purpose of the final registration by the said Territorial Registry.

In the case of resumption of the sequence of events provided for in [Article 22\(2\)](#), the calculation of the period leading to the registration requested shall resume on the date on which the Territorial Registry effects the prior entry and thereby gives notice of the resumption of proceedings.

(3) Decisions by the Territorial Registry shall be accompanied by reasons, including in the cases provided for in Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure, where they refuse registration, where, in spite of their being in favor of the request, interested parties have filed opposition to it in the course of the proceedings, and where they relate to requests that have given rise to doubts as to their compatibility according to the provisions of [Article 19](#).

(4) Decisions of the Territorial Registry shall be notified to the requesters and other interested parties in the manner laid down in Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure.

Presumed Termination

24. If the period specified in [paragraph \(1\)](#) of the foregoing Article expires without the Territorial Registry having ruled on the request, the latter shall be considered rejected pursuant to [Articles 43](#) and [44](#) of Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure.

Communication to the Central Registry

25.—(1) The Territorial Registry shall convey the ruling issued by it on the case to the Central Registry within the five days following that on which it was issued.

(2) The Central Registry shall give the Territorial Registry an acknowledgement of receipt of the communication, the date of receipt of which shall be noted by the latter in the actual document or medium in which registration was effected.

Contents of the Register Entry

26.—(1) The entry in the Territorial Register shall contain the requisite particulars for each type of work, performance or production provided for in [Article 13](#) of these Regulations, with the following exceptions:

- (a) in the case of artistic, scientific and literary works protected by the Law, the name or corporate designation of the author or authors disclosing the work under a pseudonym or sign or anonymously shall be omitted, as shall the description of the work or specification of the elements whereby it may be fully identified;
- (b) in the case of performances of performers, the detailed written description shall be omitted;
- (c) in the case of ordinary photographs, the two positive prints shall be omitted.

(2) In the case of artistic, scientific and literary works, the following descriptive particulars shall be entered in addition to the type of work, which shall be mentioned in every case:

- (a) with regard to works included in Sections I and III, the legal deposit and ISBN numbers;
- (b) with regard to works included in Section II, the legal deposit number;
- (c) with regard to works included in Section IV, the original language of the final version;
- (d) with regard to works included in Section V: for sculptures, the material and sculptural technique used; for works of drawing and painting, the material and technique used; for engravings and lithographs, the graphic process, and for strip cartoons and comics, the legal deposit and ISBN numbers;
- (e) with regard to works included in Section VI: for architectural and engineering projects, plans and drawings, as the case may be, the number and date of the initialling of the project; for models, the scale, and for graphs, maps and designs relating to topography, geography and science in general, the dimensions or scale.

Effect of Registration

27.—(1) It shall be presumed, in the absence of proof to the contrary, that the rights finally registered exist and belong to their owner in the form specified in the relevant entry.

(2) Final registration shall be effective as from the filing date of the request or, as the case may be, of the valid title attesting the registrable right. That date shall appear in the entry.

In order to determine the priority between two or more requests bearing the same date and relating to one and the same work, production or performance, the hour and minute of the filing of the requests shall be applicable, even where they have been filed with different Registries.

(3) Once any right or any instrument or contract relating to such right has been finally entered in the Territorial Register, no other of the same or an earlier or later date that conflicts or is incompatible with it may be registered, unless a court rules otherwise.

Lapse of the Registration

28.—(1) Registration shall lapse, either wholly or in part, through cancellation.

(2) Cancellation shall take place

- (a) at the request of the owner of the right registered, on condition that third-party rights are not thereby prejudiced;
- (b) as a result of total disappearance of the object constituting the physical embodiment of the rights;
- (c) as a result of expiry of the registered rights;
- (d) as a result of invalidation of the title on the basis of which the rights registered were claimed;
- (e) by virtue of a final court ruling;
- (f) as a result of expiry of the periods of protection under the Law on Intellectual Property.

(3) In matters concerning the cancellation procedure, the provisions of mortgage legislation shall apply insofar as they are compatible.

Correction of Errors

29. The Territorial Registry may, either *ex officio* or at the request of a party and after those concerned have been heard, correct simple clerical or factual and arithmetic errors that are detected in the files or in the administrative documents from which they derive their legitimacy.

CHAPTER V PUBLICITY OF REGISTRATIONS

Publicity of Register Entries

30. The records of the General Registry of Intellectual Property shall be public. That publicity shall manifest itself in the certification of the contents of the files and shall have evidentiary validity with respect to those contents. Publicity may also be by simple note or by computer access, but in those cases with merely informative value. Likewise, and only if the Head of the Registry considers their preservation sufficiently assured, files may be accessed in direct consultation mode.

Publicity of Files

31.—(1) Direct consultation of files archived at the General Registry of Intellectual Property shall only take place at the request of the owner of the intellectual property

rights or a person proving a legitimate interest, as provided in Law 30/1992 on the Legal Regime of Public Administrations and Common Administrative Procedure.

Publicity of Computer Programs

32. For the purposes of the provisions of **Article 100** of the Intellectual Property Law, the only elements of computer programs that may be consulted by the public shall be the name or corporate designation of the requester, the name, nationality and ordinary residence of the author or authors, the nature and terms of the rights registered and the title and date of publication.