[IT] Online Copyright Protection: AGCOM Launches a Public Consultation on New Anti-Piracy Rules

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Francesco Di Giorgi
Autorità per le garanzie nelle comunicazioni (AGCOM)

On February 18, 2025, AGCOM (Italy's communication Authority) initiated a public consultation through Resolution No. 47/25/CONS, set to last for 30 days starting from March 4, 2025, regarding amendments to the regulation on online copyright protection, in force since 2014. (see IRIS 2021-8:1/28, 2020-7:1/26, 2019-2:1/17. 2017-10:1/25, 2017-5:1/ 26, 2023-8:1/11).

The initiative aims to strengthen copyright and related rights protection tools in response to recent national and European legislative developments. These include the Digital Services Act (Regulation 2022/2065 – "DSA"), the amendments introduced by Decree-Law No. 113/2024, converted into Law No. 143 of October 7, 2024 ("Decreto Omnibus"), as well as modifications to the Italian Anti-Piracy Law (Law No. 93 of July 14, 2023) and the Consolidated Law on Audiovisual Media Services (TUSMA).

The proposed amendments under consultation seek to expand the scope of "dynamic injunctions" to cover all rights holders of live-streamed content, first-run screenings of films and audiovisual works, entertainment programs, sports broadcasts, and other protected intellectual property.

This includes sporting events and events of social or significant public interest, as defined by Article 33, Paragraph 3, of Legislative Decree No. 208 of November 8, 2021, in line with the Anti-Piracy Law. These rights holders will be entitled to file complaints with AGCOM regarding copyright infringements on live-streamed content and to register with the Piracy Shield platform.

One of AGCOM’s key strengths has been its swift intervention process, ensuring more effective protection for copyright holders. Additionally, the proposed changes would allow AGCOM to restore access to previously blocked resources after a minimum of six months.

Regarding media services, the consultation text, implementing the new Article 32 of TUSMA, enhances copyright protection measures. Until now, AGCOM only had injunctive powers, meaning it could issue warnings to broadcasters to cease transmission of unauthorized works or, in the case of non-linear operators, to remove them from their catalogs. The proposed amendment introduces a monetary penalty, allowing AGCOM to impose fines of up to €258,228.

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Delibera 47/25/CONS "Avvio di una consultazione pubblica sullo schema di delibera recante modifiche al regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del D.lgs. 9 aprile 2003, n. 70 di cui alla delibera n. 680/13/CONS"

https://www.agcom.it/provvedimenti/delibera-47-25-cons

Resolution 47/25/CONS 'Launch of a public consultation on the draft resolution containing amendments to the regulation on the protection of copyright on electronic communications networks and implementing procedures pursuant to Legislative Decree no. 70 of 9 April 2003, referred to in resolution no. 680/13/CONS'

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