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English Translation of a compromised proposal presented by Altroconsumo during the working activities of the Committee for the modification of Copyright law - Law 22 April 1941, n. 633 – at the Italian Ministry of Culture

INTEROPERABILITY

Proposal to introduce art.71 undecies to the Law 22 April 1941, n. 633

“It cannot be inhibited by means of the technological protection measures enounced in art.102 quarter to whom has the right to utilize works in digital format the use of them in an interoperable way”

Purpose and comments: this measure is aimed at guaranteeing to users and consumers the possibility to utilize the protected content legally acquired on different devices

Proposal to introduce art.102 quarter to the Law 22 April 1941, n. 633

“To favor the circulation of protected works and materials, copyright holders, holders of connected rights and of the right enounced in art.102 bis can put on the protected works or materials technological measures of rights management and protection on condition that these measures will be effective and incapable to inhibit any work’s utilization in compliance with the rules enounced in the present act and the agreements with the rights holders.

Interoperability means the possibility for two hardware or software technologies to interact and exchange data, metadata, protocols and coding in a way that complete functional compatibility of both is assured.

Technological measures of rights management and protection enounced in the preceding paragraph must assure the interoperability of the works and must be in compliance with what is prescribed in Cape I, title II. D. Lgs. 206/2005 (Consumers Code).

The Government, on a proposal by the Minister of Culture in agreement with the Minister of Communications, heard the representative of the authors, the producers, the editors, the services and connectivity suppliers and the consumers, is delegated to adopt, within 6 months from the entry into force of the present act, one or more legislative decrees that, in conformity with the International Treaties and the European Community law:

- will institute a supervisory and regulatory body of the new technological measures of management and protection;
- will establish composition, tasks and attributions of this body.

Purpose and comments: to assure interoperability it is necessary to act, firstly, on technological measures of protection, establishing standards that must be respected by contents suppliers and devices producers. Only in this way it is possible to guaranteeing communication and information's exchange between different machines, devices and supports.

It would be convenient to specify the tasks of the supervisory body (in particular with reference to the possibility to furnish preventive advices and to apply sanctions) to limit the ambit of the delegation given to the Government. However, due to the limited time, it has been retained not to make this specification on the present proposal, in order not to make the act more complex and to obtain the largest and quickest approval.