[IT] Piracy is counted out: new Italian Law to fight copyright infringements on electronic communications networks

IRIS 2023-8:1/11

Francesco Di Giorgi
Autorità per le garanzie nelle comunicazioni (AGCOM)

With the adoption of Law n. 93 of 14 July 2023, in force since 8 August 2023, the Italian Communications Regulatory Authority (AGCOM) has been provided with new and relevant powers for copyright protection on electronic communications networks (see IRIS 2021-8:1/28, 2020-7:1/26, 2019-2:1/17. 2017-10:1/25, 2017-5:1/ 26).

In particular, pursuant to article 2 of this Law, AGCOM is now entitled to order service providers, including network access providers, to prevent access to illegally disseminated contents within 30 minutes by blocking DNS resolution of domain names and blocking the routing of network traffic to IP addresses, exclusively intended for illicit activities. Likewise, with the same provision, AGCOM may also order the blocking of any other future domain name, subdomain, where technically possible, or IP address, to anyone attributable, including changes to the name or simple declination or extension (so-called top-level domain), which allows access to the same contents disseminated illegally and to contents of the same nature.

Furthermore, for urgent and serious issues involving live broadcast content, first visions of cinematographic and audiovisual works or entertainment programs, audiovisual contents, including sports or other similar intellectual works, sporting events as well as events of social interest or significant public interest, an urgent measure with an abbreviated procedure without hearing can be adopted by AGCOM, against service providers, including network access service providers, to prevent access to content disseminated illegally by blocking domain names and IP addresses.

Such requests shall be presented by the owner or licensee of the right, by the collective management or trade association to which the owner or licensee of the right has conferred a mandate, or by a person belonging to the category of reliable flaggers (i.e. entities having demonstrated, among other things, that they have particular skills and competences in the fight against the abusive dissemination of content and that they carry out their activities in a diligent, accurate and objective manner). For these subjects, if live transmission is envisaged, the measure is adopted and executed before the beginning or, at the

© European Audiovisual Observatory (Council of Europe) 2026

latest, during the transmission itself. If the events are not broadcast live, the measure is adopted and executed before the start of the first broadcast or, at the latest, during the transmission.

To make effective such additional protection, AGCOM will adopt a regulation, following the principles of gradualness, proportionality and adequacy, to regulate the new urgent procedure.

Furthermore, it is envisaged that AGCOM is required to provide the Public Prosecutor's Office at the Court of Rome with the list of disabling measures adopted pursuant to this article, with details of service providers and other subjects to whom such efforts have been notified. At the request of the same Authority, the addressees of the measures immediately inform the same Public Prosecutor's Office of all the activities carried out in fulfilment of the aforementioned measures and communicate any existing data or information in their availability that could allow the identification of the suppliers of the illegally disseminated contents.

Pursuant to article 5 of the new law, for non-compliance with the prescribed obligations, AGCOM will apply the sanction already provided by article 1, paragraph 31, third sentence, of law 31 July 1997, no. 249, which ranges from a minimum of EUR 10,000 up to 2% of turnover.

Finally, pursuant to article 6, AGCOM, within sixty days from the date of entry into force of the law, is required to amend the regulation on the subject of copyright protection on electronic communication networks adopted with resolution no. 680/13/CONS of 12 December 2013.

LEGGE 14 luglio 2023, n. 93 "Disposizioni per la prevenzione e la repressione della diffusione illecita di contenuti tutelati dal diritto d'autore mediante le reti di comunicazione elettronica". (23G00103) (GU Serie Generale n.171 del 24-07-2023)

https://www.gazzettaufficiale.it/eli/id/2023/07/24/23G00103/sg

Law No. 93 of 14 July 2023 'Provisions for the prevention and suppression of the unlawful distribution of copyright-protected content through electronic communication networks (23G00103) (OJ General Series No. 171 of 24-07-2023)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026