

Pastiche in Spanish law

Parody, caricature and pastiche are regulated by different laws in Spain. Pastiche, in particular, has been introduced for the first time in Spanish law by Royal Decree-Law 24/2021, which has transposed, among other Directives, Directive 2019/790, leaving it out of the intellectual property law. Among some of the debatable issues in this transposition is the legislator's specific reference in the explanatory memorandum to "memes". However, the lack of mention, in the specific article, of any specific type of content seems to open the door to many free uses of other authors' works, which does not seem to be in line with the intention of the European legislator with its provision in art. 17(7) of the DSM Directive.

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