[IT] Major Changes in Italian Copyright Law

IRIS 2003-6:1/26

Roberto Mastroianni
RTS Radio Télévision Suisse, Geneva

On 9 April 2003, the Italian Parliament adopted Legislative Decree n. 68/03, which is aimed at implementing Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (see IRIS 2001-5: 3).

The text of the Decree consists of 41 articles and gives effect to the most important modification of the text of the Italian general Law on Copyright (Law n. 633/1941) since its first adoption in 1941 (see also IRIS 1997-1: 11 and IRIS 2000-9: 15).

The aim of the Decree is basically to implement Directive 2001/29/EC. In doing so, the Decree modifies various provisions of the Copyright Law, in primis those defining the basic rights (right of reproduction, right of communication to the public, right of distribution) recognised to authors, in order to adapt the provisions of the Law to the content of the Directive (see new Articles 13, 16 and 17 of the Law, as modified by the Decree). The same goes as far as neighbouring rights owners are concerned (see new Articles 72-83 of the Law, as modified). In this context, it is specified under which circumstances the above-mentioned rights can be considered exhausted as a consequence of the owner's acts.

The exceptions and limitations enshrined in Article 5 of the Directive are reproduced in new Articles 66 to 71 of the Law, including reproduction for private use (see article 68 for reproduction on paper and 71 sexies for reproduction of phonograms and videograms).

Article 23 of the Decree deals with protection against the circumvention of technological measures, as well as with the protection of rights-management information. Articles 24 to 37 of the Decree deal with sanctions to be applied in the case of infringements of the author's and neighbouring rights owners' rights. The relevant Articles of the general Law are modified in order to render penal and administrative sanctions particularly dissuasive and consequently more effective.

Finally, Article 39 of the Decree specifies the amount of the fair remuneration to be paid to rights owners as compensation for reproduction for private use. The amount of the remuneration ranges from EUR 0,23 per hour of recording in the case of analogue tapes, to EUR 0,87 per 4.7 gigabytes in case of DVD-R.

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Decreto legislativo n. 68, 9 Aprile 2003, Attuazione della direttiva 2001/29/CE del Parlamento europeo e del Consiglio del 22 maggio 2001 sull'armonizzazione di taluni aspetti del dirittto d'autore e dei diritti connessi nella società dell'informazione, Gazzetta Ufficiale n. 87, 14 Aprile 2003

http://www.siae.it/documents/BG_Normativa_DecretoLegislativo_n682003.pdf

Legislative Decree n. 68 of 9 April 2003, Implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, Official Gazette n. 87 of 14 April 2003

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