[IT] Criminal Prosecution Reintroduced for Counterfeiting of Satellite Television Access Cards

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On 7 February 2003, the Italian Parliament modified certain provisions of Decreto Legge no. 373/2000 (Decree Law no. 373 of 15 November 2000, implementing European Union Directive 98/84 on conditional access, see IRIS 2001-1: 14) which, since it entered into force in 2000, had decriminalised a whole set of actions formerly deemed to constitute an illicit act under article 171octies of the Italian Copyright Act. The new amendment expressly defines the counterfeiting of satellite cards as an illicit act, punishable by imprisonment.

Modified satellite television access cards illegally allow users free access to all satellite programming, including pay-per-view programming. Satellite piracy adversely affects a broad spectrum of the entertainment industry. Lawyer The lost revenue for all of Europe's satellite providers in 1999 is estimated to be about EUR 190 million, according Venice to a study conducted by the European anti-piracy association, AEPOC. On the basis of these figures, it is estimated that between 10 and 20 percent of European satellite television viewers are pirating.

In the last couple of years in Italy, the placing on the market, for direct or indirect financial gain, of illicit devices enabling or facilitating the circumvention of technological measures designed to protect the remuneration of a legally provided service, was not indictable. Under the increasing pressure of this phenomenon, the Italian Parliament changed the rule back to where it used to be before the Decree Law of the year 2000 and therefore back to the provisions of the Italian Copyright Act. As a result of this modification, if a person is found making, distributing, selling or modifying equipment to pirate satellite television, including access cards, that individual may now be subject to a criminal conviction up to a maximum of 3 years imprisonment and fines up to EUR 25,000. A second, not less important, direct consequence of the re-introduction of the criminal aspect of this kind of counterfeiting is that those convicted of piracy are now subject to the seizure of all illegal satellite equipment/cards, which can be forfeited or destroyed. Such persons can, of course, also be subject to civil actions for damages.

Legge 7 febbraio 2003, n. 22, Modifica al decreto legislativo 15 novembre 2000, n. 373, in tema di tutela del diritto d'autore

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http://www.parlamento.it/parlam/leggi/03022l.htm

Act n.22 of 7 February 2003 amending the Decree Law no. 373 of 15 November 2000, on copyright protection

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