

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

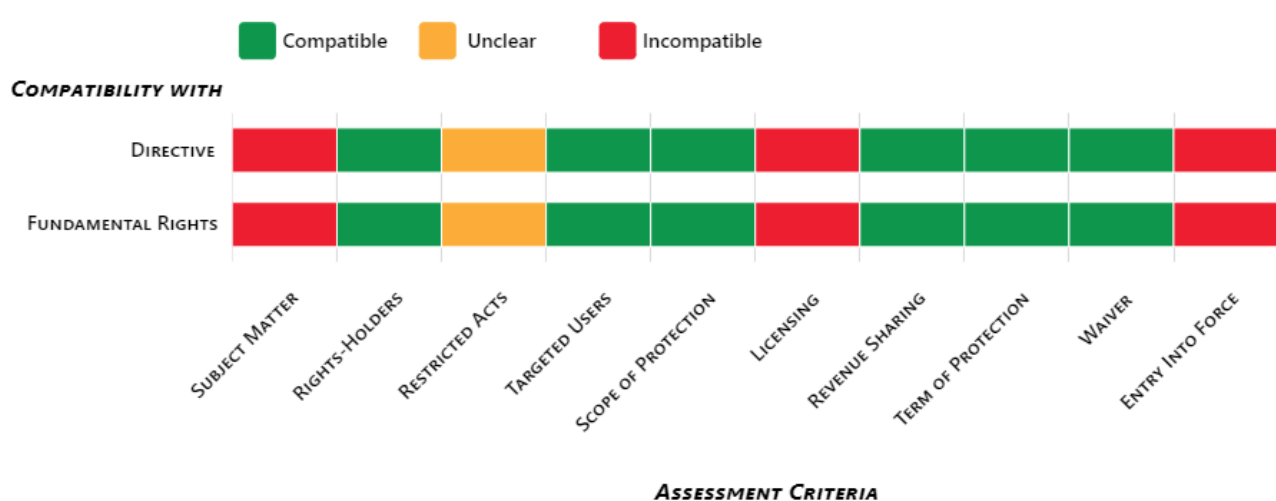


ITALY



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

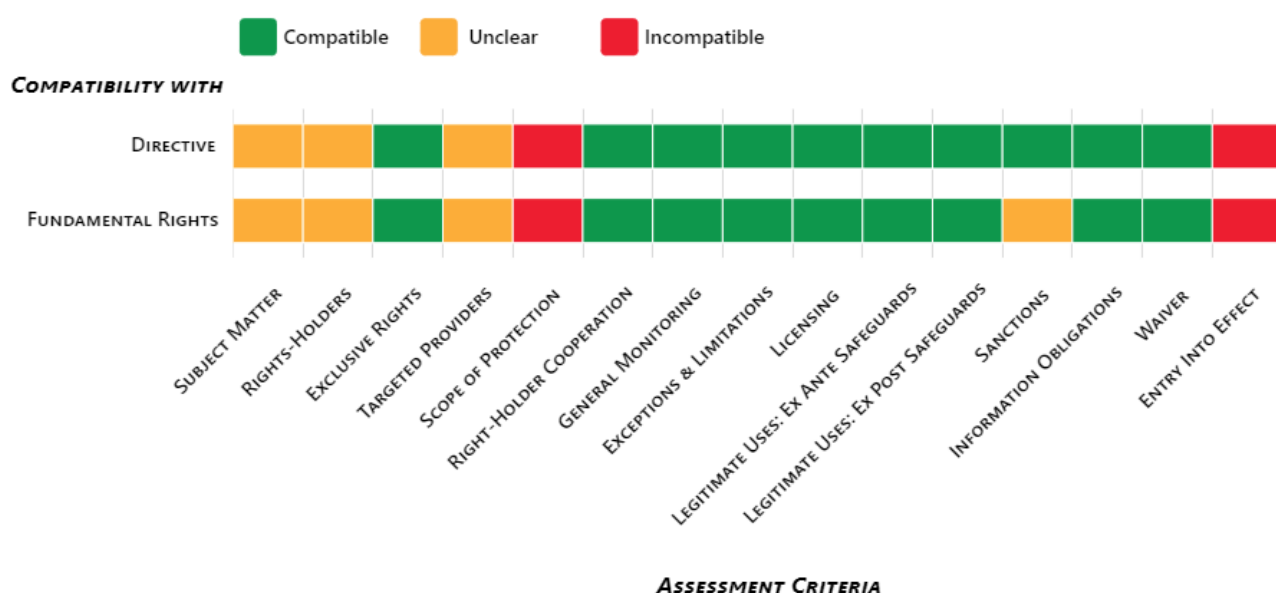
COMPATIBILITY OF A15 TRANSPOSITION



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



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/>