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HIP-HOPPERS BATTLE OVER I.A.M. COPYRIGHT

American music artist Will.i.am is claiming that fellow hip-hop star Pharrell Williams crossed the line by using the phrase 'I am' as part of his new brand, going as far as to sue him over it.

BLOG: WHISTLEBLOWING



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Defense contractors have been shielded from whistleblower actions in the US. Until recently, that is, says Reuben Guttman.

DEALS



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SPORT

27 June 2013 at 11:18 BST

Copyright and the Vatican

Italians have a unique problem in their dealings with the Vatican. Which law applies? Antonella Barbieri and Dario Morelli of Portolano Cavallo Studio Legale discuss the problem.

As an Italian law firm, we are often required to assist television and movie productions involving the Vatican City State (VCS). The first question we are usually asked is which copyright law applies - Vatican law or Italian law? This may be because we are Roman based or because of our media and entertainment expertise or indeed because one of our associates is a Vatican expert.



The Vatican dimension

Background

The problem arises as the Vatican City State is an independent city-state under the sovereignty of the Holy See since June 7, 1929. As an independent State, VCS has its own Fundamental Law, government, courts, legislation, national flag and anthem.

Both Canon law (the body of laws regulating the life and the government of the Catholic Church around the world) and Italian law are applicable in the Vatican City State, along with the laws that have been generated by the legislative bodies of the VCS itself by the Supreme Pontiff, the Pontifical Commission and any other entity authorized by the Pope to exercise legislative power.

In particular Canon law must be considered the "first source of law and the first principle of interpretation" of law in the VCS. Italian laws shall be applicable subject to the following conditions:

- They do not concern matters also regulated by specific Vatican laws (ie application on a suppletive basis);
- They do not conflict with divine law, with the general principles of Canon law, or with the provisions of the Lateran Treaty (ie the Treaty executed in 1929, and modified in 1984, between Italy and the Holy See in order to establish the Vatican City State) and of subsequent agreements;
- They are actually applicable to the VCS "in relation to the actual current situation";
- The relevant Vatican authorities have implemented them by approving a specific statute.

Copyright protection

Copyright protection in the VCS is now regulated by the Vatican Law of March 19, 2011, no. CXXXII "on the protection of copyright and related rights" issued by the Pontifical Commission. This new Vatican Copyright Law has entirely replaced the previous one, whose main provision was a reference to the relevant Italian law (the Italian Copyright Law of April 22, 1941, no. 633) and regulation.

The Vatican Copyright Law has only eight articles. Pursuant to Article 1, the Italian Copyright Law applies on a suppletive basis to any matter related to the copyright protection that involves the VCS and that is not specifically regulated by the Vatican Copyright Law. Thus, the Italian law is applicable as it :

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The 'Happy Birthday' song, heard on that special day once a year, may no longer be music to your ears.

DOING THE DEALS



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G8 SUMMIT



NI'S G8 GLOBAL LEGACY

The jury may be out on the economic benefits of the G8 Summit for Northern Ireland but the major trading nations know that NI is open for business. And NI has its own legacy for the world, says Arthur Cox Belfast managing partner Alan Taylor.

INSURANCE



PERSONAL INJURY LAWYERS REFUTE WHIPLASH CLAIMS

British lawyers have played down allegations by insurers that petty claims have added

- It does not conflict with divine law, with the general principles of Canon law, with those provisions arising from international treaties signed by the Holy See or with the provisions of the Lateran Treaty and of subsequent agreements between Italy and VCS; and
- It is applicable to the VCS "in relation to the actual current situation".

The Berne convention

Furthermore, it's worth noting that the Holy See is a member to the Berne Convention for the Protection of Literary and Artistic Works, under which "authors shall enjoy, in respect of works for which they are protected under this Convention, in countries of the Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention".

The above means that the rights granted under the Vatican Copyright Law/Italian Copyright Law on "every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression" are enforceable in all countries in which the Berne Convention applies (that is about all the world's countries including Argentina, Australia, Brazil, Canada, China, France, Germany, India, Israel, Italy, Russian Federation, United Arab Emirates, United Kingdom and United States of America).

This article has been written by Antonella Barbieri and Dario Morelli of Portolano Cavallo Studio Legale. They can be contacted at abarbieri@portolano.it dmorelli@portolano.it or on twitter - @Dario_Morelli or @Portolano_Legal.

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