



# REGULATORY COMMUNICATIONS

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As part of this month's Expert Insight, *Lawyer Monthly* takes a look at the issues and challenges surrounding regulatory communications. To this end, we speak to Fabrizio Cugia di Sant'Orsola, senior partner of Cugia Cuomo & Associati. Cugia Cuomo & Associati is an independent medium-sized law firm, with offices in Rome and Bari, particularly active in TMT, privacy, corporate & commercial and M&A, civil law, banking & finance, energy, environmental, fashion, IP law, creative arts, entertainment and white collar crime. The Firm was founded in 2006, as a response to clients' needs for tailored, quality-driven and highly focused performances.

**Please tell me a little about the main cases you deal with regarding regulatory communications.**

As communications and IP lawyers, in the last few years we have been heavily involved in convergent services, that is on media content, IP protection, privacy compliance, validation of new interactive and online services, administrative law and release of titles and in general review of communications offerings on satellite or fixed or mobile networks.

Naturally we have also continued sector specific commercial activity, such as assisting operators in nomadic and roaming agreements or project financing arrangements.

Convergent services are indeed flourishing in Italy. As practitioners, our regulatory activity continuously confines or overlaps with judiciary assistance, antitrust, IP or media. We have assisted operators in licensing and IP litigations, online advertising disputes, IP conflicts of many natures, since our clients in the field are not only private enterprises or communications operators (in the different fields of mobile, satellite traditional or fixed line licensed operators), but also content providers, gaming houses and e-commerce or online operators.

Privacy, especially on M2M and IoT (internet of things), particularly in the automotive sector is also a field in which we are involved, representing major transport players.

**What challenges do you face and how do you navigate them?**

Competitive pressure is indeed great, both from national and international firms. Sound information management, quality commitment, along

with international networking and experience, technological insight and continuous regulatory review are keys for success, especially in a mid-sized firm such as ours. We naturally don't have in house information departments or regulatory analysts, and must keep the pace by ourselves while delivering expected services. In general, regulatory and legal advice is much centred on market delivery, responsiveness and excellent quality.

**As an expert on the legal issues surrounding multimedia and telecoms, you must have borne witness to a lot of change over the time you have been practising, which I believe is around 25 years. What has been the biggest change?**

Technological evolution proceeds nowadays at such a pace that regulation simply cannot cope with it, be it national, European or ITU alike (think of the general topic of Internet governance, still to be assessed). This is indeed the greatest challenge for regulatory lawyers involved in domestic and international practice: aside being up to date, comparative experience and knowledge of other regulatory systems and solutions represents a clear quality element in this type of practice. By way of example, voice services are now seen as a commodity in the market, and certainly don't represent anymore a particular competitive arena, whereas only five years ago all the regulatory fuss centred on the reference interconnection offer, wholesale tariffs and long run incremental cost calculation. Today, the competitive edge is on data retention, net neutrality, transmission applications and internet-of-things protocols, all items destined to be highly rewarding for operators.

**Can legislation keep up with the pace of change in this industry? How?**

It may close the gap, but frankly, in Europe, it should dramatically change pace and avoid for once unnecessary discussions and contingencies. As the Italian semester of the EU recently demonstrated, words must be followed by facts; the "Connected Continent" reform package is still far from being both detailed and approved (mobile roaming elimination now drifted to 2018 if not later, net neutrality is in shambles, etc.), and Europe needs a true reform in the field of communication regulation. Urgent instances wait in fields such as privacy, IoT, spectrum allocation, cloud services and big data management.

**Is there anything else you would like to add?**

Yes. The Italian Development Ministry recently announced the launch of a new tender for mobile LTE frequency allocation (4G). This in my opinion represents a major opportunity for traditional players, as well as OTTs alike. Italy is a first player in the mobile segment, and no. 1 in mobile penetration in Europe. Mobile e-commerce, Internet advertising, search engine optimization and geo-localization services are destined to converge and develop rapidly, and I see a potential growth of mobile online advertising as well, which should not be underestimated. With the performances of handsets literally doubling every 10 to 14 months, the deployment of LTE services will foster consumer generated services, linked with the geo-localisation capabilities of modern handsets. This all expands the possibility for consumer profiling and related tailored promotional contents. In the communications field, this is certainly a golden and unrepeatable opportunity. **LM**