

## Legal Extranet



Italy

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**National Association:** Associazione delle Imprese di Comunicazione (AssoComunicazione)

Web link: <http://www.AssoComunicazione.it/>

**General Legal Overview:** In Italy provisions regulating advertising are not contained in a consolidated act or in a systematic code; they're scattered in a multitude of statutes, regulations and industry rules, governing specific areas or services of the advertising industry. Only the provisions on misleading and comparative advertising are now included - in a harmonized format - in the so-called "Consumer Code" (i.e. Law by Decree no. 206 dated September 6th, 2005).

Particular limitations and restrictions govern advertising of certain goods (e.g.: alcohol, drugs, tobacco products, etc.). Domestic provisions regulating advertising also grant compliance with Directives and Regulation issued by the EU (e.g. on TV and Broadcasting, Misleading and Comparative Advertising).

Self-regulation is administered by the Institute for Advertising Self- Regulation through the Advertising Self-Regulation Code (CAP).

Useful indications as to national legislation relevant for advertising can be found on the websites of the following authorities or associations:

- Market and Competition Authority (competent on misleading and comparative advertising) - [www.agcm.it](http://www.agcm.it),
- Italian Communications' Authority (in control of tele-shopping and advertising broadcasted on TV and Radio) - [www.agcom.it](http://www.agcom.it),
- IAP - Institute for Advertising Self-Regulation - [www.iap.it](http://www.iap.it)

**Basic Guide to Intellectual Property rights in the Territory:**

Previously, the domestic legal framework did not provide an IP Code: the various aspects of intellectual property rights were governed by the Civil Code and by special statutory laws, particularly by provisions set for regulating copyright, trademarks and unfair competition.

On March 19th, 2005 the new Italian 'Industrial Property Code' (Law by Decree no. 30 dated February 10th, 2005) has come into force.

The new Code consists of 245 sections and substitutes a total of 39 laws, which previously ruled different aspects of intellectual property.

The consolidate act intends:

- to introduce a simplified and harmonized legal framework for governing important aspects of fair market competition and important sectors of domestic economy,
- to enforce protection of industrial property in accordance with the principles set by the EU's directives and regulations as well as by national statute law,
- to redefine the competences of the local patent and trademark offices,
- to grant proper protection to inventions resulting from academic or scientific research.

**Copyright**

The author of a creative and original work has the exclusive right to exploit, publish, perform, represent, reproduce, sell, translate and to use the work economically in any form and way.

According to domestic provisions (Law no. 633, dated April 22nd, 1941), the copyright protects:

- a) written or oral literary, dramatic, scientific, religious works, b) musical works and compositions,
- c) choreography and pantomimic works,
- d) pictures, sculptures, paintings, drawings, engraving and other similar figurative arts' works included scenography,
- e) drawings and architectural works,
- f) cinematographic works, photographs,
- g) software programs, data banks.

Copyrights belong to the work's creator and last for his/her lifetime and for a period of 70 years after his/her death.

Whoever copies, reproduces or represents an original work without the author's consent is infringing on a copyright's exclusivity.

The author may seek protection before judicial courts by filing for the assessment of his/her right and

the banning of the infringement. In case of particular urgency, on claimant's request, the judge, after a summary investigation, might issue the seizure of the infringing works and/or a desist order prohibiting further breaching acts.

On April 9th, 2006 the domestic provisions meant to implement EU-Directive no. 84 of 2001 (ruling on the resale right for the benefit of the author of an original work of art) came into force. Those provisions (Law by Decree no. 118 of February 13th, 2006) assign to the author of an original work of art the right to benefit from a royalty, which is applied on the price of an art work's resale subsequent to the first transfer and which is proportional (4% to 0.25%) to the sale's price. The Italian Authors' and Publishers' Association (SIAE) is in charge of administration and control; to this purpose all sales falling under the application of the particular resale right are to be reported to the association.

Another recent statute law (Legislative Decree no. 140 of February 16th 2006, implementing EU Directive 2004/84) introduces additional measures, procedures and remedies aimed at improving protection for IP rights. The new regulation provides claimants reacting to IP violations with a right of information on the origin and distribution networks of the infringing goods or services and allows courts to determine damage compensation as a lump sum

#### Trade Marks

According to the Italian Trademark Law (Royal Decree no. 929, dated June 21st, 1942) and in compliance with international conventions (Madrid Agreement) and Community Law (EEC Directive and Regulation on the harmonization of national trademark laws and on CTM), the holder of a registered trademark is entitled to claim the exclusive use of the trademark only for those goods and services belonging to the classes where it has been registered or for those similar to them.

The holder of a so-called "renowned trademark" may seek protection (i.e. exclusive use of his registered trademark) even beyond the limits of his registration. Trademark Law grants protection even to non-registered trademarks' prior use.

Whoever has used a non-registered trademark may continue to use it within the previous extent even if a third party has successively registered the trademark.

Any original sign with distinctive capacity may be registered as a trademark. Trademarks may be denominative or figurative and can consist of words (personal names included), letters, designs, colors' combination or chromatic shades as long as they are able to distinguish the owner's goods or services from those of the others companies.

In Italy, trademark registration can be filed with National TM Registry or with the European Community Registry (OHIM).

The Trademarks and Patent Office at the Department for Production is in charge of the registration of national trademarks. The applicant is granted to the trademark's exclusive use from the moment of filing of the application; the whole registration procedure usually takes a couple of years. The registration expires after 10 years and may be renewed.

#### Unfair Competition

The issue is governed by the Italian Civil Code as well as by the special Trademark and Copyright laws. Performs an act of unfair competition whoever:

- a) uses names or distinctive signs which are likely to create confusion with those legally used by others or closely imitates the products of a competitor or performs by any other mean, acts which are likely to create confusion with the products or activities of a competitor,
- b) spreads news and comments with respect to the products and activities of a competitor, which are likely to discredit them, or treats as his own the good qualities of the products or of the undertaking of a competitor,
- c) avails himself directly or indirectly of any other means which do not conform with the principles of trading fair behaviour and is likely to harm another's business.

Unfair competition can take place only between competing companies and an act can be held as unfair only if it is likely to create confusion between or in anyway misrepresenting or damaging another's business.

An entrepreneur may summon the unfair competitor before the local courts in order to obtain the assessment of the unfair competition acts and a desist order halting any further unfair initiative. In case of unfair competition acts performed with fraud or negligence the liable competitor must compensate the claimant for damages (to be substantiated through proper evidence; the Italian legal system does not award "punitive damage" compensation).

#### Misleading advertising

The key provisions on misleading advertising are set by Law by Decree no. 74 of January 25th, 1992 (now part of the Consumer Code, i.e. Law by Decree no. 206 of September 6th, 2005, Sections 19-27). The Market and Competition Commissioner is the Authority in charge of control and supervision. A recent law (no. 49 of April 6th, 2005) has introduced new provisions, that significantly improve the enforcement powers of the Commissioner, now enabled:

- to issue a desist order aimed at stopping the illegitimate (misleading) message,
- to deliver an injunction imposing corrective advertising,
- in addition, to apply a fine from 1.000 up to 100.000 Euro (if advertising found misleading either relates to products dangerous to consumers' health or safety or affects minors, such fine cannot be

lower than 25.000 Euro),

- to apply a fine from 10.000 up to 50.000 Euro, if non-compliance with a cease injunction is found (the Commissioner is also entitled to suspending the offending company from doing business for a period up to 30 days),

- to fine a company refusing to deliver documents required by the Commissioner (or handing over incorrect or false information) with an amount from 4.000 to 40.000 Euro.

IAP - Institute for Advertising Self-Regulation

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Autorita' Garante della Concorrenza e del Mercato, Autorita' per le Garanzie nelle Comunicazioni, Garante per la Protezione dei Dati Personali

Market and Competition Authority Phone: 06.85.82.11-Fax: 06.85.82.12.56 E-mail: antitrust@agcm.it-Web-link: www.agcm.it; Italian Communications Authority Phone: 06 69644111-Fax: 06 69644926 Web-link: www.agcom.it-E-mail: info@agcom.it; Italian Data Protection Commissioner Phone: 06.696771-Fax: 06.69677785-Web-link: www.garanteprivacy.it-E-mail: garante@garanteprivacy.it

Health & Beauty	07 January 2005
Comparative advertising	07 January 2005
Financial products and services	07 January 2005
E-mail	07 January 2005
Sponsorship	07 January 2005
Pharmaceuticals	07 January 2005
Direct Marketing	21 August 2005
Alcohol	14 June 2006
Gaming & Betting	14 June 2006
Prize Promotions	14 June 2006
Tobacco	14 June 2006
Collateral Gifts	14 June 2006
Data Protection/Privacy	14 June 2006
Motors	14 June 2006

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## Legislation Article

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<b>Subject</b>	Health & Beauty	
<b>Country</b>	Italy	
<b>General legal framework</b>	<p>The advertising of health and beauty products is strictly regulated by statutory laws implementing EU-Directives on the matter. Cosmetics: Law no. 713, dated October 13th, 1986, as amended by Law by Decree no. 126, dated April 27th, 1997 (implementing EU-Directives no. 768/1976 and no. 17/1995). Food Supplements and Dietetic Products: Rules governing Food Supplements (as defined by EU-Directive no. 2002/46) also apply to Sports Nutrition and Weight Loss products considered as specific products belonging to such general category. - Law by Decree, dated January 27th, 1992, no. 111 (implementing EU-Directive no. 89/398 on "Food products for a special diet"), - Law by Decree, dated January 27th, 1992, no. 109 (implementing EU-Directives no. 89/395 and no. 89/396 on "Labelling, packaging and advertising of food products"), - Law by Decree dated May 21st, 2004, no. 169 (implementing EU-Directive no. 2002/46 on "Food Supplements"). In addition the Ministry (Department) of Public Health, by issuing frequent explanatory memorandums and guidelines, plays a significant role with respect to the specific application of the statutory laws.</p>	
<b>General self-regulatory framework</b>	<p>The Code of Advertising Self-Regulation - CAP contains specific, detailed provisions (in Sections 23, 23-bis, 24; see also the Regulation attached to the Code), intended to regulate advertising of health and beauty products</p>	
<b>The subject of the rules</b>	Health & Beauty	
<b>Restrictions to the activity</b>	<p>Cosmetics: According to Law no. 713, dated October 13th, 1986, ads for such products: - must not induce consumers to believe that cosmetics have characteristics, properties and functions others than those of cleaning, correcting and protecting the body's appearance, - cannot praise any cosmetic's therapeutic effects, - must indicate whether testing on animals had been performed, and if it had been done directly by the producer or distributors of the product or by others instructed on behalf of the producer, - must contain only claims that can be duly substantiated - on the Authorities' request - through proper documental/scientific evidence. Food Supplements and Dietetic Product: Law by Decree, dated January 27th, 1992, no. 109, provides that: - ads have to be clear, true and correct, - any statement likely to mislead consumers as to the characteristics and achievable results of the advertised products is strictly banned; - ads may not claim that the product has properties able to prevent medical treatment of human disease. Law by Decree, dated January 27th, 1992, no. 111 and Law by Decree dated May 21st, 2004, no. 169 require that: - ads cannot make mention of scientific endorsement or backing, - doctors and other health professionals (pharmacists, dieticians) cannot be used as testimonials; - as to products for which warnings and usage information are required, ads must explicitly invite consumers to carefully read the instructions and safety alerts before using the products. The Advertising Self-Regulation Code - CAP deals with the issue as follows: Cosmetics: (Section no. 23): Ads for cosmetics and personal hygiene products "must not lead consumers to believe that such products could have characteristics, properties and functions other than that of being applied on the human body (skin, mouth, teeth) for the exclusive purpose of cleaning it and improving its appearance". Any statement claiming directly or indirectly that the use of cosmetics could achieve therapeutic effects is strictly banned. Food Supplements and Dietetic Products (Section no. 23-bis): Ads must not claim properties not really corresponding to the specific characteristics of the product. Such advertising must not be likely to "lead consumers into nutritional error and must avoid reference to recommendations or statement of medical nature". Identical criteria apply to: a) infant formula and baby food, b) products to be used as substitute for human milk, c) products to be used in the weaning period and d) children's dietetic supplements. Food Supplements for weight loss or control and other specific supplements: see the "Regulations" attached to the CAP. Physical and Aesthetic Treatments (CAP, Section no. 24): Ads "must not lead consumers to believe that such treatment could have a therapeutic and restorative function or is able to achieve radical results". Moreover any reference of recommendations or statements of medical nature is strictly banned.</p>	
<b>Restrictions to the media</b>	<i>Cinema</i>	There are no specific provisions, the general rules do apply
	<i>Direct Mail</i>	There are no specific provisions, the general rules do apply
	<i>E-mail</i>	There are no specific provisions, the general rules do apply
	<i>Web</i>	There are no specific provisions, the general rules do apply
	<i>Outdoor</i>	There are no specific provisions, the general rules do apply

	<i>Press</i>	There are no specific provisions, the general rules do apply
	<i>Radio</i>	There are no specific provisions, the general rules do apply
	<i>SMS</i>	There are no specific provisions, the general rules do apply
	<i>TV</i>	There are no specific provisions, the general rules do apply
Upcoming changes	Health and Beauty regulation has been recently amended and not any upcoming new legislation is foreseen on the topic	
Last updated	07 January 2005	

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Activity	Comparative advertising	
Country	Italy	
General legal framework	Comparative Advertising is governed by EU-Directive no. 55 of 1997 (amending the previous Directive on misleading advertising) and the national implementing provisions (i.e. Law by Decree no. 67/2000, effective since March 28th, 2000). Principles and criteria set by local provisions do not significantly differ from those contained in the EU-Directive. As per Directive no. 55/1997, comparative advertising is permitted as long as it:- is not misleading,- compares goods or services meeting the same needs or intended for the same purpose,- objectively compares one or more material, relevant, verifiable and representative features of those goods or services, which may include price,- does not create confusion in the market place between the advertiser and the competitor,- does not discredit or denigrate the trademarks, trade names or other distinguishing signs of a competitor,- (for products with designation of origin) relates to products with the same designation,- does not take unfair advantage of the trademark or other distinguishing signs of a competitor,- does not present goods or services as imitations or replicas of goods or services bearing a protected trademark or trade name	
General self-regulatory framework	The Self-Regulation Code - CAP also deals specifically with the issue and states (see Section 15) that "Comparative advertising is permitted when it is helpful to explain, from a technical or economic aspect, features and benefits of advertised goods and services, objectively comparing material, relevant, verifiable and representative features of competing goods and services, meeting the same needs or intended for the same purpose. The comparison must be fair, not misleading, should not generate risk of confusion, or cause discredit or denigration, or take undue advantage of reputation of others".	
The subject of the rules	Comparative Advertising	
Restrictions to the activity	Law by Decree no. 67 of February 25th 2000:- defines "comparative advertising" as "every advertisement, which implicitly or explicitly identifies competitor's products or services",- as to the conditions of legal comparative advertising, strictly refers to the principles set by the Directive,- states that the Authority on Competition and Market is in charge to deal with all claims concerning comparative ads,- also clarifies that the subjects entitled to start legal proceedings are advertisers, consumers, and their representative associations,- reserves to ordinary Courts the competence on matters concerning unfair competition (as ruled by Section 2598/2 of the Italian Civil Code), trademark and copyright.- allows that cases concerning comparative advertising can be dealt with as well by industry self-regulation.	
Restrictions to the media	<i>Cinema</i>	There are no specific sector provisions, the general rules do apply
	<i>Direct Mail</i>	There are no specific sector provisions, the general rules do apply
	<i>E-mail</i>	There are no specific sector provisions, the general rules do apply
	<i>Web</i>	There are no specific sector provisions, the general rules do apply
	<i>Outdoor</i>	There are no specific sector provisions, the general rules do apply
	<i>Press</i>	There are no specific sector provisions, the general rules do apply
	<i>Radio</i>	There are no specific sector provisions, the general rules do apply
	<i>SMS</i>	There are no specific sector provisions, the general rules do apply
	<i>TV</i>	There are no specific sector provisions, the general rules do apply
Upcoming changes	No changes are expected in the next future	
Last updated	07 January 2005	

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Subject	Financial products and services	
Country	Italy	
General legal framework	The issue is dealt with in the Consolidated Acts governing banking (Law by Decree no. 385 of September 1st, 1993) and financial brokerage and investment services (Law by Decree no. 58 of February 24th, 1998).	
General self-regulatory framework	The Code of Advertising Self-Regulation - CAP also contains a specific Section (no. 27) dedicated to "Financial and real estate transactions".	
The subject of the rules	Financial Products & Services	
Restrictions to the activity	<p>All messages - regardless of the means of diffusion used - aimed at promoting/advertising banking services have to comply with specific requirements and indications set forth by Section 116 of Law by Decree no. 385/1993, which are set by a special body, the Interdepartmental Committee for Credit and Savings (CIRC), composed by representatives from various Ministries (in particular from the Department of Economy and Finances, the Department of Foreign Trade, the Department of Production, the Department of Agriculture, etc.). In any case such advertising must contain (so Section 123 of the Consolidated Act) specific indications as to interest rates, their period of validity and costs charged on consumers accessing financial services. Similar provisions, with specific prescriptions as to requirements and restrictions, are in force (Law by Decree no. 58/1998) for communication to the general public intended at soliciting financial brokerage and investment services. All subjects promoting such services have to comply with strict obligations (see Sections 97, 114, 116) as to information to be delivered to the general public. Additional, detailed regulations are issued by the national supervisory commission for business and the stock exchange - CONSOB (e.g. see Regulation of May 14th, 1999) as to promotional messages for investment and financial services diffused by brokers. According to the provisions contained in the Advertising Self-Regulation Code - CAP (Section 27) "advertising aimed at soliciting or promoting financial transactions and in particular transactions for savings and investments on movable or real estate property must supply clear and exhaustive information in order not to mislead on the promoter, the nature of the proposal, the quantity and characteristics of the goods or services being offered, the terms of the transaction, the relevant risks, so that those who receive the message, though they are inexperienced in this field, can make conscious choices about the use of their own resources". The Code also fixes restrictions as to terms/claims not to be used as well as to business practices not to be favoured.</p>	
Restrictions to the media	<i>Cinema</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
	<i>Direct Mail</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
	<i>E-mail</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
	<i>Web</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
	<i>Outdoor</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
	<i>Press</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
	<i>Radio</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
	<i>SMS</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
	<i>TV</i>	The general rules and principles apply irrespective of the means or media used for advertising purposes
Last	07 January 2005	

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Activity	E-mail
Country	Italy
General legal framework	Commercial communication is governed by Legislative Decree no. 70 dated April 9th, 2003 (implementing the EC Directive no. 2003/31 on Electronic Commerce). The local "Privacy Code" (see above, Section on Data Protection) contains provisions aimed at protecting consumers' privacy with respect to electronic communication.
General self-regulatory framework	A special Ethic Code (signed on November 19th, 2003 by the four major Italian Internet providers' associations with the intent of protecting minors from the risks of uncontrolled Internet access) aims at defending minors against the impact of commercial information.
The subject of the rules	E-mail
Restrictions to the activity	The "Privacy Code" (Section 130) provides for an opt-in system for any direct marketing using automated telephone calls. Such system also applies to any electronic communication - performed for direct marketing purposes - that makes use of electronic mail, fax as well as electronic messages like MMS or SMS. In May 2003 the Data Protection Commissioner has issued specific instructions (applying to all operators active on Internet), meant to limit the practice of "spamming", according to which: - sending unsolicited advertising E-mails without the addresses' prior consent is totally banned; such unsolicited distribution - especially if performed systematically for commercial (profit making) purposes - may also result in a criminal offence; - the use of E-mail for commercial and promotional purposes, can be legally performed only if it fulfils the following requirements: (a) the users'/subscribers' E-mail addresses can be used only with prior consent; (b) such consent must be obtained before any message is sent and after the destinees have been clearly informed about the purposes for which their personal data will be used (opt-in rule); (c) anonymous messages are forbidden; operators must specify their address and the nature of the message; (d) the data operator must grant to data subjects the application of privacy protection rules. As to "spamming" from abroad usually Italian law for privacy protection does not apply. But the data subject can ask the foreign Authority competent on Privacy protection in the sender's country to check the compliance of the received mail with domestic privacy regulations. When spamming results in criminal offence, even if the illegal action originates from abroad, the crime will be considered as committed in Italy when the injuring effects do occur in Italy. Therefore national law becomes applicable. Legislative Decree, no. 70/2003 (Section no. 9), states that unsolicited commercial communications by electronic mail must be identified clearly and unambiguously as such as soon as received by the recipient and must inform the recipient that he may freely object to receiving in the future further communication.
Upcoming changes	No new legislation specifically related to E-mail is likely to come into force
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Activity	Sponsorship	
Country	Italy	
General legal framework	There is no general legal framework as to sponsoring, but such kind of promotion is specifically regulated as to particular sectors or media:- Regulation approved by Ministerial Decree no. 581 of December 9th, 1993 contains provisions as to sponsoring in TV or Radio programs,- the Consolidated Act (approved through Law by Decree no. 42 of January 22nd, 2004) on protection of environment and fine art sets guidelines and rules (see Sections 120 and 121) for private sponsoring associated with cultural events or art in general.	
General self-regulatory framework	The general principles established by the CAP for advertising do apply	
The subject of the rules	Sponsorship	
Restrictions to the activity	Entrepreneurs or companies having their main areas of activities focused on manufacturing or distributing of tobacco products, super-alcoholics, pharmaceuticals or medical treatments subject to prescription are banned from sponsoring. News programs having political, economic or financial content may not be sponsored. Sponsored programs must be clearly and immediately perceived as such by the general public and may not result in advertising of a specific product or service. Sponsors may not exercise significant influence as to the content of the program, which they provide their contribution for.	
Restrictions to the media	<i>Cinema</i>	No specific provisions
	<i>Direct Mail</i>	No specific provisions
	<i>E-mail</i>	No specific provisions
	<i>Web</i>	No specific provisions
	<i>Outdoor</i>	No specific provisions
	<i>Press</i>	No specific provisions
	<i>Radio</i>	Sponsoring of Radio programs is also limited to mentioning the sponsor's name or brand; no advertising slogans or product presentation is admitted. In game or contest programs it may be mentioned that the prizes are provided by the sponsor without any presentation or description of the products.
	<i>SMS</i>	No specific provisions
	<i>TV</i>	Sponsoring may not result in advertising for specific products or services; it has to be limited to drawing the general public's attention to a particular program or to thanking the audience for having viewed a certain program. Therefore the sponsor may only be mentioned prior to (or at) the beginning or at the end of a program; for programs exceeding a certain duration the sponsor's logo may be shown one additional time for five seconds. When the sponsor's involvement also involves offering its products or services as prizes for a game or contest program, the awarded products (and only those) may be shown to the public in a natural and discreet way, without any improper emphasis.
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Subject	Pharmaceuticals	
Country	Italy	
General legal framework	Ministerial Decree, no. 541, dated December 30th, 1992, implementing EU Council Directive no. 92/28 of March 31st, 1992 (guidelines on advertising of medicinal products for human use).	
General self-regulatory framework	The Code of Advertising Self-Regulation - CAP contains specific, detailed provisions (in Section 25) intended to regulate advertising of medicinal products and curative treatments	
The subject of the rules	Pharmaceuticals	
Restrictions to the activity	<p>Law by Decree no. 541/1992 defines as "advertising" any kind of activity aimed, directly or indirectly, at promoting or recommending the use of a pharmaceutical product or a medical treatment and targeted to the general public as well as to doctors ("scientific information", provided by pharmaceuticals' manufacturers is governed by special rules and is also considered as "advertising", resulting therefore subject to prior authorization from the Ministry of Health).According to Section 3 of Law by Decree no. 541/1992 no advertising is allowed for pharmaceutical products subject to medical prescription (such ban also applies to free distribution to the general public of those products)Advertising for pharmaceuticals others than those subject to the ban is permitted provided that:- the commercial distribution on the domestic market had been duly authorized,- specific requirements set for such advertising are met,- special indications, limitations and guidelines as to the content of the promotional messages are observed.In addition such advertising "shall not include any element which: e)... is addressed entirely or mainly to children".As to Self-Regulation, the CAP establishes that any advertising referring to pharmaceutical products or curative treatments has to properly consider the "sensitiveness of the matter" and therefore has to be performed "with the utmost sense of responsibility as well as in compliance "with the technical summary of products' characteristics". Such advertising must also focus on drawing the consumer's attention "to the need of appropriate cautions in using the product" and to the content of the warnings contained in/on the packaging or in the information sheet as well as to the instructions and alerts "advising against incorrect use of the product".Again advertising for medicines and medical treatment "must not be expressly targeted to children, either entirely or mainly, or induce minors to use the product without adequate supervision ".Special requirements and limitations are set as to advertising for OTC products.</p>	
Restrictions to the media	<i>Cinema</i>	There are no specific sector provisions, the general rules do apply
	<i>Direct Mail</i>	There are no specific sector provisions, the general rules do apply
	<i>E-mail</i>	There are no specific sector provisions, the general rules do apply
	<i>Web</i>	There are no specific sector provisions, the general rules do apply
	<i>Outdoor</i>	There are no specific sector provisions, the general rules do apply
	<i>Press</i>	There are no specific sector provisions, the general rules do apply
	<i>Radio</i>	There are no specific sector provisions, the general rules do apply
	<i>SMS</i>	There are no specific sector provisions, the general rules do apply
	<i>TV</i>	There are no specific sector provisions, the general rules do apply
Last updated	07 January 2005	

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## Legislation Article

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Activity	Direct Marketing	
Country	Italy	
General legal framework	<p>- EU-Directive no. 85/577/EC on the protection of the consumer in respect of contracts negotiated away from places of business (the so-called 'Doorstep Selling Directive') implemented through Law by Decree no. 50 dated January 15th, 1992.- EU-Directive no. 97/7/EC on consumer protection re distance contracts (the 'Distance Selling Directive') implemented through Law by Decree no. 185 dated May 22nd, 1999.- EU-Directive no. 2000/31/EC on legal aspects of information society services (the 'E-commerce Directive') implemented through Law by Decree no. 70 dated April 9th, 2003.- EU-Directives nos. 89/552 and 97/36 (the TV and Broadcasting Directives) become relevant as to certain aspects (e.g. concerning tele- /home-shopping; domestic implementation through Ministerial Decree no. 581 dated December 9th, 1993 and Law no. 422, dated December 29th, 2000).- Finally some sections of Law by Decree no. 114 dated March 31st, 1998, (New Commerce Regulation) are relevant.</p>	
General self-regulatory framework	<p>The Code for Advertising Self-Regulation - CAP states (in Section 18, 'Distance selling') that "Advertising relating to distance selling sales must clearly describe the products offered for sale, prices, payment and delivery conditions as well as cancellation or return clauses when applicable. It must also clearly indicate the full name and address of the advertiser".</p>	
The subject of the rules	Direct Marketing	
Restrictions relating to products or services	<i>Financial products and services</i>	<p>Fidelity Cards The Privacy Commissioner felt also necessary setting some basic principles for the processing of personal data in the context of using so-called 'fidelity cards' in areas as retail, transportation, financial, phone and publishing services. Specific guidelines concerning "customer fidelization", "profiling" and "direct marketing" have been issued according to which: - subjects issuing 'fidelity cards' are held to clearly and extensively inform customers about the use of the personal data collected, - proper evidence has to be given as to eventual, additional use of the collected data for purposes of 'profiling' or of 'direct marketing' and a free choice as to allowing/denying such additional use must be made available, - companies offering 'fidelity card' services have to make strict and minimum use of the data collected, - consent is not required for the use of data that are necessary for delivering to subscribers the benefits offered by the fidelity card service, - 'profiling' requires specific, explicit consent from the data subject, but no 'sensitive' data (i.e. those concerning health, religious beliefs or political opinions, etc.) may be processed to that purpose, - for marketing purposes, data necessary for submitting advertising material or commercial communication may be used, with data subject's consent, - data collected for the purpose of 'profiling' may be stored and kept for no more than one year, those collected for direct marketing purposes no more than two years, - companies offering fidelity card services are also held to adapt proper safety measures in order to reduce the risks of destruction or loss of the collected data as well as of undue access to or mishandling of them.</p>
	<i>Others</i>	<p>RFID Recently the Data Protection Commissioner decided to deal with issues and problems linked to Radio Frequency Identification - RFID technology and particularly to so-called 'intelligent labels/packaging'. Specific guidelines have been issued in order to grant sufficient protection to personal data handled with the process of application of such technology. The basic principles set by those guidelines require that processing of personal data through RFID technology involves: - adequate information to subjects who's data are handled, - possibility for those subjects to express specific consent for the processing of their data, - possibility to disable the chips allowing such processing.</p>
Restrictions to the activity	<p>i) Law by Decree no. 50/1992 (regulating contracts negotiated away from ordinary business premises) grants consumer's right of withdrawal as follows:- companies or their distributors are requested to provide consumers - by written notice - about their right to renounce to the effects of their undertaking; such notice shall be given accordingly with the peculiar way of performing the contracts:a) when the contract is performed on the basis of a trader's catalogue, the notice shall be provided by the catalogue or by the purchase order schedule. The information shall be printed with the same character used for all others terms and conditions included in the document;b) when the contract is performed by television offers the said notice shall be given at the beginning and during the tele-shopping program,- consumers may exercise the right of withdrawal by sending distributors a written notice within seven days from their receipt of said information,- parties of contracts should provide even more favourable conditions with respect to the exercise of said right,- if the company or its distributor has not given to consumers any notice about his right of withdrawal, or it has been erroneously or incomplete, the term of seven days -mentioned above - will be of sixty days from the date of negotiation of the contract for supplying services contracts or from the date of receipt of goods for supplying goods contracts.(ii) Law</p>	

	by Decree no. 185 dated 22nd May 1999 (on distance contracts) provides that:- when means for an individual communications are used, on consumer's request all relevant information must be provided to the consumer in Italian,- consumers can withdraw from the contract within ten working days (and not seven as provided by the Directive),- where a supplier fails to perform the contract, because the ordered goods or services are unavailable, he is not allowed to provide alternative goods or services of equivalent quality (with the exception of explicit consent given prior to [or at] the moment of performing the contract,- except when the fact arises to a criminal offence, suppliers failing to perform correctly the contract are punished with an administrative fine,- consumers may not waive the rights conferred to them by the transposition of the Directive into national law (agreements contrasting with the implementing law are null and void).	
Restrictions to the media	<i>E-mail</i>	Law by Decree no. 70/2003 (Sections from 8 to 10 refer specifically to commercial communication, while Section 18 aims at steering the adoption of ethic codes by the respective industry branch associations)
	<i>Web</i>	Legislative Decree no. 50/1992 expressly provides (see art. 9) that the implemented directive shall be applied even to those contracts performed by television offers as well as to those negotiated on-line.
	<i>Radio</i>	See section on TV
	<i>SMS</i>	Law by Decree no. 70/2003 (Sections from 8 to 10 refer specifically to commercial communication, while Section 18 aims at steering the adoption of ethic codes by the respective industry branch associations)
	<i>TV</i>	Legislative Decree no. 50/1992 expressly provides (see art. 9) that the implemented directive shall be applied even to those contracts performed by television offers as well as to those negotiated on-line. In addition Law by Decree no. 114/1998 states that auctions performed on television as well as those performed by any other mean of communication are totally banned. Ministerial Decree no. 581/1993 regulates tele-/home-shopping and sets specific identification requirements and detailed prescriptions/limitations as to:- presentation of the products and services offered,- broadcasting of such offers during programs targeted to minors,- space or windows (location and minimum duration) reserved to tele-shopping offers during ordinary programs.
Upcoming changes	It appears likely that in the future taxation of direct marketing performed on-line may become subject to specific regulation	
Last updated	21 August 2005	

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Subject	Alcohol	
Country	Italy	
General legal framework	The general provisions, as established by Law no. 283/1962 (see Section 13) and Law by Decree no. 109/1992 (see Section 2), on labelling and advertising of food products apply.	
General self-regulatory framework	The Advertising Self-Regulation Code (CAP) considers advertising for alcoholic beverages in Section 22 and sets specific prescriptions and restrictions both with respect to the targeted public as well as to the content of the promotional messages and claims.	
The subject of the rules	Alcohol	
Restrictions to the activity	Law no. 283/1962 requires all advertising for food products to be correct, transparent, truthful and not misleading. In addition, Law by Decree no. 109/1992 (implementing the EU -Directives nos. 89/395 and 89/396, while confirming such requirements, also call for proper and correct consumer information with respect to labelling and advertising of food products. Section 22 of the Advertising Self-Regulation Code (CAP) states that advertising of alcoholic drinks shall not be targeted, albeit indirectly, to minors and must not: " - encourage the excessive, uncontrolled, and hence damaging consumption of alcoholic beverages, - depict situations suggesting either an unhealthy attachment or an addiction to alcohol, or the belief that resorting to alcohol can solve personal problems, - target or refer to minors even only indirectly, or depict minors consuming alcohol, - associate the consumption of alcoholic beverages with the driving of motorized vehicles, - lead the public to believe that the consumption of alcoholic beverages promotes clearness of mind and enhances physical and sexual performance, or that the failure to consume alcohol implies physical, mental or social inferiority, - depict sobriety and abstemiousness as a negative value, - induce the public to disregard the different drinking styles associated with the specific characteristics of individual beverages, and to ignore the personal conditions of the consumer, - stress the alcoholic strength of a beverage as the main theme of the advertisement".	
Restrictions to the media	<i>Cinema</i>	The general provisions do apply; in addition see below Section on TV
	<i>Direct Mail</i>	The general provisions do apply
	<i>E-mail</i>	The general provisions do apply
	<i>Web</i>	The general provisions do apply
	<i>Outdoor</i>	The general provisions do apply
	<i>Press</i>	The general provisions do apply; in addition see below Section on TV
	<i>Radio</i>	See below Section on TV
	<i>SMS</i>	The general provisions do apply
	<i>TV</i>	Law no. 125/2001 sets additional limitations for TV and Radio advertising of alcoholic beverages /see Section 13), according to which: • advertising for alcoholic and super-alcoholic (i.e. high grade) drinks is totally banned: - during TV programs for children as well as during the 15 minutes preceding and following the broadcasting of such programs, - when it claims - without an explicit approval of Department of Health - therapeutic benefits deriving from alcoholic drinks, - when it shows children consuming alcoholic drinks or suggests to consider such use as a positive attitude, • advertisements (neither direct nor indirect) of alcoholic and super alcoholic drinks may not be performed in places primarily attended by children, • advertising of super alcoholic drinks is banned during programs aired on TV and Radio between 4.00 and 7.00 pm. • such advertising is also not allowed in the press (for publications mainly targeted to children) as well as at cinemas running movies specifically directed to an audience of children. Furthermore, according to the Department of Post and Telecommunication (see Ministerial Decree no. 425/1991) TV advertising of alcoholic drinks, which may not be targeted expressly to minors nor may show them while consuming alcoholic drinks.

	<i>Others</i>	Audio- and Videotex services: According to Ministerial Decree no. 385/1995 such "services and information should be directed, as a rule, to people older than 18 years" (see Section. 4/1) and "are not allowed to stimulate the use of alcoholic beverages and tobacco products ... " (Section 4/4).
Upcoming changes	Not likely to occur during the next months	
Last updated	14 June 2006	

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Subject	Gaming & Betting	
Country	Italy	
General legal framework	According to the Italian system (Royal Decree no. 1933, dated October 19th, 1938 (as amended by Royal Decree, no.1077/1940 and recently by Presidential Decree, no. 430/2001) games of chance and lotteries are reserved to the State's Monopoly	
General self-regulatory framework	No specific regulation on this topic. The Advertising Self-Regulation Code regulates only advertising of sweepstakes (see below) intended as the kind of games based on chance or skill performed with a promotional intent.	
The subject of the rules	Gaming & Betting	
Restrictions to the activity	Sweepstakes including prize contests awarding prizes on the basis of a raffle drawing or special skill can be legally run as incentive promotions if fulfilling with specific prescriptions set by sweepstakes regulation (see above at Prize Promotions). Such local regulation bans sweepstakes run without a promotional intent as infringing the State's Monopoly of games and lotteries. Lotteries or charity games are permitted if handled by non-profit associations or by cultural or charitable organizations.	
Restrictions to the media	<i>Cinema</i>	The general provisions do apply
	<i>Direct Mail</i>	The general provisions do apply
	<i>E-mail</i>	The general provisions do apply
	<i>Web</i>	The general provisions do apply. In Italy lotteries, betting and gaming are covered by a State monopoly and may be exercised only by specifically licensed subjects. The Government collects taxes on these activities and a Special Administration is in charge of controlling licensees. In recent times concern arose with respect to foreign subjects collecting (mostly on-line or via phone) bets in Italy on lotteries or events performed abroad. The Government considered those activities as illegal and therefore the Special Administration for State Monopoly took action against a widespread phenomenon. A specific regulation was issued in order to prevent unlicensed subjects from promoting participation to games, bets, lotteries or contests performed on-line and awarding money prizes to local residents. In detail the new regulation provides that: - the Special Administration, when becoming aware of activities aimed at promoting on-line betting and gaming, delivers an immediate notice to providers of communication services (i.e. ISPs as well as Telcos), - the notice will contain a deadline and an injunction forcing providers to inhibit further conduct of illegal activities (non-compliance with the injunction implies co-liability for providers), - inhibition will be enforced by interrupting any service (access to Internet or communication networks as well as hosting or content providing services) to infringing subjects, - while service providers are exempt from a general obligation of supervising content transmitted on their communication networks, they are held to inform the Special Administration if they become aware of illegal activities, - aside from criminal sanctions, the Special Administration is entitled to apply a fine from Euro 30.000 up to Euro 180.000 for each violation.
	<i>Outdoor</i>	The general provisions do apply
	<i>Press</i>	The general provisions do apply
	<i>Radio</i>	The general provisions do apply
	<i>SMS</i>	The general provisions do apply
	<i>TV</i>	The general provisions do apply
Restrictions to the public	<i>Others</i>	The general provisions do apply
	<i>Children and adolescents</i>	The general provisions do apply

	<i>Others</i>	The general provisions do apply
Restrictions relating to the contents	<i>Environmental claims</i>	The general provisions do apply
	<i>Others</i>	The general provisions do apply
Upcoming changes	Not likely to occur during the coming months	
Last updated	14 June 2006	

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Activity	Prize Promotions	
Country	Italy	
General legal framework	<p>Promotional games and contests must be considered as falling within the context of the category of commercial initiatives (so called "manifestazioni a premio"), subject to a general regulation, provided by the statute Law no. 449, dated December 27th, 1996 and by Presidential Decree, no. 430, dated October 26th, 2001. Such incentives pursue a promotional intent with respect to products or services and award prizes. Local law distinguishes: (a) prize contests (so called "concorsi a premio"): i.e. prizes awarded to one or more participants on the basis of a raffle drawing or special skill, and (b) premium operations (so called "operazioni a premio") i.e. promotions awarding prizes to: all those buying a certain quantity of a manufacturer's product, or those collecting a certain number of proofs of purchase, coupons, etc. or all those buying a certain type of goods. Foreign companies may run such promotion in Italy through a specifically designated fiscal representative sitting in Italy. Running a prize contest or a premium operation is subject to specific requirements. In particular, prior notification to the competent Ministry (Department) for Production is required when the prize is not for all the participants but is reserved only to some of them, selected through whatever method (skill or chance). A new simplified procedure of notification has been recently introduced and provides that the promoter has to file a standard schedule and the Official Rules with the competent Ministry. The Official Rules must contain specific information as to the promoter's generalities, promotion's deadline, terms and conditions for participation, nature and value of the prizes, terms of prizes awarding and delivery etc.</p>	
General self-regulatory framework	<p>The Advertising Self-Regulation Code (Section no. 21) provides that any promotional advertising, either for games/contests or for premium operations, must inform the public in a clear and easily comprehensible way, about the promotion's terms and conditions (i.e.: participation's conditions, expiry dates, number and value of prize, conditions for prize awarding, means through which the results will be announced to the public).</p>	
The subject of the rules	Prize Promotions	
Restrictions to the activity	<p>Specific restrictions apply as to the nature of prizes allowed for such kind of promotional initiatives. Prohibited are money prizes as well as private or state loans, bonds, corporate capital shares; instead of cash gold token may be used. There is not any restriction as to the prizes' value. A promotion is banned when its mechanism does not grant suitable protection to public faith or does not offer equal conditions to all participants with respect to their treatment and opportunities. As to eligible participants local law does not indicate specific categories of consumers to be excluded from the promotion. There is no general provision excluding minors' participation (Italian law considers minors people aged under 18), obviously they cannot undergo obligations without proper parental consent. Advertising of prize promotions is not subject to formal restrictions, but some requirements have to be duly considered: - such advertising must inform consumers about the promotions' terms and conditions, the expiry dates and (only for prizes contests) the value of prizes to win, - when advertising messages, due to the particular characteristics of the audiovisual means or spaces used, are not providing all the required information, it must explicitly refer to the Official Rules and inform where their full text can be accessed.</p>	
Restrictions to the media	<i>Cinema</i>	The general provisions do apply
	<i>Direct Mail</i>	The general provisions do apply
	<i>E-mail</i>	The general provisions do apply
	<i>Web</i>	The general provisions do apply
	<i>Outdoor</i>	The general provisions do apply
	<i>Press</i>	The general provisions do apply
	<i>Radio</i>	The general provisions do apply
	<i>SMS</i>	The general provisions do apply
	<i>TV</i>	The general provisions do apply
<i>Others</i>	The general provisions do apply	
Upcoming	Prize and promotions' regulation has been recently amended; therefore no changes are expected for the	

changes	near future
Last updated	14 June 2006

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<b>Subject</b>	Tobacco	
<b>Country</b>	Italy	
<b>General legal framework</b>	Advertising concerning tobacco products is strictly banned in general terms; the general ban originates from Law no.165/1962 and was confirmed through Section 8 of Law no. 52/1983.	
<b>General self-regulatory framework</b>	Given the general ban, the special code (C.A.P.) of the Institute for Advertising Self-Regulation (I.A.P.) contains no specific prescription referring to tobacco ads, but the provisions (Section 12/2 of the code) on health and safety would obviously become relevant.	
<b>The subject of the rules</b>	Tobacco	
<b>Restrictions to the activity</b>	<p>The EU-Directive no. 2001/37 (concerning manufacture, presentation and sale of tobacco products) has been implemented in Italy through Law by Decree, no. 184, dated June 24th, 2003. while EU-Directive no. 2003/33 (on Advertising and Sponsorship for Tobacco products) received domestic implementation through Law by Decree no. 300 of December 16th, 2004. Law no. 3, dated January 16th, 2003 (Section 51) regulates smoking in places open to the general public. Through Decree of December 23rd, 2003 the Council of Ministers' President has issued additional, detailed provisions on technical aspects and requirements as to smoking in public premises. ASSOTABACCO, the Italian association representing all companies in the local tobacco industry, is promoting - jointly with the leading foreign producers - an intensive, periodical anti-children smoking campaign. Labels on cigarette boxes feature now - in addition to other warnings - the following print message: "Minors must not smoke". Sales of tobacco products to children under fourteen years old are forbidden; violation results in a criminal offence. The labelling campaign against smoking among young people runs tandem to a pilot project, which has enjoyed great success in schools. A popular Italian actress has been involved in an amusing ad, in which she explains to young people that smoking "won't help you to feel more adult".</p>	
<b>Restrictions to the media</b>	<i>Cinema</i>	The general ban applies
	<i>Direct Mail</i>	The general ban applies
	<i>E-mail</i>	The general ban applies
	<i>Web</i>	If Italian law and jurisdiction become applicable, the general ban applies. Advertising not permitted in the press is also banned with respect to the so-called information society services (see Section 2, Law by Decree no. 300/2004).
	<i>Outdoor</i>	No specific provision for tobacco products, but the general ban applies
	<i>Press</i>	The general ban applies. Advertising directed exclusively to professionals in the tobacco industry sector is not subject to the general ban. Advertising not permitted in the press is also banned with respect to the so-called information society services (see Section 2, Law by Decree no. 300/2004).
	<i>Radio</i>	See below the section on TV. All forms of radio advertising for tobacco products are banned. Undertakings having their main business activity focused on manufacture or sale of tobacco products are not allowed to sponsor Radio programs (see Section 3 Law by Decree no. 300/2004).
	<i>SMS</i>	The general ban applies
	<i>TV</i>	The principles and prescriptions of the EC-Directive no. 89/552 have been implemented through:- Law no. 223 of August 6th, 1990 (in the past),- Law no. 327 of October 5th, 1991 (signature of the Strasbourg Convention on cross-border television),- Law no. 112 of May 3rd, 2004 (new provisions on TV and Broadcasting),- Regulation no. 538/2001 on TV and Radio advertising and on TV-sales. A total ban as to promoting tobacco products is in force and is valid also for 'indirect advertising', i.e. for any use of: commercial brands, designations for other characteristic features of tobacco products or of firms focused on manufacturing tobacco products (on this aspect see Department of Post and Telecommunications, Ministerial Decree no. 425/1991, Section 1).
<b>Upcoming</b>	Stricter regulation as to smoking in public places will come into force in January 2005	

changes	
Last updated	14 June 2006

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Activity	Collateral Gifts
Country	Italy
General legal framework	Free gifts and premiums, either connected or not with the purchase of a product, are not subject to a special ruling by themselves. They may fall under the provisions governing sweepstakes or promotional contests (see above appendix 4 "Prize Promotions"):- whenever the gift is not just a minor, usual one, with no significant autonomous economic value, but reaches a level of attractiveness that may influence consumer's purchasing behaviour;- when the offer of the gift is performed through one of those commercial initiatives falling within the definition of sweepstakes or promotional contests.
General self-regulatory framework	Industry self-regulation does not provide for specific regulations for this kind of promotional initiatives.
The subject of the rules	Collateral Gifts (also known as Free Gifts or Premiums)
Restrictions to the activity	There are no special restrictions or provisions as to information requirements, commercial communications and eligibility in the promotion. All these aspects of the promotion through free gifts and premiums fall under the general provisions on fair competition and fair and truthful advertising.
Upcoming changes	Currently no new legislation specifically related to free gifts and premium is likely to come into force.
Last updated	14 June 2006

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Activity	Data Protection/Privacy	
Country	Italy	
General legal framework	<p>Commercial promotions frequently involve processing (i.e. collection, storage, screening, profiling and transfer) of personal data. When the handling of such data takes place within the territory of the European Union or of one of the Union's member states, the domestic provisions on processing of personal data (issued to implement EU Directive no. 46/1995) must be taken into due account. According to those provisions - nowadays contained in a Consolidated Act, the so-called "Privacy Code" (introduced through Legislative Decree no. 196 dated June 30th 2003 and effective since January 1st, 2004) - processing of personal data is subject to special notice and specific limits.</p>	
The subject of the rules	Data Protection	
Restrictions to the activity	<p>The rules of the Italian "Privacy Code" also apply to personal data - even if collected abroad and transferred to Italy or eventually handled by electronic equipment located in Italy - processed by a domestic operator. Special rules govern the transfer of data from Italy to a country not member of the European Union. Finally, all databases, containing personal information, have to be properly kept in protected archives. The "Privacy Code" is intended to enforce general principles and criteria established by the local Data Protection Commissioner (an independent Authority in charge of controlling the enactment of all the rules on protection of personal data) or set by EU-Directives as well as by domestic Statute Law. The Code consists of 186 sections, divided into three parts, containing: (i) general provisions on collection and processing of personal data performed by private subjects or public entities (in detail, the section deals with required conditions, data bases' and systems' security, data transfer abroad), (ii) regulations for specific sectors, as judicial proceedings, police force, public administration, health services, education, statistical, historical and scientific researches, employment and social security, banking, financial and insurance systems, electronic communications, journalism, direct marketing, (iii) special provisions on: administrative and jurisdictional measures for infringement of the Code, sanctions, functions of the Privacy Commissioner</p>	
Restrictions to the media	<i>Cinema</i>	The general provisions do apply
	<i>Direct Mail</i>	<p>The above-mentioned «Privacy Code» also contains the implementing provisions of EU-Directive no. 58 dated July 12th, 2002, concerning the processing of personal data in the electronic communication sector, which establishes the following general principles:- the use of cookies and other invisible tracking devices, apt to collect personal data on the Internet, is allowed, provided the targeted data subject is granted: proper notice about the information stored, it's purpose and the period of retention as well as an option for acceptance, rejection or choice on the information to be released,- location data generated by mobile phones can only be further used or passed on by network operators with explicit user consent (an exception applies as to data transfer to emergency services and to law enforcement authorities),- electronic mailing for direct marketing purposes - including SMS or other electronic messages sent to mobile or fixed terminals - requires specific prior consent by the targeted data subject ("opt-in" option).</p>
	<i>E-mail</i>	<p>See above the Section on Direct Mail. In Addition, Law by Decree, dated April 9th, 2003, no. 70 (implementing the EC Directive 2003/31 on "Electronic Commerce") requires that the protection of minors against the impact of commercial information, unsolicited or aimed at exploiting the minors' weakness must be assured</p>
	<i>Web</i>	<p>See above the Section on Direct Mail. In addition consider that on November 19th, 2003 the four major Italian Internet providers' associations have signed a specific Ethic Code for the protection and the defense of minors from the risks of uncontrolled Internet access. The Code applies to all those adherents that have subscribed it directly or through the signatory Associations. One of the key goals pursued through the Code is "setting up adequate measures for preventing minors from coming into contact with material that may result illegal or harmful to their growth"; in particular, the Code promotes the so-called 'conditional access', i.e. a special mode enabling access (thanks to special identifying procedures and/or instruments, e.g. a user identification code, a password, a smart card, etc.) to content otherwise not available to the users. General principles applying to processing of personal data must also be duly respected; therefore, minors' right to privacy and fair treatment of their personal data has to be granted; special procedures for enquiring about the user's age should be adopted; subsequently, IPs members to the self-regulation system are not allowed to trace users' identity or to process their personal data without explicit prior consent from duly informed parents.</p>

	<i>Press</i>	The general provisions do apply
	<i>Radio</i>	The general provisions do apply
	<i>SMS</i>	See above the Section on Direct Mail and on E-mail
	<i>TV</i>	The general provisions do apply
Upcoming changes	The local Data Protection Commissioner is frequently called to deal with practical aspects and therefore may issue additional guidelines with respect to particular topics or to specific industry/business sectors. N.B.: See Section on "Direct Marketing" for new provisions on personal data handling	
Last updated	14 June 2006	

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## Legislation Article

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Subject	Motors	
Country	Italy	
General legal framework	There are no specific regulations in the local legal framework. Nevertheless domestic authorities responsible for controlling advertising messages are particularly sensitive in checking claims related to cars and motorbikes. Such claims have to comply with the general rules of prudence and safety in advertising	
General self-regulatory framework	The local Advertising Self-Regulation Code (CAP), in compliance with the general rule banning dangerous and unsafe representation in advertising (see CAP, Section no. 12), prohibits ads that show:- situations suggesting a dangerous use of the promoted vehicle or inducing users to not take care of the ordinary rules of prudence for granting personal and third parties' health and safety,- situations that exploit minors' ability to drive cars, that could induce them to imitate adults' behaviour or encourage irresponsible/dangerous behaviour.	
The subject of the rules	Motors	
Restrictions to the activity	According to the EC- Directive no. 1999/94, (implemented in Italy by Presidential Decree no. 84, dated February 17th, 2003) motor companies must provide consumers with clear information on fuel economy and CO2 emissions of new passenger cars. The Department for Production (giving guidelines on practical aspects) has recently specified (see Memorandum no. 1298, dated May 14th, 2003) that such kind of information must be indicated even on billboards and on any advertising material and campaigns meant to promote cars.	
Restrictions to the media	<i>Cinema</i>	The general ban applies
	<i>Direct Mail</i>	The general ban applies
	<i>E-mail</i>	The general ban applies
	<i>Web</i>	The general ban applies
	<i>Outdoor</i>	The general ban applies
	<i>Press</i>	The general ban applies
	<i>Radio</i>	See below the section on TV
	<i>SMS</i>	The general ban applies
	<i>TV</i>	General and specific provisions aimed at protecting minors with respect to motors ad, do apply. Law no. 223 of August 6th, 1990, (past Provisions on TV and Broadcasting), Section 8, bans ads that could induce behaviour considered harmful to ones health, safety and environment or that could physically or morally damage minors. Furthermore, the Ministerial Decree of the Department for Post and Telecommunication no. 425/1991, Section 2 prohibits ads ad showing minors driving cars.
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