Abstract: This paper summarises the regulation and basis of the “acción popular” (class action), a unique institution in Spanish criminal prosecution. Attention is drawn to its main problems, which are: if it is a basic right, the fact that foreigners are denied it; the exercising of it by public legal persons; abuse in the exercising of it; the difficulties in its implementation; the confusion following the Rulings handed down by the Spanish Supreme Court in the well-known Botín, Atutxa and Ibarretxe cases. Finally, a proposal is made to reform the institution without undermining the rights that are granted to citizens.


Analytic Summary


Abstract: The European Union has set about approving a new regulation aimed at developing the internal services market. Until now, even though the EU has acted by taking the aim to limit the protectionism of states as the focal point to form its internal market (designed to guarantee the principle of equality), it has recently been keen to take a qualitative leap forward by restricting the powers of member states to intervene. This paper sets out to explore the direction and the scope of the European legal system with the aim of addressing the following question: whether a services market governed by regulations or one without any regulations at all has been established.

Key Words: Competition Law. Activities oriented towards altering competition. Notaries.


Abstract: Various Professional Associations of Notaries have set up compensation funds to force all their members to participate in a shared fund set up with obligatory contributions from notaries who approve financial documents that exceed certain average amounts or who intervene in them. Some notaries have complained that these funds contravene Article 1 of the Law on the Defence of Competition. This paper sets out to examine whether these funds are legal or not.

Key Words: Competition Law. Activities oriented towards altering competition. Notaries.
Abstract: In the Abbott v. Abbott decision, the United States Supreme Court provides, for the first time, an understanding of many concepts governed by the Hague Convention on the Civil Aspects of International Child Abduction, of October 25, 1980. Likewise, the significance of this decision lies in equating the ne exeat clause, which was applied to one parent within the stipulations of the Hague Convention, with the right of custody.


Abstract: In May 2011 the EGC handed down a judgment on the txakoli affair. It confirms the refusal for this term to be registered as a community trade mark, as it is considered not to have a distinguishing nature and, at the end of the day, because the public perceives it as a type of wine. Nevertheless, it stresses that this does not currently affect the exclusive right held by the Designation of Origin Regulatory Boards of the Basque provinces of Bizkaia and Araba and the Gipuzkoan town of Getaria over the term Txakoli, which has led to different interpretations.


Leiñena Mendizabal, Elena (Euskal Herriko Unibertsitatea. Gizarte eta Komunikazio Zientzien Fakultatea. Enpresaren Zuzenbidea Saila. Sarriena z/g. 48940 Leioa): Keywords advertising delakoaren bueltakas: Google France versus Louis Vuitton (Keywords on so-called advertising: Google France versus Louis Vuitton) (Orig. eu). – In: Eleria. 22, 89-94.

Abstract: In 2010, the European Union Court of Justice handed down an important resolution on the Google France versus Louis Vuitton case. The court was required to decide whether the advertising technique involving AdWords or “key words” that the Google services provider had been in the habit of using was legitimate with respect to Trade Mark Law. The European Court held that even though Google receives money for the service it offers, it does not use distinguishing trademarks and signs to sell its products or services in the course of trade but to support other agents. That is why Google would not be guilty.


Abstract: Religion is a free-choice subject in statutory education and is of a denominational nature. It is up to the religious denominations to specify content and propose teachers, but these teachers are contracted by the Administration. A teacher of the religious denomination married a divorced person in a registry office wedding. As far as the teacher was concerned, having a registry office见证 the teacher was no longer deemed suitable for the job she was doing. As far as the diocese was concerned, the teacher was no longer deemed suitable for the job she was doing. As far as the teacher was concerned, having a registry office wedding in no way affected her work as a teacher or respect for Catholic doctrine, and that she had been entitled to do this. Criteria are examined to resolve the conflict of rights.


Abstract: The noise quality objectives concerning areas of the land affected by the general systems of transport infrastructure have yet to be specified, because Royal Decree 1367/2007 passed to develop Law 37/2003 on Noise failed to complete that task. This comment examines two matters: the appeal filed by an association of owners of houses and plots of land against that lack of limitation; and the project drawn up by the Spanish Ministry of the Environment to modify Royal Decree 1367/2007 and which is designed to complete the unfinished work.


Legal Basque Languaje


Arrojeria, Jesús M. Hamurabiren kodea (1go zatia) (The Hamurabi code (1st part)) (Orig. eu). – In: Eleria. 22, 111-131.

Interview

Churruca, Juan. Catedrático emérito de Derecho Romano de la Universidad de Deusto (Professor emeritus of Roman Law at the University of Deusto) (Orig. eu). – In: Eleria. 22, 133-138.

Chroniques et commentaires


Classics
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