



Tutela Penal de la propiedad intelectual (Monografías Tirant) (Spanish Edition)

Luis Rodríguez Moro

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Los avances tecnológicos de las últimas décadas han cambiado para siempre las formas de acceso y comercialización de los productos culturales, y contribuido a mudar la percepción social de la propiedad intelectual. Ésta se encuentra en un momento "clave" de adaptación a una realidad en permanente renovación que ha abierto innumerables vías de difusión de la cultura pero también de afectación de los derechos de propiedad intelectual, especialmente a través de Internet. Ello ha repercutido en el ámbito penal. De hecho, algunos grupos o asociaciones de afectados, y las entidades de gestión de tales derechos, han mostrado un gran interés por acudir al Derecho penal para atajar algunas de las más recientes formas de infracción. Se trata, pues, de un momento excelente, y necesario, para efectuar un estudio monográfico sobre la tutela penal de dicha institución jurídica, en los albores de esta segunda década del siglo XXI. A ello se enfrenta el presente trabajo que, de modo nuclear, se dedica a efectuar un estudio "integral", analítico y crítico, de los delitos relativos a la propiedad intelectual, los cuales han sufrido el influjo de la reforma del Código penal de 2010, así como de identificar la difusa frontera entre el ilícito civil y penal. Para ello, se parte del análisis de los perfiles y características que la Ley de propiedad intelectual brinda a los derechos de autor, así como de una previa reflexión sobre los fundamentos sobre los que se han diseñado los sistemas normativos de propiedad intelectual, y si estos últimos, así contruidos, siguen siendo los más productivos para tutelar a los autores, la industria y la cultura.

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