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### **PRESS RELEASE**

- **Draft regulations on on-line copyright protection approved**
- **Legality education, promotion of the legal offer and enforcement are the pillars of the measure**
- **A Technical Committee made up of stakeholders and institutions to study forms of self-regulation**

At its meeting today the Board of the Authority for Guarantees in Communications, chaired by Angelo M. Cardani, approved draft regulations for the protection of copyright on electronic communication networks of which the rapporteurs were the commissioners Antonio Martusciello and Francesco Posteraro.

The draft regulations are the result of wide-ranging and in-depth reflection on all the elements acquired in the debate carried on within the community of interest and from comparison with the models of other European countries. The outcome was a measure in which Agcom has aimed at reconciling copyright protection with certain fundamental rights, namely freedom to express thoughts and information, the right to access to the Internet and the right to privacy. From this point of view, the Authority concentrates on infringements carried out for profit and assigns absolute priority to combating "massive" piracy, excluding final users (downloaders) and so-called peer-to-peer communication from its scope of action.

To guarantee the maximum involvement of all stakeholders and institutions concerned, the measure – which will be submitted for public consultation for a period



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of 60 days and notified to the European Commission – provides for establishment of a Committee responsible, among other things, for developing forms of self-regulation for the diffusion of legal digital content, for monitoring application of the regulations and for formulating to Agcom proposals for updates in relation to technological and market changes.

Although it will take a short time, the proposed enforcement procedure observes the principle of open debate, in order to permit all parties involved to defend their points of view. In line with the connotation of copyright as an available subjective right, it is envisaged that proceedings before the Authority may be launched only on application by a legitimate party, not automatically, and only after sending a removal request to the webpage manager with no positive result.

The measures proposed for consultation are those provided for in Italian Legislative Decree No. 70/2003 – selective removal or disabling of access to illicit content – and will be based on graduality and proportionality, taking into account the seriousness of the infringement and the location of the server.

Agcom's intervention is based in any case on the belief that the struggle against illegality cannot be limited to the work of combating it, but must be accompanied by a series of positive actions of crucial importance: promotion of the legal offer, information and consumer education, essential for creating a “culture of legality” in making use of content. From this point of view, and as recent experience in the international field has shown, the Authority believes that the phenomenon of piracy can be reduced also thanks to tools that facilitate legal access to digital works.

The draft measure is available on the Authority's website, [www.agcom.it](http://www.agcom.it).

*Rome, 25 July 2013*