

**PATENTS**

**New edition of EPO Guidelines available**

The European Patent Office ("EPO") has published a new edition of the [Guidelines for Examination](#) in the EPO (the "Guidelines"), effective as of 1 November 2017. The Guidelines provide instructions on the practice and procedures to be followed in the various steps of the examination of European applications and patents in accordance with the European Patent Convention and its implementing regulations. A list of major amendments (concerning *inter alia* computer-implemented inventions, graphical user interfaces, medical devices and therapeutic/diagnostic methods) is available [here](#).

**EU Commission's communication on Standard Essential Patents issued**

On 29 November 2017, the European Commission issued a communication entitled "[Setting out the EU approach to Standard Essential Patents](#)", offering guidance and recommendations for creating balanced and efficient systems based on technology patented by Standard Essential Patents ("SEP") (such as WiFi, 4G or 5G). The Commission's aim is to ensure that product manufacturers can access technologies under transparent and predictable licensing rules, and at the same time patent-holders are rewarded for their investments in R&D and standardisation activities so that they are incentivised to offer their best technologies for inclusion in standards.

**E-filing of international patent applications (PCT) now available before the Italian Patent Office**

As of 4 December 2017, the electronic filing of international patent applications ("PCT") with the Italian patent office as a receiving office is available through the "ePCT" e-filing system. A list of the main advantages in connection with the e-filing of PCT applications (*inter alia*, the system is available 24/7, provides immediate feedback and allows tax cost savings) is available [here](#).

**COPYRIGHT**

**AGCOM granted new powers to contrast copyright infringement online**

On 12 December 2017, [Law No. 167 of 25 October 2017](#) entered into force granting the Italian communications authority ("AGCOM") the right to exercise the precautionary measure of "notice and stay down" in relation to online platforms that infringe authors' and neighbouring rights. In particular, upon receiving a complaint from the owner of the relevant rights, AGCOM is obliged to order digital service platforms to take down the infringing content immediately if the infringement is evident (based on a summary assessment of the facts) and constitutes an imminent and irreparable risk of damage to the owner of the rights. AGCOM has also been granted powers to (a) regulate the procedural aspects of the "notice and stay down" measure; (b) regulate the opposition proceedings; and (c) propose measures suitable for preventing the recurrence of infringements already ascertained by the Authority.

**LABOUR**

**Possible new terms for temporary contracts**

The Italian Budget Law 2018 is currently before Parliament for approval. A potential amendment has been tabled, proposing to reduce the maximum duration for fixed-term employment relationships from the current 36 months to 24 months. As a response to statistics showing that more fixed-term contracts are being entered into than open-ended contracts, the measure is designed to limit the use of fixed-term employment relationships.

**ADVERTISING**

**Italian consumer protection authority on influencers**

In July 2017, the Italian consumer protection authority ("AGCM") sent letters of moral suasion to social media "influencers" and well-known companies in the fashion industry in relation to information that should be included in sponsored posts published on social media by influencers. The AGCM's letters stressed that advertising content must be distinguishable and that the prohibition of covert advertisements also applies to communications made on social media networks. Further to the AGCM's communication, the recipients agreed to highlight advertising posts by using specific warnings (such as # SPONSORED BY BRAND, # ADVERTISING BRAND; or, in cases where the goods were provided by the company for free # ITEMS SUPPLIED BY THE BRAND). For further information see [here](#).



Happy Holidays and best wishes for peace and joy.

*Buone feste e auguri sentiti di gioia e di pace.*



**INDUSTRIES**

**TELECOMMUNICATIONS**

**4-week billing schemes banned for Telco and Pay TV**

On 4 December 2017, the Italian Parliament enacted [Law No. 172 of 4 December 2017](#) (in force as from 6 December 2017) which provides that operators in the telecommunications and pay-tv services markets are forbidden (as from 5 April 2018) from introducing subscription plans based on 4-week billing schemes (as opposed to monthly subscription/billing plans). The Italian communications authority ("AGCOM") has the power to apply fines ranging from Euro 240,000 to Euro 5,000,000 for the breach of this provision. The new law also provides for an obligation for operators to pay damages to clients (starting from a minimum amount of 50 euro).

**MEDIA**

**New rules on investment/prominence obligations for AVMS**

On 22 November 2017, the Italian Government enacted the decree setting out the new obligations on the financial contribution to be made by Audiovisual Media Services providers to the production and rights acquisition of European and Italian works and on the prominence of European and Italian works in programming. Among the most relevant changes, broadcasters outside the public service (which is subject to stricter rules) shall reserve, for programming originating from the EU, the following transmission time quotas: in 2018, 2019 and 2020, respectively, not less than 50.1%, 53% and 56% of transmission time and as from 2021 not less than 60% of transmission time (1/3 of the transmission time reserved for programming originating from the EU shall be reserved for programmes originating in Italy). In addition, independent broadcasters shall also invest not less than 10%, 12.5% and 15% in 2018, 2019 and 2020, respectively, and as from 2021 not less than 15% of net revenues (proceeds from advertising, telesales, sponsorships, contracts and subscription fees) in the licensing, pre-purchase and co-production of programmes originating in the EU (a share of these investments shall be reserved for programmes originating in Italy). According to the decree, as from 2019, on-demand Audiovisual Media Services providers not established in Italy but providing on-demand services to Italian clients are also required to invest 20% of net revenues (proceeds from advertising, telesales, sponsorships, contracts and subscription fees) in the licensing, pre-purchase and co-production of programmes originating in the EU (with 50% of this quota to be invested in programmes originating in Italy).

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