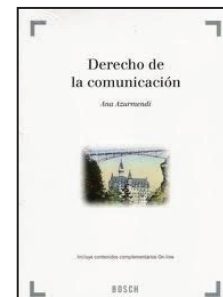


AZURMENDI, A. *Derecho de la comunicación*. 1a ed. Barcelona: Ed. Bosch. 338 p.
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A manual that understands communication law beyond that related to the practice of journalism and the media

After twenty years teaching at the Communication Faculty of Universidad de Navarra, Doctor Ana Azurmendi is now offering us her new work *Derecho de la comunicación* with the aim of covering, in a single volume, the most significant elements of the different aspects that comprise information law, complemented by a look at the law governing the media and a last part dedicated to advertising law.

Doctor Azurmendi, a renowned specialist in these fields, has added this work to her extensive collection of publications, of particular note being *La reforma de la televisión pública española* (Tirant lo Blanch, 2007), *Derecho de la información. Guía jurídica para profesionales de la comunicación* (Eunsa, 2nd ed. 2001) and *El derecho a la propia imagen: su identidad y aproximación al derecho a la información* (Civitas, 1997).

Derecho de la comunicación is a descriptive book that is easy to read, not only by those interested in legal issues but also the layman, which is relevant if we remember that its potential readers include journalists, publicists and audiovisual communicators that need to know the legal rules governing their professional. And also students at communication faculties whose core subject is the series of areas dealt with by this book, which they can use as a text book or for consultation.

The book is divided into five parts, although the first three are closely related and make up what is known as *information law*. The fourth part is dedicated to studying the legal regime for the media and the fifth, advertising law.

The subject of information law is in turn divided into three parts which, apart from various doctrinal citations, also provides extensive jurisprudence from Spain's Supreme Court (TS in Spanish) and Constitutional Court (TC in Spanish), as well as the European Court of Human Rights (ECHR), the body created by the European Convention on Human Rights promoted in 1950 by the Council of Europe and which, since then, has made up a solid body of doctrine that has gradually standardised the

European conception of defence of fundamental rights.

The first part is dedicated to the fundamental rights in free speech and freedom of information, based on a generic recognition of these rights in article 20 of the Spanish Constitution (CE in Spanish), but developed conceptually and with doctrinal nuances provided by the Constitutional Court. Azurmendi notes the influence of the ECHR (for which she gives some references) on the doctrinal positions of Spain's highest court and even extends this to the jurisprudence of the Inter-American Court of Human Rights in the area of free speech. This part ends with a study of the right to rectification.

The second part analyses the constitutional limits (point 4 of article 20 of the CE) to free speech and freedom of information, such as the fundamental rights to honour, to personal and family privacy and to one's own image, as well as protecting young people and children from the media, both from a civil and penal point of view. It should be noted that the chapter on the right to privacy includes a study of the protection of personal data and, in the one on the protection of minors, not only are the key Spanish legal provisions analysed (Legal Protection of Minors Act and the General Act on Audiovisual Communication), but also the UN Convention on the Rights of the Child and regulations regarding specific issues (pornography, rating films and audiovisuals, advertising, etc.)

The third part examines the fundamental instrumental rights of journalists recognised in the EU (point *d* of section 1 of article 20), professional secrecy and the conscience clause; in the first case, the ECHR doctrine is provided on this area and, in the second, the jurisprudence of the TC. This third part also includes a chapter on the right to intellectual property of communication professionals. Based on European Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society, Azurmendi comments extensively on the protection of these rights in the revised text of the Intellectual Property Act of 1996. She also briefly examines a highly relevant issue today, namely the circulation of works on the internet with *copy/left* authorisation (the opposite to traditional

copyright), which allows free access to and use of works under the conditions determined by each author according to the codes recognised in *Creative Commons* licences.

The fourth part is devoted to law governing the media, divided into three chapters. The first looks at the legal regulation of the internet, a truly problematic issue due to the difficulties of regulatory intervention in the internet. Azurmendi provides an overview of Directive 2000/31/EC, on electronic commerce, as a common European legal area; she then looks in more detail at the provisions established by Act 34/2002, on the information society and electronic commerce, the main text in Spanish law, and ends with an analysis of the civil and criminal liabilities that can result from violating these laws. The redefinition of public state television (Acts 17/2006 and 8/2009 on *Corporación RTVE*), an issue on which Doctor Azurmendi is an authority, and the new regulation for the legal regime of television in Spain regarding autonomous communities and private television (General Act 7/2010, on audiovisual communication) make up the second chapter in this part, which is particularly relevant given the recent enactment of these laws. The following chapter analyses the legal statutes for radio.

Finally, the book ends with a last part on advertising law, including the notable amendment provided by Act 29/2009, modifying the legal regime governing unfair competition and advertising to improve the protection of consumers and users, which has rationalised Spanish law in this area, eliminating contradictions and unifying regulatory duplication between the General Act on advertising and the Act on unfair competition with regard to the regime of actions against unlawful advertising, coherently integrating the legislation protecting consumers in regulating the market.

Derecho de la comunicación is a book with a structured, clear narrative that coherently systemises the different areas it deals with, as well as containing basic jurisprudence, Spanish and European, that has affected information law in terms of doctrine, applying to real cases the generic concepts employed by the Spanish Constitution to protect the fundamental rights of free speech and freedom of information, and their limits regarding the right to honour, privacy and own image. In short, it is a valuable contribution to the study of regulations governing communication carried out with a thoroughness that is typical of Azurmendi's work and is in addition to the manuals of similar characteristics that already exist, referenced below.

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