

Legal framework conditions

Working in Italy

EU citizens generally do not require a work permit to work on a film production in Italy.

Workers from non-EU countries, on the other hand, do need a work permit and a residence permit. Normally, these can be applied for online from the Italian Ministry of the Interior. Employees of film, broadcasting or television companies are subject to a different rule. Instead of applying to the Ministry of the Interior for a work permit, they must apply to the Department of Labour – National Employment Office for Staff Performing Artists (Direzione generale del mercato del lavoro – Ufficio per il collocamento nazionale lavoratori dello spettacolo).

A series of bureaucratic steps must be taken to obtain this work permit (permission from the Italian police force, official examination by the Italian Social Security Office for Staff Performing Artists ENPALS, opinion from the competent department at the Ministry of Culture, issue of the entry visa) and these must be completed before the crew member in question can travel to Italy. Exceptions apply for arts professionals and any person employed for less than three months. In these cases, you can also apply for the work permit once the crew member is in Italy. Work permits are always initially issued for a maximum period of 12 months.

Please contact IDM if you require any further information on this and we would be happy to help.

Copyright law

In the Italian Civil Code, a work is defined as the “form of expression of intellectual work of a creative nature”. The legal basis of a work is the creative act. As a result, there is no need to register, file or publish a work in Italy. As is the case in many European countries, copyright law in Italy is designed as an author’s right. In contrast to “copyright” in Anglo-Saxon legal systems, which consider intellectual property to be a tangible property and therefore disassociate it from the authors themselves, in Italy legislation focuses on the creator of the work. Only a natural person can be the original holder of the copyright.

The author’s moral rights (diritti morali d’autore) are therefore inherently inalienable, indispensable, inalienable (i.e. the moral rights remain with the author even if the author’s original exploitation rights are transferred) and independent of commercial exploitation rights. The author’s moral rights are

without limitation and can also be claimed by the author's heirs. Authors have the right to have their name and functional role listed in film credits.

Original exploitation rights (diritti patrimoniali d'autore) include the rights to commercially exploit the work, i.e. distribution, communication and other rights. There is a 70-year term of protection, which means that the exploitation rights remain in place until 70 years after the author's death. In the case of films, this term of protection does not expire until the year after the death of the last co-author. As soon as the original exploitation rights expire, the work becomes public property and can be used freely by anyone. It can also be commercially exploited by anyone after this time, provided that the author's moral rights are protected during exploitation.

In the case of film productions, the original exploitation rights are usually granted exclusively to the producer. The producer is the person who organises production and therefore assumes commercial risk for the production and is listed as the producer in the credits.

The moral rights, on the other hand, belong to the work's co-authors, which include the person who devised the plot or the author of the literary work on which the screenplay is based, the screenwriter, the composer of the score and the principal director.

Occupational health and safety

Foreign production companies shooting in South Tyrol or other areas of Italy are generally subject to the same occupational health and safety regulations as their Italian counterparts. The rules in this field are strict and the penalties severe. It is therefore essential that you familiarise yourself with the specific regulations in advance. We would be happy to advise you on this.

There are certain requirements which must be fulfilled by production companies themselves. Other provisions, conversely, are project-specific and therefore only apply to certain film projects and/or filming periods.

As a foreign production company filming in South Tyrol or other parts of Italy, you can choose between one of the following two options:

Firstly, you could choose to hire an Italian production-services company and thereby pass responsibility for on-set safety to this Italian company.

In such cases, you must request the following documents from your service partner before filming begins: confirmation of the service company's Chamber of Commerce listing, a DURC (a certificate confirming that the service partner has paid all the necessary social security contributions) and a self-declaration by the service partner that it complies with the occupational health and safety regulations.

Secondly, you could choose to meet the company-specific requirements yourself (e.g. appointment of a head of occupational health and safety who must

attend a 16-hour training course to be qualified to serve in this capacity, preparation of a risk assessment document) and implement a series of mandatory, project-specific measures on each set (e.g. appointment of a safety coordinator who must have completed 10 months of training to be qualified for monitoring adherence to the safety regulations and for providing appropriate training to everyone working on set).