

Audiovisual Communication Law

Code: 103029
ECTS Credits: 6

Degree	Type	Year	Semester
2501928 Audiovisual Communication	OB	3	1

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

Valentina Maglietta

Prerequisites

The subject "Audiovisual Communication Law" does not require any prerequisites to be taken. It consists on a legal training on the normative foundations of Audiovisual Communication, from the constitutional basis to the regulatory development applicable to all services and contents of an increasingly complex audiovisual communication in its manifestations.

Objectives and Contextualisation

Audiovisual Communication Law is a subject taught in the first semester of the third year of the Degree in Audiovisual Communication. This is a subject that intends for students to acquire basic knowledge about the functioning of the legal system as a whole and, within it, about the system of sources of Law, the functioning of fundamental rights and their application in the professional field of audiovisual communication. The subject aims at the same time to give a transversal view of Audiovisual Communication Law, framed in a multi-level legal system, having as a reference both the internal rules and the rules of the European Union that contain the basic principles of operation of the audiovisual communication service

The subject aims for the students to achieve several objectives, among which stand out:

- Identify, know and apply the basic and general principles of the legal system.
- Understand the unitary nature of the legal system and the interdisciplinary view of legal problems.
- Know the legal foundations that affect the provision of the audiovisual communication service.
- Approach the fundamental rights that relate to professional practice in the world of audiovisual communication.

Competences

- Demonstrate knowledge of legislation applicable to the field of audiovisual communication.
- Differentiate the discipline's main theories, fields, conceptual developments, as well as their value for professional practice.
- Research, select and arrange in hierarchical order any kind of source and useful document to develop communication products.

Learning Outcomes

1. Apply legal knowledge to specific communication aspects.
2. Be familiar with and apply state and autonomous community regulations governing audiovisual activity.
3. Be familiar with the different legal aspects of copyright related to audiovisual media.
4. Research, select and arrange in hierarchical order any kind of source and useful document to develop communication products.

Content

Unit 1. The Constitutional State

- 1.1. Law and legal system. Concept of Rule of Law.
- 1.2. The Spanish Constitution of 1978.
- 1.3. Fundamental rights as essential elements of the legal system.
- 1.4. The multilevel legal system. EU Law.

Unit 2. Fundamental rights: in particular, freedom of communication

- 2.1. The evolution of Fundamental Rights. Holder of Fundamental Rights.
- 2.2. Regulation, exercise and limits of Fundamental Rights.
- 2.3. The constitutional configuration of the right to freedom of communication: article 20 of the Spanish Constitution. Audiovisual communication as a fundamental right.
- 2.4. Audiovisual communication as a form of expression of opinions and ideas. Audiovisual communication as a form of ideological, artistic and religious expression. Audiovisual communication as a way of transmitting information.

Unit 3. Freedom of expression and information

- 3.1. Distinction between the right to freedom of expression and the right to information.
- 3.2. The right to freedom of information: requirement of veracity, newsworthy facts, public relevance. The professional secret.
- 3.3. Limits to freedom of expression. Privacy rights: honor, personal and family privacy and self-image.
- 3.4. Organic Law 1/1982, of May 5, on civil protection of the right to honor, personal and family privacy and self-image.

Unit 4. Audiovisual communication (I)

4.1. Scope of application of Law 13/2022, of July 7, general Audiovisual Communication.

4.2. General principles of Audiovisual Communication.

4.3. Object of the Law.

Unit 5. Audiovisual communication (II)

5.1. Television audiovisual communication services.

5.2. The provision of television and radio audiovisual communication services.

5.3. The provision of the video exchange service through the platform.

Unit 6. Audiovisual communication (III)

6.1. Obligations of audiovisual communication service providers.

6.2. The European audiovisual creation.

6.3. Audiovisual commercial communications.

6.4. Types of audiovisual commercial communications.

Unit 7. Audiovisual communication (IV)

7.1. Contracting for the broadcast of audiovisual content.

7.2. Competent authorities in the field of audiovisual communication.

7.3. Sanctioning regime.

Unit 8. The intellectual protection of audiovisual communication

8.1. Author concept.

8.2. Copyright.

8.3. Content of intellectual property right.

8.4. Crimes against intellectual property.

Unit 9. Criminal liability in audiovisual communication

9.1. Crimes against privacy: discovery and disclosure of secrets.

9.2. Crimes against honor: calumnies and insults.

9.3. Crimes committed on the occasion of the exercise of fundamental rights and public freedoms: incitement to hatred through audiovisual communication.

9.4. The Official Secrets Law. State Secrets: discovery and disclosure of secrets and information relating to National Defence.

9.5. Inducing suicide (article 143 bis CP) and causing self-harm (article 156 ter CP) through the Internet.

9.6. Offences relating to sexual freedom (prostitution and sexual exploitation; exhibitionism and sexual provocation). Distribution or public dissemination of content intended to promote, encourage or incite the commission of these crimes (article 189 bis CP).

Methodology

The learning process focuses on the work of the student, who learns by working individually and in groups, the mission of the teacher being to help him in this task by providing information and showing him the techniques and sources where it can be obtained.

The development of the teaching of the subject and of the student's training is based on the following activities:

1. Directed activities:

1.1. Master classes where students acquire through the transmission of knowledge from the teacher / professor the conceptual bases of the subject.

1.2. Seminar classes: as a learning space where students assume a preferably active role to, together with the teacher, analyze and interpret questions, questions or previously elaborated cases in order to develop and consolidate the essential content explained in the theoretical classes.

2. Supervised activities: These are activities that students will develop in the classroom, with the supervision and support of the teacher. It is about the solution of some practical assumption in the classroom, elaboration of some files of sentences and / or regulations or the realization of outlines or written writing developed of some epigraphs of the subject or of complementary readings of monographs or doctrinal articles.

3. Autonomous activities: these are activities in which the student organizes time and effort autonomously, either individually or in groups.

3.1 Study of the subject.

3.2 It is possible to propose the elaboration of documents of practical activities that will be delivered and analyzed in the classroom. These are practical cases proposed in advance by the teacher or the preparation of critical reviews of books and readings or files on jurisprudence, regulations or films.

3.3 Search of bibliography, jurisprudence and materials for the resolution of practical cases, complementing the theoretical questions

3.4. Preparation of course work, reports, etc.

If proposed, attendance at the seminars, except for justified cause, will be mandatory for students.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Lectures	15	0.6	1, 4, 2
Seminars	37.5	1.5	1, 3
Type: Supervised			
Tutorships	7.5	0.3	

Assessment

CONTINUOUS ASSESSMENT

The competences of these subjects will be evaluated continuously through the following activities:

- Final exam to be carried out on the date officially indicated by the Academic Secretary. You will receive 50% of the note. The teaching team corresponding to each of the groups will indicate the format of this test.

- A minimum of two other evaluation activities whose weight in the grade will be the remaining 50%: For these purposes in each of the groups of this subject the respective teaching team must select at least two different evaluation activities (determining the weight of each one of them in the percentage of the qualification within the present 50%). An example of these possible activities, only by way of example, we point out: Partial exam (not liberatory), practical cases, reports, reviews, legal writings, opinions, preparation of research papers, reviews, book reviews, case law files, regulations, videos or movies, or developing projects, among other activities. The selected activities may be carried out, as provided by the teaching team, individually or in groups.

The teaching team of each group at the beginning of the course will present the program of the subject provided in this guide, explaining the topics that will be discussed. In this way, it will also present the schedule of teaching activities (theory and seminars), specify the continuous evaluation system that it has selected and establish the percentage assigned to each of the selected activities and its date of completion, as well as the system for re-evaluation of the activities. The reevaluation can only be carried out if the student has followed the continuous evaluation. Such indications will be exposed in the virtual campus / Moodle.

Within these activities to be evaluated, the teaching team will also be able to assess attendance and participation in class. It is about active participation throughout the course, of quality, legally based, adequate and relevant to the topics covered, and different from that carried out in the seminar / practical classes. In this case, the teaching team of each group will determine the corresponding percentage.

If a student fails to pass the evaluation of the subject, with a minimum mark of 5 over 10, he or she shall concur to a re-evaluation exam on the date established at the Subject's Calendar.

A student who copies or attempts to copy on a final exam will have a 0 on the exam. A student who presents a practice in which there is plagiarism will obtain a 0 and receive a warning. In case of repetition of the behavior, the student will suspend the subject.

If during the correction there are indications that an activity or work has been carried out with answers assisted by artificial intelligence, the teacher may complement the activity with a personal interview to corroborate the authorship of the text.

SINGLE ASSESSMENT

The Single Assessment of this subject, for those students who have taken it, consists of the following evidence:

- 60% of the total grade for the subject. A competence test (final exam). This theoretical test requires a minimum grade of 5 to be approved.

- 40% of the total grade for the subject. A class-work on one of the subjects of the subject. The work will be discussed at the beginning of the course together with the teacher. The deadline for handing in the work is the day of the subject's final exam, in accordance with the established calendar.

If a student fails to pass the evaluation of the subject, with a minimum mark of 5 over 10, he or she shall be requested to amend the academic evidences, following indications of the teacher. These new evidences shall be evaluated on the same date established at the Subject's Calendar for the continuous assessment.

If during the correction there are indications that an activity or work has been carried out with answers assisted by artificial intelligence, the teacher may complement the activity with a personal interview to corroborate the authorship of the text.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final exam	50%	4	0.16	1, 3, 2
Practices	50%	3.5	0.14	1, 4

Bibliography

A) Reference manuals:

DE CARRERAS. LL.: Las normas jurídicas de los periodistas. Universitat Oberta de Catalunya, Editorial UOC, 2012.

TORRES DEL MORAL. A. (Dir): Libertades informatives. Colex 2009.

GAVARA DE CARA, JC (Ed): Las autoridades independientes en materia audiovisual. Bosch, Barcelona 2013.

ÁLVAREZ CONDE, Enrique *Curso de Derecho Constitucional*, 2 vols, Tecnos, Madrid.

APARICIO PÉREZ, Miguel Angel. (dir.)- BARCELÓ, Merce., *Manual de Derecho Constitucional*, Atelier, Barcelona.

FOSSAS, Enric.- PÉREZ FRANCESC, Joan Lluís, *Lliçons de Dret Constitucional*, Proa, Barcelona.

PÉREZ ROYO, Javier. *Curso de Derecho Constitucional*, Marcial Pons, Madrid.

B) Legal texts:

CARRERAS SERRA, F.- GAVARA, J.C. *Leyes políticas*, Aranzadi, Pamplona.

ALBERTÍ, E- GONZALEZ, M. *Leyes políticas del Estado*, Civitas, Madrid.

Web links:

<http://www.der.uva.es/constitucional/verdugo/matriz.htm> Materials de Dret Constitucional.

<http://www.iustel.com> Informació normativa, jurisprudencial i doctrinal.

www.westlaw.es. Base dedades westlaw.

Software

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