# National and International Cultural Heritage and Entertainment Law

## Prof. Stefano Lombardi; Prof. Maurizio Frittelli

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course will provide an institutional and administrative overview of national and international law applicable to cultural heritage, including cultural activities, museums and entertainment, having regard to public and private law as well as the Cultural Heritage and Landscape Code. All within the widest context of European legislation, comparing and contrasting the Italian experience with that of some other EU Member States. The course aims to identify the clearest approach to legislative topics in the cultural field. To this end, during the course, a simple language and concrete examples will be used, since some students might have a different background.

***COURSE CONTENT***

General part: *Prof. Stefano Lombardi*

Definition of public law bodies. Government functions within the constitutional framework and the Cultural Heritage Code. Aspects of the definition of legal personality under public law and private law.

1. Cultural heritage in a constitutional framework and in public law.

2. Local Authorities Code (Legislative Decree No. 267/2000). And the main competencies of local authorities in the cultural heritage field.

3. Central government with special reference to its competencies in the cultural heritage field.

4. The authorisation system: licenses, concessions, authorisations and further similar administrative acts, with particular reference to cultural heritage.

5. Concept of public tendering in valuing public cultural heritage.

6. Work relations in the public sector, with particular reference to cultural heritage.

7. Hints at cultural heritage circulation at international level.

8. Hints at Foundations in the cultural heritage field. Notion and purpose. Hints at the internal control system. Legislative Decree No. 231/01.

Special module on corporate management and management of entertainment and cultural heritage: *Prof. Maurizio Frittelli*

1. For-profit and non-profit and their function in the entertainment and cultural heritage world. Public and private roles.

2. Private employment contracts in the entertainment world. The general principles of labour law. Employer-employee relationships. Self-employment. Quasi self-employment: in particular from client-coordinated contracts for services to project-related contracts for services. Casual work. Social security aspects and the former ENPALS (specific social security body for entertainment workers and professional sports persons).

3. Intellectual works and copyright. The principles. Economic exploitation. Moral rights and Anglo-American copyright. Neighbouring rights: in particular, the specific figures of interpreter and performer. Italian copyright collection society (SIAE).

4. Contracts in the entertainment and cultural heritage world. Classification and function. Essential elements. In particular: agency, contracts for works and services, sponsorship and donations, and merchandising.

***READING LIST***

S. Lombardi, “Diritto dei beni culturali”, cedam 2021

S. Lombardi, “*il modello organizzativo di gestione e controllo E L’ORGANISMO DI VIGILANZA ex dlsg 231701”CEDAM 2020*

M. Macalli, *Gestione dei beni culturali e trust,* EDUCatt, 2014 – Compendium of Cultural heritage legislation, edited by F. Florian

Argano-C. Brizzi-M. Frittelli-G. Marinelli, *L’impresa di spettacolo dal vivo,* Officina Edizioni, pages 52-79.

A.C. De Rosa, *Il Rapporto di Lavoro nello Spettacolo,* Giuffrè.

G. Jarach-A. Poiaghi, *Manuale del Diritto di Autore,* Mursia.

***TEACHING METHOD***

Lectures. The first module refers to the general part taken by all students, whereas in the second module the different curricula will be provided specialised lectures.

***ASSESSMENT METHOD AND CRITERIA***

Oral exam. All students shall take the exam on the general part with Prof. Lombardi, and the specialised module with Prof. Frittelli. The final mark is the average of the two marks.

The syllabus for non-attending students shall have to be agreed upon with the lecturers.

***NOTES AND PREREQUISITES***

For further readings, notices and in-depth study materials students have to follow lecturers’ Blackboard platform.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.