

[IT] AGCOM launches public consultation on draft regulation implementing provisions of DSM Copyright Directive on the "remuneration chapter", ECL, and licensing for VOD platforms

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On 6 March 2023, AGCOM published Resolution No. 44/23/CONS, launching a public consultation on the draft regulation on the “remuneration chapter”, extended collective licenses, and the negotiation mechanism for audiovisual works on VOD platforms. The relevant provisions of the Italian Copyright Law, as amended in the context of the transposition of Directive (EU) 2019/790 of 17 April 2019 on copyright and related rights in the Digital Single Market, granted AGCOM a wide array of regulatory, supervising, ADR (alternative dispute resolution) and sanctioning powers.

In particular, the draft regulation constitutes the final step in the transposition in Italy of Articles 18 ff. of the DSM Directive – which includes the transparency obligation (Article 19 DSM Directive, as transposed in Article 110-*quater* Copyright Law), the contract adjustment mechanism (Article 20 DSM Directive, as transposed in Article 110-*quinquies* Copyright Law), and the alternative dispute resolution procedure (Article 21 DSM Directive, as transposed in Article 110-*sexies* Copyright Law). In this context, the draft regulation also regulates the role of AGCOM with reference to its newly attributed powers in the context of pre-existing, amended provisions of the Copyright Law governing statutory remuneration rights (Articles 18-*bis*, 46-*bis*, 80, 84).

In addition, this draft regulation also includes provisions concerning collective licensing with an extended effect, also known as “ECL” (Article 12 DSM Directive, as transposed in Article 180-*ter* Copyright Law) and the negotiation mechanism for audiovisual works on video-on-demand platforms (Article 13 DSM Directive, as transposed in Article 110-*ter* Copyright Law).

Stakeholders are invited to submit their contributions to the public consultation within 60 days of the publication of the resolution and may also request a hearing to illustrate their observations, based on the written document previously submitted. The hearing must be requested by special application within 45 days from the publication of the resolution.

***Delibera n. 44/23/CONS, del 22 febbraio 2023, pubblicata il 6 marzo 2023
- Consultazione pubblica sullo schema di regolamento recante
attuazione degli articoli 18-bis, 46-bis, 80, 84, 110-ter, 110-quater, 110-
quinquies, 110-sexies, 180-ter della legge 22 aprile 1941, n. 633 come
novellata dal decreto legislativo 8 novembre 2021, n. 177***

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*Resolution No. 44/23/CONS, dated 22 February 2023, published on 6 March 2023
- Public consultation on the draft regulation implementing Articles 18-bis, 46-bis,
80, 84, 110-ter, 110-quater, 110-quinquies, 110-sexies, 180-ter of Law No. 633 of
April 22, 1941 as amended by Legislative Decree No. 177 of November 8, 2021*

