

SIAE OLAF Section - Tools in defense of copyright

SIAE, the Italian Society of Authors and Publishers, is a public economic body organised on an associative base which administers copyright related to all kinds of intellectual works. SIAE is entitled by law to intermediate copyright between its members (authors and publishers) and those who use the works. SIAE administers the works by over 90,000 members by ensuring that any exploitation of a work is the author and the publisher paid an adequate compensation. It's the interlocutor for all those who create, publish and / or make use of intellectual works, grants licenses and authorizations for the use of works, collects the relevant fees and distributes them among those eligible; in fact, represents a one-stop single culture.

SIAE operates in Italy with support from an extensive network of 13 regional offices, 34 branches and over 600 agencies. The head office is in Rome.

The law protects creative works for the mere fact of their creation, irrespective of any formalities of filing and recording. The unpublished works, however, are more exposed to plagiarism.

Utility for those concerned, SIAE's OLAF Section (the section which administers the rights of literary works and works of visual arts) set up a service of filing of the unpublished works of which can benefit even those who are not associated with the Company at order to protect a work belonging to any kind of repertoire. Through this service, a proof is filed of the existence of the work achieved by certain date (the date of registration). The deposit lasts five years and may be renewed on expiry for a similar period. SIAE keeps in its archives the unpublished works deposited in sealed envelopes and issues a certificate to the depositor with the number assigned to the deposit.

Law 633/1941 provides in art. 99, a protection of "engineering projects and other similar works" which constitute original solutions to technical problems and gives the author:

- 1) the exclusive right of reproduction of the plans and drawings of such projects;
- 2) the right to equitable remuneration from any person who, with gainful intent and without his consent, carries out his technical project.

The exercise of the related right on the project is subject to two tasks:

- 1) inserting on the plan or drawing a declaration of reservation of the right;
- 2) depositing plan or drawing in the Ministry for Cultural Heritage and cultural activities, in accordance with the provisions of the Regulations.

In the legislative framework on engineering projects no mention is made to the issue of priority. To avoid the risk that pending the preparation of documentation for the deposit with the Ministry of Heritage and cultural activities and pending the completion of its investigation other allegations assert priority, those who have created a project with a solution of technical problems may use the deposit of unpublished works at SIAE.

SIAE, also, cares, at the request of the interested parties, the registration of the works at the Copyright Office in Washington at which the protected works may be filed under the United States of America copyright law, including works of foreign origin. All unpublished works are protected,

regardless of nationality. Same protection and possibility of filing is granted also to the works published for the first time in the United States or in another country with which a treaty has been concluded on copyright, or which have been created by a citizen or a resident in a country with which there is a treaty.

Another important tool for authentication and security, used by the police force and by the consumer, is the mark SIAE for distinguishing legitimate products from the pirate.

SIAE cares the service of marks for books, which is to provide applicants with an adhesive sticker to be sealed on the books published in print. The sticker for school books is now enriched with a new feature consenting students to "download" multimedia content from the publisher's server. After typing the code number (printed on the sticker of the school book) in a special area of the publisher web site, the student is enabled to download the content of the book.

The SIAE sticker for books is sometimes wrongly confused with the sticker, also produced by SIAE, but destined to carriers such as CD, video and audio cassettes, CD Roms, DVD, etc. The first finds its origin in Art. 123 of Law 633 of 1941 and in the Art. 12 of the Rules, while the second, in Art. 181 bis of same Law.

Art. 181 bis of Law 633/1941 states that SIAE shall affix its mark upon each carrier containing any sounds, voices or sequences of images in motion bearing the fixation of works or of parts of the works, intended to be marketed or transferred under whatever title with a gainful intent. The procedures and use of the mark is regulated by Prime Ministerial Decree 23 February 2009, n.31 (OJ n.80 of 6 April 2009).

As a demonstration of the protection to be granted to "unconventional" works also, a register was set up by SIAE for instruments manufactured by the members of the consortium Luthiers A. Stradivari of Cremona, in February 2001. On this register all information are recorded relating to the instrument including technical and aesthetic characteristics, the source data of the instrument and the Master luthier who produced it.

In 2005, then, Laura Tonatto, an Italian "nose", along with the art historian Alessandra Marini, produced a true "scenting portrait" of the "divine Eleonora" and obtained the sticker from SIAE, certifying the authenticity and originality of the box and of the images reproduced on it. In fact, on the label of the bottle and of the box of the parfum are reproduced the actress authographic signature and the scene picture of 1901 by Gio Batta Sciutto owned by SIAE and kept at its Burchard Library.