[IT] New Actions in Favour of the Italian Film Industry

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Marina Benassi
Attorney at law

On 22 March, the Italian Council of Ministers approved a Decreto-Legge (statutory instrument), containing budgetary and non-budgetary measures aimed at supporting and stimulating the Italian film industry and, more generally, the whole field of entertainment. On the basis of the new legislation, the Ministero per i beni e le attività culturali (Ministry of Culture) will be able to set aside part of its own budget for 2004 for the development not only of the film industry, but also of theatre and opera productions, concerts and sport events. Cinecittà Holding S.p.a. a (predominantly) state-owned institution coordinating public contributions towards Italian cinematography and promoting the distribution of Italian-made films will receive a yearly grant of EUR 3.500.000, while this same year another EUR 31.000.000 will be assigned for the financing of activities in the fields of culture and sport. The Decreto-Legge also sets out implementing provisions for the operation of the newly-created limited company ARCUS S.p.a., which will carry out activities aimed at the development of cultural events, art, performing arts and entertainment in general. ARCUS will receive a share of 3 % of the total budget assigned by the Government to infrastructure projects and culture. Further, the new legislation contains sanctions for copyright infringements. The unauthorised distribution of copyrighted films for commercial purposes via electronic means (including P2P networks) will be punishable as a criminal offence, involving up to 3 years imprisonment, while file sharing of copyrighted films for personal use will be subject to an administrative sanction in the form of a fine of up to EUR 1.500. Service and access providers will be obliged to cooperate with police authorities in providing all the necessary information in order to locate and identify the infringers. If expressly requested to do so, providers are also under the obligation to actively prevent access to web-sites containing infringing material and if necessary to remove the content itself.

The Decreto Legge follows the adoption of another piece of legislation on the same subject, dating from 22 January 2004, which contains some very relevant innovations for the Italian film industry (Decreto legislativo 22 gennaio 2004 "Riforma della disciplina in materia di attività cinematografiche", see IRIS 2004-3: 12). Among the innovations introduced, the Decree of 22 January simplifies the rules concerning financing of film and institutes a Consulta Nazionale (National Council) for cinematographic activities to advise government.

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Statutory instrument of 22 March 2004, n. 72, Official Journal n. 69 of 23 March 2004

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