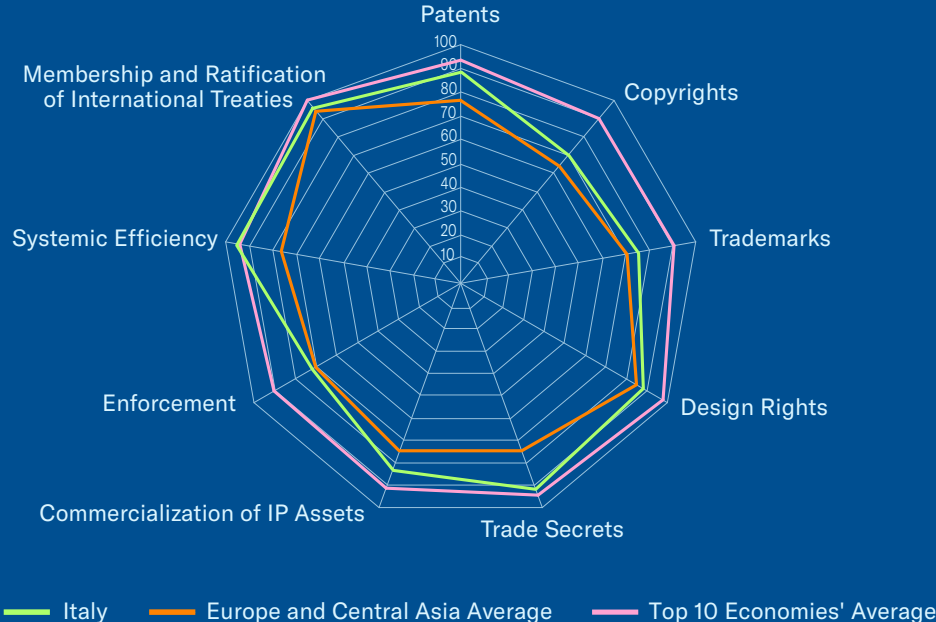
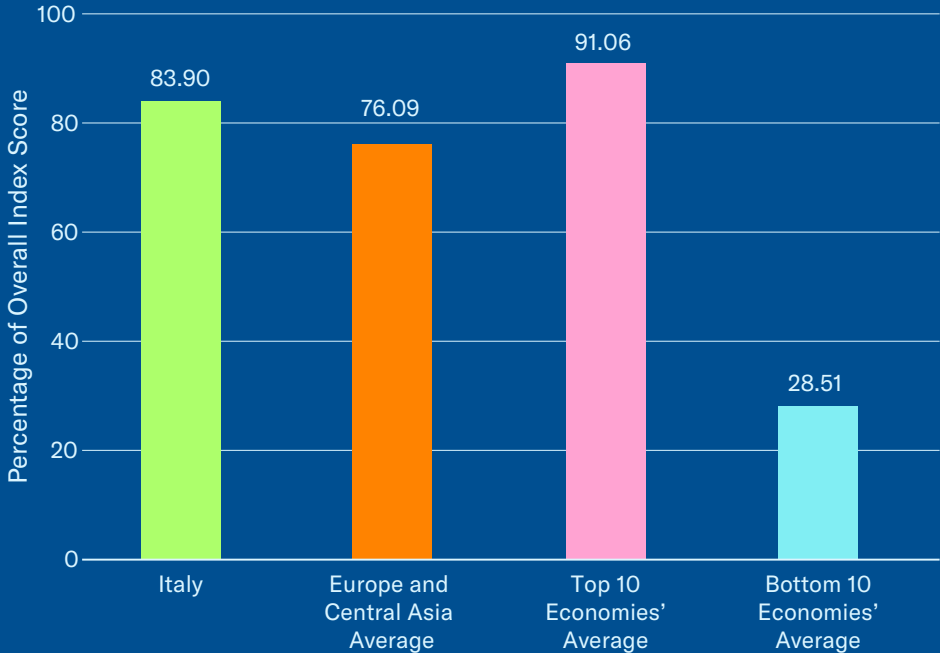


Category Scores



Overall Score in Comparison





Key Areas of Strength

- Transposition of EU Directive 2019/790 on Copyright and Related Rights in the Digital Single Market (CDSM Directive)
- Generous R&D and IP-specific tax incentives in place
- 2020 data protection law will potentially impose new localization requirements
- Major life sciences IP rights in place
- Administrative and judicial mechanisms for addressing online copyright infringement
- Public consultation during policy formation and efforts to raise awareness of IP importance present

Key Areas of Weakness

- Registration requirements for licensing agreements
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals pose significant risk to Italy's and the EU's research and IP-based biopharma industry

Indicator	Score
Category 1: Patents, Related Rights and Limitations	8.00
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent opposition	1.00
Category 2: Copyrights, Related Rights, and Limitations	4.91
10. Term of protection	0.66
11. Exclusive rights	0.50
12. Injunctive-type relief	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.75
Category 3: Trademarks, Related Rights, and Limitations	3.00
17. Term of protection	1.00
18. Protection of well-known marks	0.75
19. Exclusive rights and trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights, Related Rights, and Limitations	1.75
21. Industrial design term of protection	1.00
22. Exclusive rights and industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	2.75
23. Protection of trade secrets (civil remedies)	1.00
24. Protection of trade secrets (criminal sanctions)	0.75
25. Regulatory data protection term	1.00

Indicator	Score
Category 6: Commercialization of IP Assets	5.00
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	5.04
32. Physical counterfeiting rates	0.72
33. Software piracy rates	0.57
34. Civil and precluded remedies	0.75
35. Preestablished damages	0.50
36. Criminal standards	0.50
37. Effective border measures	1.00
38. Transparency and public reporting by customs	1.00
Category 8: Systemic Efficiency	4.75
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Membership and Ratification of International Treaties	6.75
44. WIPO Internet Treaties	1.00
45. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
46. Patent Law Treaty and Patent Cooperation Treaty	0.75
47. Membership of the International Convention for the Protection of New Varieties of Plants, ct of 1991	1.00
48. Membership of the Convention on Cybercrime, 2001	1.00
49. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
50. Post-TRIPS FTA	1.00

Total: 41.95



Spotlight on the National IP Environment

Past Editions versus Current Score

Italy's overall score has increased from 83.40% (41.70 out of 50) in the tenth edition to 83.90% (41.95 out of 50). This reflects a score increase on indicator 13.

Area of Note

As part of its national response to the launch of the European Commission's "Action Plan on Intellectual Property," the Italian government is reforming parts of its national IP system. In 2021, the Minister of Economic Development, Giancarlo Giorgetti, signed a legislative decree formally adopting a new "Strategic Plan on Industrial Property" for 2021-23. Part of this plan includes legislative changes to the Industrial Property Code. Specifically, the Italian Senate considered proposed amendments under Bill 2631 that would promote greater digitization and simplification of the Italian Patent and Trademark Office's work and would also seek to incentivize the transfer and commercialization of new technologies from public institutions. At the time of research, the draft legislation had not been passed into law. The Index will continue to monitor these developments in 2023.

Copyrights, Related Rights, and Limitations

13. Availability of frameworks that promote cooperative action against online piracy: Like many other EU Member States, Italy has for the past three years been in the process of transposing and implementing EU Directive 2019/790 on Copyright and Related Rights in the Digital Single Market (CDSM Directive). In 2020, the Italian Senate (European Affairs Chamber) approved a draft version of the law and transmitted it back to the government with comments. This was followed up in 2021 with the promulgation of Law 53, 2021 (*Legge di delegazione europea 2019-*

2020) delegating power to the government to issue implementing legislation for relevant EU laws (including the CDSM). Additionally, in late November 2021, the government published a legislative decree giving effect to these legislative changes with relevant amendments to Italian copyright law. The November 2021 decree broadly follows the scope of the underlying EU Directive, particularly with regard to responsibilities and requirements under Article 17. The decree maintains existing exceptions and limitations provided under Italian and European copyright law and jurisprudence, and it also strengthens protections for creators online by providing clear definitions of what constitutes secondary liability for communication to the public of a protected work. The decree also provides a clear definition and safe harbor mechanism for content-sharing platforms to avoid any direct liability. As a result of this transposition, the score on this indicator has increased by 0.25.