[IT] Related Rights of Performers - Reestablishment of the Collecting Society IMAIE

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Hannes Spinell
CBA Studio Legale e Tributario

The collecting society IMAIE (*Istituto mutualistico artisti interpreti esecutori*) was re-established on 30th April 2010 by Decree-Law no. 64/2010 and converted into Law no. 100/2010. The new IMAIE took on the duties and functions of the former IMAIE on 14th July 2009, and its first duty was to distribute compensation to among the performers. Some employees from the former IMAIE have been transferred to the new IMAIE, and in April 2011, the new IMAIE launched its newly designed website www.nuovoimaie.it with new contents.

On 28th May 2009, the Prefect of the Province Rome confirmed by Decree that the former IMAIE had been dissolved, and the liquidators of the former IMAIE stated that the same's assets were not sufficient to settle its debts. The former IMAIE was responsible for the distribution of compensation to performers, which complemented the activities of the collecting society SIAE (*Società Italiana degli Autori e Editori*) that continues to collect and distribute compensation to the creators of original works. Private copying levy was introduced in 1992. This levy is due for digital reproduction equipment, devices and media and has to be paid by the manufacturer, importer or distributor to SIAE, which has to transfer the amount of compensation due to the performers to IMAIE (*compenso per la copia privata* in accordance with art. 71-sexies and 71-septies of Italian Copyright Law no. 633/41, *legge d'autore*, known as LDA). Since 1975, performers have also been entitled to fair compensation for communication to the public. These amounts are collected by SIAE from the users and transferred to the collecting society IMAIE (*equo compenso*, art. 73 and 84 LDA).

Up until its dissolution, the former IMAIE was not able to properly distribute compensation to performers. In fact, several million Euro were never distributed, mainly due to the fact that a large number of performers remain unidentified. Until 18th February 2010 the liquidators of the former IMAIE informed identified performers about their claims for compensation and commenced distribution. It is important to note that it is in the duty of the individual performer to request payment of any credits which were accrued until 14th July 2009 towards the former IMAIE.

The distribution of compensation after 14th July 2009 will be the duty of the new IMAIE. In the future, a list of identified performers shall be published on the website www.nuovoimaie.it of the new IMAIE on a regular basis.

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Decreto del Prefetto di Roma del 28 maggio 2009

Decree of the prefect of Rome dated 28th May 2009

Art. 7, testo coordinato del Decreto-Legge 30 aprile 2010, n. 64

Coordinated version of decree-law no. 64 dated 30th April 2010

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