[IT] New regulation governing works of Italian original expression

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On 29 January 2021, the Ministry of Culture and the Ministry of Economic Development issued a new regulation providing the definition of audiovisual works of Italian original expression, produced anywhere, in accordance with Article 44-sexies of the AVMS Code (Legislative Decree No. 177 of 31 July 2005). The regulation entered into force on 23 April 2021, although applications for obtaining the recognition as works of Italian original expression will be accepted only from 7 June 2021.

According to Article 2 of the regulation, audiovisual works of Italian original expression include the following works:

European works whose direct sound recording is entirely or at least for 50% of the overall duration in Italian or Italian dialects; in case of works set, although partially, in Italian regions where language minorities exist or where some of the characters come from those regions, the relevant languages are equalized to the Italian language, provided that the use of that language is strictly necessary for the relevant storytelling; cinematographic, television or web works consisting of original fiction or animated films and documentaries having Italian nationality pursuant to Italian law; cinematographic, television or web works consisting of original fiction or animated films and documentaries, where the contribution of the Italian company is of a merely financial nature, which have obtained the status of co-production and meet one of the following requirements: are produced on the basis of an agreement between an Italian company and a non-Italian company that provides the subsequent production of another work as international co-production or international production, in which the contribution of the Italian company is higher than that of the non-Italian one, and which has technical, artistic and economic characteristics comparable to the former work; have content of Italian original expression, with respect to elements such as culture, history, national identity, creativity and locations, corresponding to a minimum score to be calculated according to the scoring tables attached to the regulation; European works, other than cinematographic, television or web works consisting of original fiction or animated films and documentaries, which have content of Italian original expression, with respect to elements such as culture, history, national identity, creativity and locations, corresponding to a minimum score to be calculated according to the scoring tables attached to the regulation.

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In addition to the above, Article 3 of the regulation also establishes the procedure for the acquisition of the status as work of Italian original expression. Article 4 provides that the General Directorate Cinema and Audiovisual will be in charge of keeping the records of the works of Italian original expression, that will be published on the institutional website.

Decreto interministeriale 29 gennaio 2021 n. 47 recante "Regolamento in materia di definizione delle opere audiovisive, ovunque prodotte, di espressione originale italiana di cui all'articolo 44-sexies del TUSMAR".

https://confindustriaradiotv.it/wp-content/uploads/2021/04/regolamento-opere-espressione-originale-italiana-di-cui-all-articolo-44-sexies-del-tusmar_29-gennaio-2021_compressed.pdf

Ministry of Culture and Ministry of Economic Development, regulation providing the definition of audiovisual works of Italian original expression, anywhere produced, in accordance with Article 44-sexies of the AVMS Code, 29 January 2021

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