[IT] Reform in the Field of Neighbouring Rights

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The Italian government has adopted a reform (known as "Decreto Liberalizzazioni"), aimed at promoting the value of market competition. The recent Law Decree takes into account various issues, including neighbouring rights. Article 39 of the Decree states that in order to favour the creation of new undertakings aimed at protecting the rights of performers and producers - by enhancing competitive pluralism and allowing for a more economic-oriented management, as well as by favouring the actual involvement and control by rightsholders - administration and intermediation activities relating to neighbouring rights are free.

Neighbouring rights due to performing artists are currently held by New IMAIE (*Nuovo Istituto Mutualistico per la tutela dei diritti degli Artisti Interpreti ed Esecutori*). New IMAIE was established on 12 July 2010, by effect of Art. 7 of Act 100/10 “Provisions regarding the Istituto Mutualistico Artistico Interpreti Esecutori”. The role and functions entrusted to IMAIE until 14 July 2009, the date on which it was declared extinguished by a decree of the Rome Prefect, have been transferred to New IMAIE. (see IRIS 2011-4/103)

New IMAIE manages and protects neighbouring rights due to performing artists in the music and audiovisual areas. Currently New IMAIE has, de facto, a monopoly in neighbouring rights management (the legislative framework before the adoption of the new “Decreto Liberalizzazioni” was unclear). The new law solves doubts and allows more intermediaries to take part in the neighbouring rights’ management market. We should wait, however, for the Italian Government to determine the minimum requirements for a rational and orderly development of a neighbouring rights’ market.

The new law leaves intact the functions of SIAE (Società Italiana Autori ed Editori), the copyright collecting society, which still benefits from a legal monopoly.

Decreto Legge 24 gennaio 2012, numero 1 (articolo 39): “Disposizioni urgenti per la concorrenza, lo sviluppo delle infrastrutture e la competitivita'”

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Law Decree of 24 January 2012 Number 1, Article n. 39

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