

Subjects

Esnaola Berriozabalgoitia, Maria (Mondragon Unibertsitatea. MU Enpresagintza Fakultatea. Ibarra zelaia, 2. 20560 Oñati): **Kooperatibak: Bazkideek duten garrantzia eta euren eraentza juridikoa** (Co-operatives: The importance of members and their legal regulation) (Orig. eu). – In: *Eleria*. 22, 5-19.

Abstract: A type of company set-up that is becoming increasingly widespread is cooperativism, which is already deeply rooted in the Basque Country and is mainly reflected in the Mondragon Corporation. The distinctive feature of this type of company is that capital is regarded as being at the service of labour, and not the other way round. The hub of co-operative activity is the co-operative member, the person, and its aim is to satisfy the social, cultural and economic interests of its members.

Key Words: Person. Member. Work. Democracy. Solidarity. International Co-operative Alliance. Principles.

Goizueta Vértiz, Juana (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Admin. Zuzenbidea, Konstituzio Zuzenbidea eta Zuzenbidearen Filosofia Saila. Manuel de Lardizabal Pasalekua, 2. 20018 Donostia): **Inmigrazioa eta integrazioa: bereziki, integrazio planei buruzko zenbait gogoeta** (Immigration and integration: reflections on integration plans) (Orig. eu). – In: *Eleria*. 22, 21-30.

Abstract: One of the focal points of Spanish migration policy is the integration of foreigners. Indeed, it is clear that it is becoming increasingly important that tools should be created to enable immigrants to become integrated into the host society. This paper will in fact be examining these tools. So it will be taking a look firstly at co-ordination, funding, mediation and best practices, before going on to tackle the main aim of this piece of research: specifically, the tools used to design and organise integration policies on all levels of the administration will be examined: in other words, integration plans.

Key Words: Integration policies. Integration plans. Contract for integration. Integration Commitment. Co-ordination. Funding. Mediation. Best practices.

Etxeberría Bereziartua, Eneko (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Zuzenbide Publikoa. Manuel de Lardizabal Pasalekua, 2. 20018 Donostia): **Herri-akusazioaren arazo nagusienak eta etorkizuneko aurreikuspenak** (Future perspectives and principal problems of popular action) (Orig. eu). – In: *Eleria*. 22, 31-48.

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 incorporating the principle of opportunity; and 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.

Key Words: Class action. Action. Penal. Political parties. Proceedings. Prosecutor. Private. Criminal.

Urrutia Libarona, Iñigo (Euskal Herriko Unibertsitatea. Ekonomia eta Enpresa Zientzien Fakultatea. Administrazio Zuzenbidea. Lehendakari Agirre etorbidea, 83. 48015 Bilbo): **Zerbitzuen merkatu berria: berrarautua edo araurik gabekoa?** (The New Services Market: re-regulated or deregulated?) (Orig. eu). – In: *Eleria*. 22, 49-67.

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: Services market. Services directive. European Union. Services.

Zurimendi Isla, Aitor (Euskal Herriko Unibertsitatea. Ekonomia eta Enpresa Zientzien Fakultatea. Enpresa Zuzenbidea. Lehendakari Agirre etorbidea, 83. 48015 BILBO): **Notarioen konpentsazio-fondoak** (Notaries' compensation funds) (Orig. eu). – In: *Eleria*. 22, 69-78.

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.

Sentences and Courts

Otaegi Aizpurua, Idoia (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Enpresa Zuzenbidea-Nazioarteko Zuzenbide Pribatua. Manuel de Lardizabal 2. 20018 Donostia): **Ne exeat klausula = zaintza eskubidea? Abbott v. Abbott epaia eta 1980ko Adin Txikien Nazioarteko Bahiketaren Alderdi Zibilei buruzko Hagako Hitzarmena (Ne exeat clause = right of custody? The Abbott v. Abbott decision and the 1980 Hague Convention on the Civil Aspects of International Child Abduction)** (Orig. eu). – In: *Eleria*. 22, 79-82.

Abstract: In the *Abbott v. Abbott*¹ 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.

Key Words: International child abduction. *Ne exeat* clause. Visitation rights. Right of custody. Separation.

Villafañez Perez, Itziar (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Enpresaren Zuzenbidea Saila. Manuel Lardizabal, 2. 20018 Donostia): “Txakoli” aferaren inguruan. **Europar Batasuneko auzitegi orokorraren (laugarren aretoa) epaia, 2011ko maiatzaren 17koa** (On the “Txakoli” affair. Judgment of 17 May, 2011, handed down by the (fourth chamber of the) General Court of the European Union (EGC)) (Orig. eu). – In: *Eleria*. 22, 83-88.

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

Key Words: *Txakoli* affair. Community trade mark. Complementary standard reference. Designation of origin. Exclusivity.

Leñena Mendizabal, Elena (Euskal Herriko Unibertsitatea. Gizarte eta Komunikazio Zientzien Fakultatea. Enpresa Zuzenbide Saila. Sarriena z/g. 48940 Leioa): **Keywords advertising delakoarekin bueltaka: 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 Trademark 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.

Key Words: Trade marks. Distinguishing sign. *Google*. *Adwords*. Copy. Imitation. Protected links. Reference service.

Leturia Navaroa, Ana (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Estatuko Zuzenbide Eliztarra Saila. Manuel Lardizabal, 2. 20018 Donostia): **Babes-errekurtsoa erlijio-irakaslearentzat. 51/2011 Konstituzio Auzitegiaren Epaia iruzkina** (Appeal for legal protection for a teacher of religion. Comment on Judgment 51/2011 of the Spanish Constitutional Court) (Orig. eu). – In: *Eleria*. 22, 95-101.

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 religion of the Catholic denomination married a divorced person in a registry office wedding. 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

Key Words: Teaching of religion. Religious freedom. Laicity. Neutrality. Basic rights. Conflict of rights. Weighting.

Uriarte Ricote, Maite (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Admin. Zuzenbidea eta Zuzenbidearen Filosofia Saila. Sarriena auzoa, z/g. 48940 Leioa): **Kalitate akustikoaren zehazgabatasunak dakarren egoera juridikoa. Auzitegi Gorenaren Epaia, 2010-7-20, Administrazioarekiko Auzien Jurisdikzio-ordena, 202/2007 hel** (The legal situation raised by the lack of specificity concerning acoustic quality. Spanish Supreme Court Ruling, 20-7-2010, Jurisdiction for Lawsuits Involving the Administration, challenge 202/2007) (Orig. eu). – In: *Eleria*. 22, 103-107.

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.

Key Words: Noise pollution. Acoustic quality aims. Acoustic servitudes. Noise Law.

Legal Basque Language

The Hammurabi code

Monreal Zia, Gregorio. Zuzenbide kuneiformea: Hamurabiden kodea (Cuneiform Law: The Hammurabi code) (Orig. eu). – In: *Eleria*. 22, 109-110.

Arrojería, Jesús M. Hammurabiren kodea (1go zatia) (The Hammurabi 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

Agoues Mendizabal, Carmen (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Admin. Zuzenbidea, Konstituzio Zuzenbidea eta Zuzenbidearen Filosofia Saila. Manuel de Lardizabal, 4. 20018 Donostia): **“Giza Eskubideak: Europako politiken bereizgarri” Nazioarteko Kongresuaren kronika** (“Human Rights: the distinguishing characteristic of European policies”. Report on an International Conference) (Orig. eu). – In: *Eleria*. 22, 139-141.

Otazua Zabala, Goizeder (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Admin. Zuzenbidea, Konstituzio Zuzenbidea eta Zuzenbidearen Filosofia Saila. Sarriena Auzoa, z/g. 48940 Leioa): **Zigor Justiziaren globalizazioa eta arazoan ebazpenerako ordezkoko bideak (Udako ikastaroa, uztailak 20-22)** (Globalisation of criminal justice and alternative means for resolving problems (Summer course, July 20-22)) (Orig. eu). – In: *Eleria*. 22, 143-147.

1. *Abbott v. Abbott* No. 08-645, (U.S. May 17, 2010). See www.supremecourt.gov and www.scotusglob.com.

Serrano Gazteluurrutia, Susana (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Sarriena Auzoa, z/g. 48940 Leioa): “Foru Ogasunak: Ekonomi Itunaren kudeaketan 30 urte etorkizunari begira (1981-2011)” Kongresuari buruzko kronika (Report on the Conference on Charter Treasuries: Looking ahead after 30 years of managing the Economic Agreement (1981-2011)) (Orig. eu). – In: *Eleria*. 22, 149-154.

Imaz Zubiaur, Leire (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Zuzenbide Zibila Saila. Sarriena Auzoa, z/g. 48940 Leioa): Gurasoek bikote izateari utzi diote: norekin biziko dira orain seme-alabak? «Dibortzio eta banaketari buruzko I. Nazioarteko Kongresua» Euskal Herriko Unibertsitatean (The parents are no longer a couple. So, who are the offspring going to live with now? «1st International Conference on divorce and separation» at the UPV/EHU-University of the Basque Country) (Orig. eu). – In: *Eleria*. 22, 155-159.

Beriain Flores, Irantzu (Euskal Herriko Unibertsitatea. Zuzenbide Fakultatea. Zuzenbide Zibila Saila. Manuel Lardizabal, 2. 20018 Donostia): *Narcituus*-a banaketa eta dibortzio hitzarmen arauemaileen objektu gisa: aspaldiko joera (*Narcituus* as the object of the regulatory agreement on separation and divorce: a trend going back a long time) (Orig. eu). – In: *Eleria*. 22, 161-164.

Classics

Winfried Hassemer “Grundlinien einer personalen Rechtsgutlehre”, *Jenseits des Funktionalismus*, C. F. Müller, Heidelberg, 1989

Landa Gorostiza, Jon Mirena. Aurkezpena (Presentation) (Orig. eu). – In: *Eleria*. 22, 165.

Garro Carrera, Enara. Winfried Hassemer-en “Ondasun Juridikoaren teoria pertsonal baten ezaugarri nagusiak” (“Main features of a personal theory on Juridical Assets”, by Winfried Hassemer) (Orig. eu). – In: *Eleria*. 22, 166-169.

News. News. Bibliography. Doctoral thesis. Future Laws (Orig. eu). – In: *Eleria*. 22, 171-180.

