IMPLEMENTATION OF ARTICLE 15 & 17 OF THE DIRECTIVE ON COPYRIGHT IN THE DIGITAL SINGLE MARKET

ITALY

OVERVIEW OF COMPATIBILITY ISSUES & SPECIFICITIES BASED ON THE REPORT OF DR CHRISTINA ANGELOPOULOS

COMPATIBILITY OF A15 TRANSPOSITION

<table>
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<th>Compatibility with Directive</th>
<th>Fundamental Rights</th>
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MAIN A15 SPECIFICITIES

- Problematic qualitative approach to "very short extracts": extract must not exempt the reader from the need to consult the entire article
- Licensing rules: dedicated provisions on licensing that transform exclusive right into remuneration right, potentially in violation of EU law. AGCOM intervention in case of unsuccessful negotiations on fair compensation; court as last resort
- Expansion to "communication to the public" instead of "making available"
- Quantitative definition of "fair compensation" to authors in revenue sharing: between 2% and 5% of "fair compensation" generated by A15

COMPATIBILITY OF A17 TRANSPOSITION

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MAIN A17 SPECIFICITIES

- Extension of the subject matter and beneficiaries of A17: not limited to owners of copyright and related rights listed in A3(2) of the InfoSoc Directive
- Inclusion of carve-outs from OCSSP scope, but unclear if open or closed list
- No carve-out for cloud service providers and online marketplaces OCSSPs that allow the sharing of protected works between multiple users (compatibility with the Directive unclear)
- Inaccurate rendition of best efforts: wrongful translation of the autonomous notion of EU law as "greatest efforts"

For the full report and country annexes, go to https://informationlabs.org/copyright/