

**COURSE DATA****Data Subject**

<b>Code</b>	36614
<b>Name</b>	Communication Law
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2023 - 2024

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. Period</b>
1334 - Degree in Journalism	Faculty of Philology, Translation and Communication	2 First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1334 - Degree in Journalism	2 - Derecho	Basic Training

**Coordination**

<b>Name</b>	<b>Department</b>
GARCIA SANCHEZ, JOSE MARIA	45 - Administrative and Procedural Law

**SUMMARY**

This subject is included in the second year of Journalism studies (also in Audiovisual Communication studies) in order, from a theoretical-practical reflection, to train students in the legal regime of information and mass communication, both with respect to messages as well as in the aspect referred to the media and with special attention to the constitutional legal regime in force in Spain for any communicative manifestation, based on freedom of expression. Consequently, it is an essential subject within the curricular development of this degree, to the extent that it forms an absolutely basic part of the set of theoretical and practical subjects that the student must know when they finish their studies. A part, in addition, that will also be of great importance throughout the exercise of their professional tasks, given the many situations in which a journalist must know the regulatory framework of their activity to avoid conflicts and manage them in the best possible way.



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

Passing the subject requires in-depth knowledge of the Spanish political and legal system, as an essential basis for understanding how the communication and information regulation model is incorporated.

## OUTCOMES

### 1334 - Degree in Journalism

- Students must have acquired knowledge and understanding in a specific field of study, on the basis of general secondary education and at a level that includes mainly knowledge drawn from advanced textbooks, but also some cutting-edge knowledge in their field of study.
- Students must be able to apply their knowledge to their work or vocation in a professional manner and have acquired the competences required for the preparation and defence of arguments and for problem solving in their field of study.
- Students should be able to work as a team, communicate their own ideas and integrate themselves into group projects aimed at achieving results.
- Students should show solidarity with people across the planet, as well as knowledge of the main cultural currents in relation to individual and collective values and respect for human life.
- Students should be able to express themselves fluently and effectively in their own languages, as well as in a third language (preferably English), taking advantage of the linguistic and literary resources that are most appropriate for the different forms of media.
- Students should be able to search for, select, read, interpret and analyse both written and audiovisual texts and documents (analytically, synthetically and critically).
- Students should have an understanding of own and other social, historical, economic and cultural aspects within their relevant contexts.
- Students must be able to reasonably propose ideas from the basics of rhetoric, as well as to communicate through the techniques of persuasion.

## LEARNING OUTCOMES

- Classify and access available economic, political, legal, historical and sociological information and learn to handle it correctly.
- Prepare communication materials and journalistic documents referring to economic, sociological, legal and historical issues.
- Reorganize the communicative dimension of societies, as well as their links with the political, cultural, social, and technological dimensions, prioritizing the various explanatory factors of historical continuity



and change

- Assess fundamental rights and freedom of expression and information, as well as the rights and duties of those who practice the journalistic profession.
- Identify the legal regulatory frameworks for the media.

## **DESCRIPTION OF CONTENTS**

### **1. INTRODUCTORY CHAPTER. CONCEPT AND FUNCTION OF LAW. LAW AND SOCIETY. RULE OF LAW AND THE SPANISH CONSTITUTION OF 1978.**

THE RULE OF LAW. THE SPANISH CONSTITUTION OF 1978. BACKGROUND. AXIOLOGICAL FOUNDATION OF THE SPANISH LEGAL ORDER: FUNDAMENTAL RIGHTS AND THE GUARANTEE SYSTEM

### **2. HISTORICAL BACKGROUND OF COMMUNICATION LAW IN SPAIN**

1. FREEDOM OF INFORMATION IN SPANISH CONSTITUTIONAL AND LEGISLATIVE HISTORY: ITS CONFORMATION BASED ON A MODEL OF COMMUNICATION AND INFORMATION BASED ON THE WRITTEN PRESS
2. DEVELOPMENT AND REGULATION OF FILM IN SPAIN
3. BEGINNINGS AND REGULATORY DEVELOPMENT OF BROADCASTING IN SPAIN
4. THE BEGINNINGS AND REGULATORY FRAMEWORK OF TELEVISION IN SPAIN

### **3. THE LAW OF COMMUNICATION IN THE INTERNATIONAL AND EUROPEAN FIELD**

1. INTERNATIONAL REGULATORY INSTRUMENTS
2. INTERNATIONAL ORGANIZATIONS
3. COMMUNICATION POLICIES AND REGULATIONS IN EUROPE

### **4. THE CONSTITUTIONAL FRAMEWORK OF COMMUNICATION**

1. THE CONSTITUTION AS A GENERAL FRAMEWORK FOR THE REGULATION OF COMMUNICATION
2. COMMUNICATION, FUNDAMENTAL RIGHTS AND PUBLIC FREEDOMS
3. RIGHTS AND FREEDOMS OF EXPRESSION, INFORMATION AND COMMUNICATION
4. PERSONALITY RIGHTS AS LIMITS IN COMMUNICATION
5. CIVIL AND CRIMINAL LIABILITY
6. COLLECTIVE RIGHTS IN MASS COMMUNICATION
7. GUARANTEES AND SUSPENSION OF COMMUNICATION RIGHTS AND FREEDOMS



## **5. THE SPANISH MODEL OF NEWS MEDIA**

1. THE FREE CREATION OF COMPANIES
2. ACCESS TO RADIO AND TELEVISION ACTIVITIES. SERVICES OF GENERAL INTEREST
3. SIGNAL DIFFUSION AND TRANSPORT SYSTEMS: REGULATION AND LIBERALIZATION
4. AUDIOVISUAL COMMUNICATION SERVICE PROVIDERS
5. ADMINISTRATIVE CONTROL THROUGH INDEPENDENT AUTHORITIES
6. COMPETITION IN THE SPANISH COMMUNICATION SECTOR. FUNDING, TRANSPARENCY AND PLURALISM

## **6. ORGANIZATION AND LEGAL REGIME OF THE PUBLIC MEDIA**

1. GENERAL LEGAL REGIME AND STRUCTURE OF THE PUBLIC MEDIA
2. NATIONAL PUBLIC RADIO AND TELEVISION
3. PUBLIC RADIO AND TELEVISION IN THE REGIONAL REGION
4. LOCAL PUBLIC RADIO AND TELEVISION

## **7. ORGANIZATION AND LEGAL REGIME OF PRIVATE TELEVISION**

1. GENERAL LEGAL REGIME AND STRUCTURE OF PRIVATE TELEVISION
2. NATIONAL PRIVATE TELEVISION
3. PRIVATE TELEVISION REGIONAL SCOPE
4. PRIVATE TELEVISION LOCAL SCOPE
5. TELEVISION PROVIDERS THROUGH FULLY LIBERALIZED COMMUNICATION SERVICES: CABLE, SATELLITE AND INTERNET

## **8. ORGANIZATION AND LEGAL REGIME OF PRIVATE BROADCASTING**

1. GENERAL LEGAL REGIME AND STRUCTURE OF PRIVATE TELEVISION
2. PRIVATE NATIONAL TELEVISION
3. REGIONAL PRIVATE TELEVISION
4. PRIVATE TELEVISION AT LOCAL SCOPE
5. TELEVISION PROVIDERS THROUGH FULLY LIBERALIZED COMMUNICATION SERVICES: CABLE, SATELLITE AND INTERNET

## **9. ORGANIZATION AND LEGAL STATUS OF CINEMATOGRAPHY**

1. GENERAL LEGAL REGIME
2. PROMOTION OF FILM AND AUDIOVISUAL PRODUCTION
3. REGULATORY STANDARDS ON DISTRIBUTION AND EXHIBITION



## **10. ORGANIZATION AND LEGAL STATUS OF THE WRITTEN PRESS**

1. GENERAL LEGAL REGIME
2. THE PRESS AND PRINTING LAW
3. REGULATION OF THE DISTRIBUTION, CREDITS AND AID

## **11. RIGHTS OF THE PUBLIC BEFORE THE CONTENTS OF THE COMMUNICATION MEDIA AND GUARANTEES OF THE COMMUNICATORS**

1. LEGAL FRAMEWORK REGARDING CONTENTS
2. THE MAIN AREAS OF THE REGULATION OF THE GENERAL AUDIOVISUAL LAW
3. SELF-REGULATION REGARDING CONTENTS
4. CLAIMS AND ACTIONS TO DEFEND THE RIGHTS OF THE PUBLIC
5. RIGHT OF RECTIFICATION
6. THE CONSCIENCE CLAUSE AND THE PROFESSIONAL SECRECY OF JOURNALISTS
7. CODES OF ETHICS, PROFESSIONAL STATUTES AND BOOKS OF STYLE

## **12. PROGRAMMING PRINCIPLES AND NORMS**

1. GENERAL LEGAL REGIME AND PROGRAMMING PRINCIPLES
2. INFORMATION TO USERS
3. REGULATION OF PROGRAMMING RELATED TO CHILDREN AND YOUNG PEOPLE, AS WELL AS THE PROTECTION OF HUMAN DIGNITY
4. REGULATION ON THE BROADCAST OF CINEMATOGRAPHIC WORKS AND EUROPEAN AUDIOVISUAL PRODUCTION
5. GENERAL INTEREST AND REGULATION OF BROADCASTING OF COMPETITIONS AND SPORTING EVENTS
6. ELECTORAL PROCESSES IN THE COMMUNICATION MEDIA

## **13. PRINCIPLE AND NORMS ON ADVERTISING**

1. GENERAL LEGAL REGIME AND PRINCIPLES OF ADVERTISING ISSUANCE
2. THE REGULATION OF THE PRESENTATION AND ADVERTISING INSERTS
3. REGULATION ON CONTENT
4. ADVERTISING, TELESales AND SPONSORSHIP ORIENTED TO MINORS
5. ADVERTISING, TELESales AND SPONSORSHIP OF CERTAIN PRODUCTS

## **14. COPYRIGHT IN THE COMMUNICATION FIELD**

1. LEGAL PROTECTION OF JOURNALISTIC AND AUDIOVISUAL PRODUCTION
2. DISTRIBUTION OF COMPETENCES AND REGULATORY EVOLUTION
3. SCOPE OF INTELLECTUAL PROPERTY: AUTHORS' RIGHTS AND LEGAL LIMITS
4. THE MANAGEMENT OF RIGHTS RELATED TO INTELLECTUAL PROPERTY THROUGH COLLECTIVE MANAGEMENT ENTITIES



**5. PROTECTION OF INTELLECTUAL PROPERTY: REGISTRATION AND CIVIL, ADMINISTRATIVE AND CRIMINAL PROTECTION OF COPYRIGHT****15. INTERNET AND COMMUNICATION LAW**

1. INTERNET COMMUNICATION AND LEGAL REGULATION
2. FREEDOM OF INFORMATION AND CREATION OF COMMUNICATION COMPANIES ON THE INTERNET
3. ELS CONTINGUENCES ON THE INTERNET

**16.****WORKLOAD**

ACTIVITY	Hours	% To be attended
Theory classes	60,00	100
Development of group work	30,00	0
Development of individual work	30,00	0
Study and independent work	30,00	0
<b>TOTAL</b>	<b>150,00</b>	

**TEACHING METHODOLOGY**

MD5 - Seminars and workshops

MD7 - Problem solving classes and case studies

MD8 - Study and individual autonomous work

MD9 - Study and autonomous group work

MD1 - Theoretical classes (lectures or expository with presentation of the students)

MD2 - Practical classes

Given the existence of excellent manuals and reference books, the syllabus will not be developed in class, but instead the face-to-face teaching hours will be used to give examples of conflicting issues, reflect on the most current or interesting aspects of the material, delve into all the most complicated and, in general, in cultivating a deep, critical analysis carried out based on the interests expressed by the students. The contents of the agenda will, however, order the sessions and an attempt will be made to temporarily adapt the analysis of different facts to the sequencing of the program. Likewise, the teacher will try to direct and guide the activities and work of the students to be able to extract an exhibition, although not regulated but rather induced, of the content of the subject. Preparation of the classes. Given the methodology of the course, for the most adequate development of the agenda throughout the course, as the contents and their



orientation are presented in this Guide, it is essential that the students, with the help of the bibliographical references that are contained in the final part, prepare each session with previous readings of the contents that are planned to be dealt with. Without this preparation, the use of theoretical and practical classes will be frankly insufficient, so it is the responsibility of the student to bring the subject up to date with their individual work and the study of the contents entrusted by the professor. To facilitate the preparation of the classes by the students, the professor will indicate, weekly, the contents that he plans to deal with in the following classes. Activities, works and practices. The teacher prepared weekly a series of theoretical-practical activities that students must carry out individually or in groups, as the case may be. There will always be a sharing in class, for evaluation purposes. These activities will take into account the agenda and its development, but also current affairs and the interests expressed by the students themselves. In addition, students are required to present three papers in writing to the teacher throughout the year.-

Analysis of a legal news. Students must make a critical analysis of legal news that appeared in the media and chosen by themselves based on their interest. The analysis must identify the legal keys to the issue, as well as its repercussions and, where appropriate, possible errors in the treatment or orientation given to the news item.- Analysis of a sentence. Students must identify a judicial ruling, from any court, whether Espnayol or European, that deals with a matter related to the contents of the program. They must do a search to access the full content of the text of the sentence and add it as an annex to their work. And they must comment on the judicial decision, analyzing the legal keys of the matter, the legal reasoning followed by the court, as well as making a reasoned criticism of it, indicating, depending on the case, the reasons why the arguments and conclusions reached are correct or incorrect.- Collective work on a topical issue connected to the subject. Students must form a work team of between 3 and 5 people to choose a matter of interest, some social conflict related to the media and they will have to make a complete legal analysis of the case, analyzing all the implications of the case. The work will be presented in writing and also through a presentation in class. The topics from work must be previously approved by the teacher to ensure that they are appropriate and serve to explain course content. Their collaboration will also be supervised by the professor. Current issues in Communication Law. Throughout the course, special attention will be paid to legal, social, economic, media and political news that is related to Communication Law. In addition to the references that can be provided by the teacher, students must be aware, collect and bring to class current news that, in their opinion, are of interest and explain their reasons. Additional bibliography. In addition to the necessary preparation of the subject with one (or more) of the books and manuals indicated in the basic bibliography, it is highly recommended to proceed to the reading of specialized monographic books on issues related to important aspects of Spanish Communication Law. There is a short list with various suggestions at the end of this guide. In addition, any reading propu

## EVALUATION

The evaluation of the learning will be carried out with theoretical tests and the evaluation of the practical works. The theory tests may be oral and individual or group work is expected to complete the evaluation (up to 40%). The theoretical test grade, however, will always mean at least 60% of the overall final grade. The works, exams or any other activity that the students prepare for their teacher evaluation must be original, without plagiarism. The detection of plagiarism, as a serious offense, will lead to the immediate suspension of the respective call for the course. It will also be considered a serious offense, and therefore will lead to the immediate suspension of the call, the copying or facilitating the copying of work between students of the degree; irregularly accessing or appropriating in advance the content of a test or exam; facilitate or procure the appropriation, alteration or destruction of the content or results of an evaluable activity and the impersonation of personality in exams. When the serious faults mentioned in this point



are detected, the professor must notify the coordination of the Degree

## REFERENCES

### Basic

- BOIX PALOP, Andrés y LÓPEZ GARCÍA, Guillermo (eds.), La autoría en la era digital. Industria cultural y medios de comunicación, Tirant lo Blanch, Valencia, 2006.
- CATALÀ i BAS, Alexandre H., La libertad de expresión e información. La jurisprudencia del TEDH y su recepción por el Tribunal Constitucional, Ediciones Revista General de Derecho, Valencia, 2001.
- DE CARRERAS, Lluís. Derecho español de la información. UOC, Barcelona, 2008.
- GUICHOT, E. (ed.), Derecho de la comunicación, ed. Iustel, Madrid, 2011.
- LINDE, Enrique y VIDAL, José Ma. Derecho Audiovisual. Ed. Colex, Madrid, 2010.
- LÓPEZ GARCÍA, Guillermo (ed.), El ecosistema comunicativo valenciano. Ed. Tirant lo Blanch, Valencia, 2010.