[IT] AGCOM amends the Regulation on the protection of copyright on electronic communications networks

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On 30 July 2025, following the conclusion of a public consultation, the Italian Communications Authority (AGCOM) approved amendments to its Regulation on the protection of copyright on electronic communications networks (the Regulation).

These amendments aim to strengthen the fight against illegal distribution of copyright-protected content online and align the Regulation with recent regulatory changes, including the EU Digital Services Act (DSA), Italian Law No. 93 of 2023 (Italian Antipiracy Law), and the Italian Audiovisual Media Services Code.

As a result, AGCOM was granted extensive new powers over service providers, as defined by the DSA.

Under the amended regulation, AGCOM may now order hosting providers established in other EU member states, whose websites are hosted on servers located outside Italy, to remove copyright-infringing or related rights-infringing content and implement measures to prevent further uploading, in accordance with DSA procedures. Additionally, when any such infringing content is hosted on servers outside Italy, AGCOM may order mere conduit providers and other service providers, as defined by the Italian Antipiracy Law, to disable access to the relevant website through sufficiently effective measures.

In any case, the most significant change concerns the extension of AGCOM's dynamic injunction powers. Under new Article 10, rights holders may request AGCOM to issue, on an expedited basis, dynamic injunctions (orders to block future domain names or IP addresses hosting infringing material upon notice) for audiovisual content transmitted live, first screenings of cinematographic and audiovisual works or entertainment programmes, audiovisual works featuring live sports events, or other similar intellectual works, sporting events, and events of social or great public interest.

AGCOM may issue the dynamic injunctions through Piracy Shield, the Italian technological platform designed to combat online piracy. When injunctions are issued through this platform, mere conduit providers and other service providers, as defined by the Italian Antipiracy Law must disable access to reported domain names and IP addresses within 30 minutes of notification by blocking Domain

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Name System (DNS) resolution of domain names and blocking network traffic routing to IP addresses primarily used for illegal activities. If the recipients of the notice are not involved in the accessibility of the illegal website or services, they will be required to take, no later than 30 minutes after notification of the disabling measure, all technical measures to prevent the visibility of illegal content. The Regulation also includes automatic redirection to informational pages and provides for appeal procedures within 10 days, though appeals do not suspend enforcement.

In addition to disabling content, providers must also provide information about compliance with AGCOM orders under DSA requirements, with specific sanctions for non-compliance with reporting obligations.

In any case, rights holders reporting through Piracy Shield must exercise “utmost diligence and rigour” and avoid reporting resources with high overblocking risk. AGCOM may suspend platform accreditation for non-compliance with platform requirements and conditions. The Regulation also provides mechanisms for resource reactivation after six months and allows authorised subjects to request the unblocking of resources no longer used for illegal activities.

Delibera 680/13/CONS “Regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del decreto legislativo 9 aprile 2003, n. 70”

https://www.agcom.it/provvedimenti/delibera-680-13-cons

AGCOM Resolution No. 680/13/CONS laying down the “Regulation on the Protection of Copyright on Electronic Communications Networks and Procedures for the Implementation thereof pursuant to Legislative Decree No. 70 of 9 April 2003”

Allegato A, Delibera 680/13/CONS “Regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica”

https://www.agcom.it/sites/default/files/migration/attachment/Allegato%2012-12-2013.pdf

Annex A to AGCOM Resolution No. 680/13/CONS laying down the “Regulation on the Protection of Copyright on Electronic Communications Networks”

Delibera 209/25/CONS “Modifiche al regolamento in materia di tutela del diritto d’autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del decreto legislativo 9 aprile 2003, n. 70 di cui alla

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delibera N. 680/13/CONS"

https://www.agcom.it/provvedimenti/delibera-209-25-cons

AGCOM Resolution No. 209/25/CONS laying down the "Amendments to the Regulation on the Protection of Copyright on Electronic Communications Networks and Procedures for the Implementation thereof pursuant to Legislative Decree No. 70 of 9 April 2003, as set forth in Resolution No. 680/13/CONS"

Allegato B, Delibera 209/25/CONS "Il testo coordinato del regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del decreto legislativo 9 aprile 2003, n. 70 di cui alla delibera N. 680/13/CONS"

https://www.agcom.it/sites/default/files/media/allegato/2025/DeliberaCLEAN.pdf

Annex B to AGCOM Resolution No. 209/25/CONS laying down "The Coordinated Version of the Regulation on the Protection of Copyright on Electronic Communications Networks and Procedures for the Implementation thereof pursuant to Legislative Decree No. 70 of April 9, 2003, as set forth in Resolution No. 680/13/CONS"

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