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DATA PROTECTION

5 January 2024 – Court of Bolzano: in civil proceedings, judges must order the redaction of excess personal data and limit access to trial files.

The Court of Bolzano, with order rendered in proceedings no. 3662/2023 relating to a technical ex officio assessment in which - given the delicate nature of some personal data - one of the parties had requested the judge to apply the principles of data protection, applied the principles referred to in the judgment of the Court of Justice of the European Union of 2/3/2023 on the need, proportionality and minimisation of personal data processed in civil proceedings, which must be adequate, relevant and limited to what is necessary in relation to the defence purposes.

Consequently, not only can the parties to the proceedings make use of the data and information contained in any act of the proceedings only limited to the purposes of the action or defence, but the judge himself is obliged to order the obscuring of personal data that are excessive in those documents. The same principles also require that access to case files be restricted.

The Court of Justice of the EU ruled in 2023 that while the parties have the right to access the evidence necessary to adequately demonstrate the merits of their claims, even if this evidence may include personal data of the parties or third parties, it is nevertheless for the courts to determine whether the acquisition of personal data is adequate and relevant to the purposes of the defence and whether this objective cannot be achieved by resorting to less invasive means of evidence. If the court considers that the principles of proportionality and minimisation are at risk, it must impose additional measures on the parties such as pseudonymisation, restricting public access to the file or ordering the parties not to use the data for purposes other than the production of evidence.

ARTIFICIAL INTELLIGENCE.

7 January 2025 – The main trends and developments expected in 2025 for Artificial Intelligence.

2025 is the year of the first practical application of some parts of the EU Regulation 2024/1689 on Artificial Intelligence (AI Act). For example, as of February 2, 2025, AI literacy requirements for staff will be applicable and the official definitions of Article 3 of the AI Act may be used in contracts.

But 2025 will also be the year in which even more substantial developments in AI capacity are expected. Think of the so-called "*Artificial Intelligence Agent*", real AI agents capable of acting autonomously, making autonomous decisions and optimizing processes. For example: virtual assistants can not only answer questions, but manage entire marketing campaigns, personalize the user experience in real time, and automate complex tasks. This will lead to a new era of work automation and extreme customization.

2025 will bring new cybersecurity challenges, and companies will need to strengthen their security measures to cope with entirely new threats, such as *prompt injection* attacks, in which malicious inputs are disguised as seemingly legitimate messages and introduced into generative AI systems. Advances in *quantum computing* will also challenge traditional methods of cryptography.

Finally, recently published research by Cisco, Gartner and Capgemini Research Institute identifies the following 10 trends that will characterize AI in 2025:

#1: Agency AI reshapes the future of work automation
#2: AI-driven robotics blurs the lines between man and machine
#3: Space for governance platforms for AI
#4: New tools to counter misinformation and protect brand integrity
#5: Post-quantum cryptography to prepare for future threats
#6: The Era of Invisible Ambient Intelligence
#7: Energy-efficient computational computing reduces IT's carbon footprint
#8: Space computing spreads in the enterprise
#9: Multi-functional robots improve human-machine collaboration

#10: Hybrid computing to overcome the limitations of current analytical models.

DIGITAL MARKETS

4 January 2025 – Annual Competition Law: reform of the discipline on innovative start-ups and certified incubators.

Law 193/2024 (Annual Law for the Market and Competition 2023) updated the rules on innovative start-ups and certified incubators, introducing new qualifying requirements and incentive measures.
As regards the requirements to be qualified as innovative start-ups, the new rules provide that they must be micro, small or medium-sized enterprises (according to the definitions of EU Recommendation 2003/361/EC, with an exclusive focus on innovative products or services with high technological value. In addition, new conditions regulate the permanence in the special section of the commercial register. In fact, it is provided that the permanence of an innovative start-up in the special section of the Business Register, after the conclusion of the third year, is allowed up to a total of five years from the date of registration, in the presence of requirements such as capital increases, research expenses or increase in revenues.

The law then introduced changes for certified incubators, expanding the criteria for certification, including proven experience in supporting and accelerating start-ups. Acceleration incubators will be registered in a separate section of the Business Register.
The law recognizes a tax credit to certified incubators for investments in innovative start-ups, calculated on 8% of the amount invested, with a maximum limit of 500,000 euros for each tax period, starting from 2025.

Finally, tools have been introduced to encourage the entry of capital, including advantages for investments by social security institutions and facilitations for foreign investors who support innovative start-ups or venture capital funds operating in Italy.

30 December 2024 – From 30 December 2024, Regulation 2023/114 on Markets in Crypto-assets ("MiCAR") is applicable in its entirety.

Regulation (EU) 2023/1114 on markets in crypto-assets ("MiCAR") introduced harmonised rules in the European Union for the issuance, offer to the public and provision of services relating to crypto-assets that cannot be traced back to financial instruments or other products already regulated by EU legislative acts.

From 30 December 2024, MiCAR is directly applicable in its entirety and operators are required to comply with it.

In particular, MiCAR regulates the issuance, trading and provision of services on three types of crypto-assets:

1. *asset-referenced tokens* ("ART"), defined as crypto-assets that aim to maintain a stable value by referring to another value or right or a combination of the two, including one or more official currencies;

2. e-money tokens *("*EMTs"), defined as crypto-assets that aim to maintain a stable value by reference to the value of a single official currency; and

3. the so-called "*other than*" crypto-assets, a category that includes crypto-assets other than ARTs and EMTs; This category also includes "*utility* tokens", i.e. crypto-assets intended solely to provide access to a good or service provided by its issuer, and fractions of *non-fungible* tokens, such as those issued in a large series or collection.

Legislative Decree No. 129/2024 completed the process of adapting to MiCAR by outlining the powers and functions of Consob and the Bank of Italy. The aforementioned decree also defines the transitional

regime and transparency obligations applicable to current virtual currency operators registered in the special section of the OAM register.

INFORMATION TECHNOLOGY

3 January 2025 – Supreme Court of Cassation: the de-indexing of judicial news articles can only be requested after the final acquittal.

With the recent judgment no. 31859/2024, the Supreme Court addressed a case relating to the de-indexing of judicial news articles, confirming the need to balance the right to be forgotten and the right to report.

The right to de-indexing is a tool for the protection of confidentiality and personal identity. The Court reiterates that the application of this right must be assessed in the light of the principle of proportionality, taking into account the public interest in historical memory and the individual's right to the protection of personal data. In this context, the processing of data by publishers and search engines is scrutinized with particular attention.

The decision points out that de-referencing can only be requested after a final acquittal, in accordance with the General Data Protection Regulation (GDPR) and established case law. In this perspective, the Court emphasizes that the need for de-referencing cannot be based exclusively on the long period that has elapsed since the publication of the news reports, but must instead consider the overall context, including the procedural moment in which the judicial case is located.

In the case examined, the applicant had requested the removal or de-indexing of articles related to a judicial case that had not yet been concluded at the time of the request. The Court confirmed the inadmissibility of the application, noting that de-referencing cannot be recognized until the final conclusion of the criminal proceedings with a favorable outcome for the interested party. The decision is based on the balance between constitutionally protected rights, such as the right to privacy (Articles 7 and 8 of the Charter of Fundamental Rights of the European Union) and the right to report (Article 21 of the Constitution).

The sentence also recalls the introduction of art. 64-ter of the Code of Criminal Procedure with the Cartabia Reform, which expressly regulates the right to de-referencing for those who have obtained a sentence of acquittal or dismissal. This provision provides that the court registry notes the right to de-referencing or to preclude indexing directly on the documents, ensuring greater protection and procedural simplification for the data subjects.

INTELLECTUAL AND INDUSTRIAL PROPERTY

1 January 2025 – The 12th edition of the Nice Classification for the filing of trademarks comes into force on 1 January 2025.

On 1 January 2025, the 2025 version of the 12th edition of the "*International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)"* (NCL 12-2025) entered into force.

In addition to the new editions of the Nice Classification, which are published every three years, since 1 January 2013 there are annual versions that may include new entries or deletions and reformulations of existing entries. Since the first edition of the Nice Classification, editions have been published and entered into force usually every five years. A new edition is now published every three years (starting with NCL12). Since 2013 (NCL10), the Nice Classification has been revised once a year, and a new version of each edition is published every year and enters into force on 1 January.

These updates ensure that the classification system remains relevant and can accommodate new and emerging industries. Revised descriptions and the removal of outdated terms also help streamline the application process and reduce the likelihood of errors.

Trade mark applicants should be aware of these changes and ensure that their applications are consistent with or take account of the new classification system. Failure to do so may result in delays or rejection of applications.