

Excerpts from Law no. 650 of 23.12.96

Article 1

(...)

48. After article 15 of Law no. 633 of 22 April 1941 there shall be inserted the following:

‘Article 15—*bis*. — 1. Authors shall be entitled to reduced remuneration if performance, public exhibition or recitation of their works take place within formally certified assistance centres or institutions or voluntary organizations, provided they are meant exclusively for members and invited persons and effected with no intent to gain. In default of agreements between the Italian Authors’ and Publishers’ Association [Società Italiana Autori ed Editori, SIAE] and the relevant labour organizations, the amount of such remuneration shall be determined in a decree issued by the Chairman of the Council of Ministers after having heard the Minister for Home Affairs.

2. Criteria and means for defining the personal and factual circumstances entailing application of the provisions as per para. 1, first sentence, shall be set forth in a decree by the Chairman of the Council of Ministers, to be issued in pursuance of Article 17(3) of Law no. 400 of 23.08.1988, after having heard the competent parliamentary commissions. More specifically, it must be provided that:

a) the institutions or organizations mentioned therein must be shown to have been included for at least two years in the registers set up as per article 6 of Law no. 266 of 11.08.1991;

b) specific modalities must apply to identifying the seat of the said institutions or organizations and establishing the number of members and invited persons, to be kept within a limited, predetermined amount;

c) there must be documentary evidence of membership, which must have been granted largely in advance of the date of the performance;

d) it must be ascertained whether the public show is given totally free of charge by the artists or performers and exclusively as a contribution to achieving the purposes of the voluntary organization’.

(...)

52. The following sentence shall be added to the final portion of para. 1 of Article 17 of Law no. 52 of 06.02.1996: ‘Additionally, the term of duration of the protection applying to the rights of producers of cinematographic or audiovisual works, or sequences of motion pictures referred to under Title II, Chapter I—*bis*, as per Article 78—*bis* of Law no. 633 of 22 April 1941, shall be further extended up to a period of fifty years.’

53. The following sentences shall be added to the final portion of para. 1 of Article 17 of Law no. 52 of 06.02.1996: ‘In no case shall the extension of the term of protection applying to the rights of producers of cinematographic or audiovisual works, or sequences of motion pictures, as well as of producers of phonographic works, entail automatic extension of the term for assignment of the rights of economic utilization of intellectual works by the authors thereof. Such extension must be the result of an express arrangement between the parties, without prejudice to freedom of contract.’

54. The following words shall be added to the final portion of para. 2 of Article 17 in Law no. 52 of 06.02.1996: ‘(...), provided that the aforesaid works and rights were under protection on the 29th day of the month of June, 1995, following application of the terms as above’.

55. Paragraphs 1 and 2 of Article 17 in Law no. 52 of 06.02.1996 shall apply as from the 29th of June, 1995.

56. In para. 4 of Article 17 of Law no. 52 of 06.02.1996, for the words ‘before the date of entry into force of this law’ there shall be substituted the following: ‘before the 29th of June, 1995’.

57. The provisions as per articles 2 to 5 of ‘luogotenenziale’ legislative decree no. 440 of 20.07.1945 shall also apply to works and rights whose protection was restored in pursuance of para. 2 of article 17 of Law no. 52 of 06.02.1996; the communication as per article 5 of the aforesaid legislative decree shall be effected within six months of the date of entry into force of this decree. For the purposes of implementation of this paragraph, ‘assignee’ shall mean any person who acquired the said rights before their extinction.

58. The copyright applying to industrial design works falls within the scope of that protected under law no. 633 of 22.04.1941. The Government is hereby enabled to issue, by regulations to be adopted pursuant to article 17(2) of law no. 400 of 23.08.1988, provisions implementing and consolidating the measure as per the preceding sentence in respect of the legislation currently governing industrial design. The draft regulations shall be forwarded to the Chamber of Deputies and the Senate for the competent Commissions to give their opinions within twenty days of the date of submission. At the expiry of such term, the regulations shall be issued even in the absence of the said opinion.

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