

Editorial

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The changes experienced by Law in the information society that we analyse in this journal are not solely the result of the technological development of the web, but they are also in response to the evolution of the relations that are established on it, to the point that public mobilizations via the internet occasionally have a notable impact on the work of Parliament. Lately, we have seen a number of manifestations of this situation.

In this issue of the journal, we analyse one of the legislative innovations that has aroused most controversy on the web: the so-called "Sinde Law", passed as part of the Sustainable Economy Act in March 2011 and developed in the statute book in the same year. The Sinde Law establishes an administrative procedure for pursuing infringements of intellectual property on the internet. The law gives the Intellectual Property Commission the authority to order the removal of content or the stoppage of information society services that infringe intellectual property rights. Unlike other regulatory developments in our neighbouring countries, which have established systems that can even cut off the users' connection, the Sinde Law is aimed at alleged infringements by the service providers, including websites that provide links to protected content. This law has come under a lot of criticism, especially due to the fact of giving an administrative body the power to determine whether copyright has been infringed, a matter that has until now lain solely with the judicial authority. Despite the huge debate it aroused, the law was passed and Section Two of the Intellectual Property Commission has already started to act. In this sense, the result contrasts with other legislative initiatives, such as the *Stop Online Piracy Act* (SOPA) project in the USA, stopped largely by the mobilization of internet users.

With regard to the Sinde Law, we publish the work by Fernando Carbajo Cascón, tenured lecturer in Mercantile Law at the University of Salamanca, which tackles the substantive aspects of the law while analysing the problem of what is to be understood by infringement of intellectual property rights in the framework of this procedure, and examining the power that the Law gives to Section Two of the Intellectual Property Commission to take on these infringements.

Furthermore, this issue of IDP, Internet, Law and Politics features revised versions of papers given at the 8th International Conference on Internet, Law and Politics held July 2012.

The spread of the new and diverse forms of online entertainment is generating situations in which current regulations are at a loss to provide a solution that adequately guarantees the rights of individuals and sufficiently supports the activity of companies. In fact, as Alamillo notes in his paper, "the issue of online entertainment illustrates the complexity of the legal challenges posed by the projection of the individual on the web as part of the phenomenon of transforming legal institutions, which are usually set up to operate within the bounds of the traditional constraints of space and time".

Firstly, in his work "Online entertainment and consumer protection", Pedro A. De Miguel, professor of private international law at the Complutense University of Madrid, examines the impact that the expansion of the business models of global operators usually regulated under US legislation might have in terms of both consumer protection in Europe (eg contract clauses, protection mechanisms and personal data processing) and the competitiveness of European companies.

Next, in his article "Walled gardens and the Stationers' Company 2.0", Greg Lastowka, professor of law at Rutgers University, USA, looks at the limits current regulations place on authors' rights at a time when the development of the internet is enabling intermediary non-authors to provide platforms that serve as authorship, publicity and commercial distribution tools. This leads Lastowka to observe that the development of authors' digital rights appears to spell a return to their origins, when, rather than protecting the authors, the aim was to regulate the trade of printed works.

Thirdly, in his paper "A study of the jurisdiction for regulation and control of gambling activities in Spain", Alberto Palomar, tenured lecturer of administrative law at Carlos III University, highlights the impact of online gambling on the distribution of responsibilities across Spain's central and regional governments. He also looks at the role of the new independent body for regulating gambling and the impact that the bill for the creation of the National Commission for Markets and Competition that is currently in the process of being passed may have in the future on the regulation of gambling in moving from a specific-regulator to a centralised model.

In "Social networks in light of the General Data Protection Regulation proposal", Antonio Troncoso, tenured lecturer of constitutional law at the University of Cadiz and former director of the Data Protection Agency of the Community of Madrid, examines aspects of the proposal for the General Data Protection Regulation presented this year by the European Commission, in particular, those aspects relating to the risks that the expansion of social networks might entail for the protection of this fundamental right. He assesses the scope of the new regulation on the data processor in social network services and the data and the consent of the interested party for data processing and transfer.

This section concludes with Ignacio Alamillo's summary of the main conclusions from the 8th International Conference on Internet, Law and Politics. With regard to the ideas expressed at the conference, he observes that "we are at a significant moment of change: the massive uptake by individuals of social web technologies has meant a great transformation in the relationship model that affects the underlying social fabric that forms the basis for the design of regulations on intellectual property, consumer contracts and the protection of personal data and other fundamental rights".

This issue concludes with Jordi García Albero's summary of the recent regulatory changes that affect information and communication technologies.

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