
Decree of the President of the Council of Ministers
concerning the fixing of the amount and the distribution of remuneration payable under
Article 73 of Law No. 633 of April 22, 1941, for the protection of copyright
and other rights connected with the exercise thereof

(of September 1, 1975)*

The President of the Council of Ministers,

Having regard to Law No. 865 of November 22, 1973, concerning the ratification of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, signed at Rome on October 26, 1961;

Having regard to Decree No. 490 of the President of the Republic of May 14, 1974, concerning the implementation of the aforementioned International Convention, in particular Article 4 of the said Decree;

Having regard to the need to provide for the fixing of the amount of remuneration payable under Article 73 of Law No. 633 of April 22, 1941, as well as the percentages and modalities for sharing the said remuneration with the performers;

Acting on a proposal by the Standing Consultative Committee on Copyright, sitting in general assembly;

Hereby decrees:

1. Unless otherwise agreed between the parties, the amount of remuneration in respect of direct use, with gainful intent, of discs or other like contrivances, payable to the producer under Article 73 of Law No. 633 of April 22, 1941, on the protection of copyright and other rights connected with the exercise thereof, and under Article 23 of the Regulations for its application, is fixed at 2 percent of the gross receipts or of the percentages of the gross receipts that correspond to the proportion represented by the public use of the disc or contrivance by the categories of users mentioned in the first paragraph of the said Article 73 of the Law, with the exception of uses by the licensee of the closed-circuit broadcasting service. The amount of remuneration payable to the producer by the body providing the closed-circuit broadcasting service shall be fixed in a later decree.

The amount and the methods of payment of remuneration may be fixed globally by general agreements entered into periodically by the representatives of the two interested parties.

2. The percentage share of the remuneration collected by producers in accordance with Article 1 which accrues to the performers whose performances are recorded on the disc or other like contrivance shall be equal to 50 percent of the total amount of the said remuneration.

3. The amount corresponding to the percentage share mentioned in Article 2 which accrues to the performers shall be deposited by the producer of discs in a special, interest-bearing account with a national banking establishment, which account shall be at the

disposal of the performers concerned, to whom the said amount shall be paid in accordance with a payment order issued by the depositor.

4. Unless otherwise provided, any general periodic agreements that may have been entered into by the associations or bodies representing the two parties shall remain in force, even after they have lapsed, until such time as new agreements have been entered into.

This Decree shall be published in the *Gazzetta Ufficiale* of the Italian Republic.

* Published in the *Gazzetta Ufficiale della Repubblica Italiana* of September 20, 1975.
Note: Translation by the International Bureau of WIPO.