[IT] Decree in Support of the Italian Film Industry Becomes Law

IRIS 2004-7:1/24

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On 18 May, the Decreto Legge (statutory instrument) containing budgetary and non-budgetary measures aimed at supporting and stimulating the Italian film and entertainment industry was converted into law (see IRIS 2004-4: 12). The text of the law contains some modifications to the prior Decreto Legge, which, among other provisions, stipulates the criminal nature of the unauthorised distribution of copyrighted films via electronic means (including P2P networks) not only when this takes place for "commercial purposes" but also when it takes place "to derive (any) benefit". From the very beginning, the Decreto Legge has encountered strong criticism from Italian consumers and service provider organisations as well as other parties. One of the most notable modifications to the original Decreto Legge concerns the provision regarding the administrative sanction imposed on users downloading from a file-sharing web-site for personal use, which has now been eliminated. The law entitles law courts to issue orders to service providers to cooperate with police forces in order to locate and identify possible copyright infringers. When failing to comply, providers will be liable to a fine ranging from EUR 50.000,00 up to EUR 250.000,00. The law also provides for the introduction of a levy on every blank digital support (such as DVDs and CDs as well as flash memories and similar) sold to the public. Given the strong opposition still encountered, the Minister for Innovation and Technologies, Mr. Stanca, has already made public his intention to put forward a new Decreto Legge to further modify some aspects of the law. In particular, he intends to restrict criminal prosecution for file-sharing solely to when this takes place for the sake of economic gain.

Legge 21 maggio 2004, n.128 "Conversione in legge, con modificazioni, del decreto-legge 22 marzo 2004, n. 72, recante interventi per contrastare la diffusione telematica abusiva di materiale audiovisivo, nonché a sostegno delle attività cinematografiche e dello spettacolo", pubblicata nella Gazzetta Ufficiale n. 119 del 22 maggio 2004

http://www.parlamento.it/parlam/leggi/04128l.htm

Act of 21 May 2004, n.128, Conversion into law, with modifications, of the Statutory Instrument of 22 March 2004, n. 72, Official Journal n.119 of 22 May 2004

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