

## Domain Name Law and Practice

15 March 2005	Italy	<b>Part I: Overview of the System of Protection of Trademarks and Other Intellectual Property Rights in Italy</b>
<b>Type of update: Legislation</b>		
<p>With Legislative Decree No 30, 10 February 2005, published in Gazzetta Ufficiale No 52, 4 March 2005, Supplemento ordinario No 28, effective as of 19 April 2005, Italy enacted a <a href="#">Code of Industrial Property</a> (Codice della proprietà industriale, hereinafter the CIP). Existing statutes in the field of intellectual and industrial property rights, copyright law excluded, are reviewed and coordinated (§1). Domain names are for the first time explicitly regulated by statute law (§2). Civil law remedies and procedural law are now regulated in greater detail and more unitarily (§3).</p> <p>1) Most sections from the Italian Trademark Act are reproduced with unchanged wording in the Code. The numbers of the sections quoted change as follows: ('=' stands for 'wording unchanged', '→' for 'wording changed'):</p> <ul style="list-style-type: none"> <li>- Sec 1 Trademark Act = 20 CPI;</li> <li>- Sec 10 Trademark Act = 21(3) CPI;</li> <li>- Sec 13 Trademark Act → 22 CPI;</li> <li>- Sec 17(1)(c) Trademark Act → 12 CPI;</li> <li>- Sec 21 Trademark Act = 8 CPI;</li> <li>- Sec 22(2) Trademark Act = 19(2) CPI;</li> </ul> <p>2) Sec 22 CIP explicitly sets out the principle of the unitary nature of industrial property rights in signs (principio di unitarietà dei segni distintivi). In this context <b>enterprise domain names</b> (nomi a dominio aziendali) are <b>for the first time specifically mentioned by statute law</b>.</p> <p>According to Sec 12(1)(b) CPI, enterprise domain names also act as an obstacle to the registration of a sign as a trade mark, whenever likelihood of confusion occurs.</p> <p>3) 12 specialized Industrial Property sections (sezioni specializzate in materia di diritti di proprietà industriale), with exclusive jurisdiction in respect of industrial and intellectual property and related unfair competition issues, are established at the District Courts and the Courts of Appeal of Bari, Bologna, Catania, Florence, Genoa, Milan, Naples, Palermo, Rome, Turin, Trieste and Venice under Legislative Decree No 168, 27 June 2003, effective as of 12 July 2003. Section 120(4) CPI again specifies the exclusive jurisdiction of the special Industrial Property sections with respect to the issues regulated by the Code.</p> <p>Sec 133 CPI contains a <b>specific regulation</b> on the interlocutory protection against the unlawful registration of <b>enterprise domain names</b>: if an enterprise domain name is unlawfully registered, the Court can order its interlocutory transfer to the complainant, provided the complainant posts an adequate judicial bond.</p>		