

Copyright Policy

The websites owned by D Scuola S.p.A. ("D Scuola") contain diverse materials – certain content provided by D Scuola, while registered users directly provide other content. However, all materials are selected and screened by D Scuola.

This page aims to briefly describe the content D Scuola makes available to users on its websites, as well as what the law on copyright (Law 633/1941) allows D Scuola and users, respectively, to do; it describes, among other things, the limits within which users may use the areas and spaces made available to them by D Scuola on its websites for uploading content and materials to such websites.

The use of the website implies firstly that the user has accepted liability in respect of D Scuola for compliance with rules in force and, on the other hand, that the user accepts to abide by the interpretation of such rules given by D Scuola on this page.

The materials provided by D Scuola are of various types and often consist of additional content and updates regarding school textbooks or other works published by D Scuola; such materials may be accessed by using an activation key provided by D Scuola, which may be associated with only one copy of the work and a single user.

The websites owned by D Scuola may be eligible and protected by copyright law, as "databases". Limited to the areas of the websites for which the user has been authorised, each user may consult the materials contained therein and add their own, in compliance with the provisions of this page and the website Terms and Conditions of Use.

However, it is absolutely forbidden for users, without the express and specific written consent of D Scuola, to transfer all or a substantial part of the content of each website on another medium by any means or in any form, as well as to make all or a substantial part of the content of each website available to the public by distributing copies, rental and transmission made by any means and in any form. The same operations, even if they concern non-substantial parts of the content of each website, shall be considered prohibited, whenever such operations are done repeatedly and systematically, as well as in general all

operations contrary to the normal management of the websites or that may cause any type of harm to D Scuola.

As previously mentioned, D Scuola makes areas where users may supply materials available to users, under certain conditions (Terms and Conditions of Use). Such materials may be of two types: they can be brief comments posted to the various blogs on the websites they own (accessible to all registered users) or larger materials, including, but not limited to, texts or images, made available within reserved areas (forums and communities, etc.) accessible only to other registered users for each reserved area. There are also private areas and “virtual classrooms” where certain users may upload materials whose use is personal or limited to members belonging to that specific class.

Certain materials on websites owned by D Scuola, or that users have the opportunity to upload, may qualify as “intellectual property” and therefore be protected by copyright. To enjoy protection under copyright law, content must have characteristics of creativity and originality: by way of example, a brief comment posted in a blog or in a reserved area may hardly qualify as “intellectual property” and, therefore, anyone may use it for non-commercial purposes without the author's consent. D Scuola may also lawfully collect brief comments or evaluations of its works and use them for promotional purposes.

For a work to be protected, it is not necessary for it to be incorporated into a material medium: even a lesson or a translation, for example, may be considered intellectual property, and to be able to record, transcribe or use it in any other way it is necessary to obtain the consent of the author. The law on copyright, however, protects only the expressive form, not ideas and information: thus, a person who has spread ideas or information via websites owned by D Scuola and has then seen such ideas and information taken or used by other users or by D Scuola itself may not claim “to have been copied”.

In general, any use of intellectual property must be made with the consent of the author or of those parties (for example, the publisher, in the case of a book) to whom rights of use have been granted; and it is useful to remember that buying a copy of a work (for example a book) does not imply the purchase of any right to use said work.

The unauthorised use of intellectual property constitutes a civil, administrative and criminal offense, punished by harsh financial penalties and, in the most serious cases, with imprisonment.

The rule on the need for consent to use intellectual property is valid both with reference to D Scuola – in respect of users of its websites – and for users of websites in respect of D Scuola.

The same rule is also valid with reference to users in respect of other users and third parties: except in cases of “free use”, and unless you are able to prove in writing that you have acquired the specific consent of the copyright holder, users are not allowed to incorporate works of third parties or parts thereof on websites owned by D Scuola. A user who, by way of example, reproduces certain pages of a book, music or images within a community, without the permission of the respective owners, would be committing a tort against such owners. D Scuola, in turn, would be entitled to demand that the user be held liable for such actions and for the harm they may have caused to the company itself, in addition to lawfully excluding said user from the website and taking down any content he/she may have included.

It should be noted, with regard to the foregoing that the author also has the exclusive right to draw from his own work to create a derivative work (a short story from a novel and a song from a poem, etc.) and to translate it; even if such “derivations” then give rise to a new, autonomously protected work, such activities still require the consent of the original author. Similarly, amendments or simple summaries also need to be authorised.

Commercial usage rights for intellectual property, with certain exceptions, remain in force for the entire life of the author and until the seventieth calendar year after such author’s death. At the end of this period, the work becomes part of the “public domain” and may be used freely.

The author of intellectual property also enjoys so-called “moral rights”; specifically, the right to be recognised as the author of the work itself; to object to any alteration, distortion or mutilation of the work that harms an author's reputation; to withdraw the work from the market for serious moral reasons. Such rights are not restricted from the standpoint of time but may be exercised without time limits, even after the death of the author, by relatives or descendants. Even those using a work in the public domain, therefore, are required to always cite the author, and they may not make changes to such work that may affect the reputation of the author; the latter rule also applies to the technical level for reproduction and use.

As previously mentioned, copyright protects intellectual works as such. There

are, however, certain persons who are however granted protection (rights “connected” or “akin” to copyright) because of the expressive value of their activity, or the role they play in the culture and entertainment world. Such personalities include, but are not limited to, performing artists who are actors, singers, or composers; photographers taking non-creative photographs; record producers or producers of cinematographic or audio-visual works; authors of engineering projects; radio or television broadcasters; publishers of critical and scientific editions of works in the public domain.

Copyright is traditionally marked by a series of exceptions or limitations on the exclusive right, the purpose of which is to allow free use of the work in situations of particular social importance, and which do not create any harm to the right holder. Whenever one of such cases arises, which are strictly provided for by law, the specific consent of the owner is therefore not necessary, which remains material in all other and for any other form of use of the work.

When uploading copyright-protected materials to D Scuola’s websites, users must however consider that such websites may not be construed as on-line news media and therefore the free uses specifically provided for magazines or newspapers are not applicable. Other free uses, including, but not limited to, reproduction for personal use or personal copying, are not compatible with the provision of materials through a website; therefore, these too may not be deemed applicable.

Moreover, the law allowing the summary, citation or reproduction of songs or parts of works and their dissemination to the public, whenever done for the purpose of criticism or discussion and within the limits justified by such purposes, or for illustrative purposes in educational or scientific research fields, may be considered applicable to the provision of materials on the websites owned by D Scuola, under certain conditions. Such free use is, however, subject to certain limitations: firstly, it must not give rise to competition with respect to the commercial use of the work; secondly, the rule refers to partial use (“pieces or parts of the work”) and not to the reproduction or dissemination to the public of the entire work; finally, for educational use, the requirement of “illustrative purposes” is satisfied only if reproduction or dissemination is functionally included in a discourse, as a premise or as a means of affirming or criticising the theses supported.

The user who intends to upload materials to the websites owned by D Scuola and intending to rely on such rule, must therefore check beforehand whether such conditions are satisfied. However, it should be noted that any abstract,

citation or reproduction must be accompanied by a mention of the title of the work, the names of the author, the publisher and, in the case of a translation, the translator.

There is, then, a further rule that permits the free “publication” on-line of low-resolution or “degraded” images and music, for educational or scientific and not-for-profit use. It is, however, a somewhat unclear rule and it refers, for practical application, to criteria that will be defined by decree of the Minister for Cultural Heritage and Activities; since the Ministry, to date, has not yet issued any such measure, it must be considered inapplicable. Users, therefore, will not be able to include images and music protected by copyright on the website without the consent of the relevant owners.

In general, however, free use must not conflict with the normal exploitation of works or other materials or cause unjustified harm to the interests of right holders.

Whenever works to which technological protection measures apply, the operation of free use is subject to an agreement between the right holder and the user. It also follows that the use of the materials uploaded by D Scuola to its websites and protected by an activation key, even if for educational purposes, may only be made by the individual user who has obtained the activation key from D Scuola and that such user may not, without the prior consent of D Scuola, allow third parties who do not have the activation key (even in the case of their students) to access such materials.

Technological protection measures enjoy autonomous legal protection; the circumvention, removal and alteration, etc., of such measures is therefore per se prohibited. Electronic information on the system of rights, i.e., information identifying the protected material, the right holder and, where appropriate, the conditions of use, shall enjoy similar protection.