

THE RIGHT TO CREATE

*Intellectual Property, Technology and the Future of
Human Creativity*

A TRIBUTE TO AN INSPIRING LEADER: LUCIANO DAFFARRA

A booklet of ideas, experience and professional perspectives

© 2026 The Noble Visionary

A NOTE TO THE READER

The central idea is straightforward: intellectual property rights deserve to be defended and preserved because they are among the mechanisms that encourage innovation and technological development. At the same time, the rules protecting creation must be capable of responding to technological change.

The chapters move between principle and practice. They consider creation, judgment, piracy, intermediaries, institutional responsibility, professional learning and, increasingly, artificial intelligence. The purpose is not to pretend that every difficult question has already been solved, but to place those questions in a wider context.

Luciano Daffarra's professional experience has taught him that adaptation and consistency are not opposites. Methods may change. Technology may change. Markets may change. Values should not change simply because circumstances do.

CONTENTS

1. The Value of What We Create
2. Choice, Judgment and Responsibility
3. Learning to See More Than One Legal World
4. When Technology Changes the Rules
5. Piracy and the Changing Distribution Chain
6. Internet Intermediaries and the Limits of Responsibility
7. Creativity, Institutions and the Public Interest
8. The Professional Who Must Keep Learning
9. Trust, Reliability and the Meaning of Work
10. Artificial Intelligence and the New Copyright Question
11. Experience, Resilience and the Discipline of Continuing
12. Leadership Without Visibility
13. The Work Behind the Work
14. A Career Built Across Changing Environments
15. Defamation, Digital Reputation and Responsibility
16. Artists, Talent Contracts and Media Management
17. Hiring, Professional Teams and the Work Behind Media
18. The Right to Create

1. The Value of What We Create

WHY CREATION DESERVES PROTECTION

There is a tendency to speak about intellectual property as though it were a narrow legal subject, reserved for specialists who work with statutes, contracts, and litigation. That description lacks why the subject matters. Intellectual property is ultimately about the relationship between human effort and the value that society attaches to the result of that effort. A book, a film, a piece of music, a design, a software program, a technical invention, or a distinctive brand begins with something that cannot be measured simply by its physical size: knowledge applied with purpose.

The legal right is therefore not the beginning of the story. It is one of the instruments through which society recognizes a deeper economic and cultural reality. People create because they imagine something that did not exist before. Businesses invest because they believe that a new idea can become useful. Researchers work because they expect discovery to produce knowledge that can be shared, developed, and applied. Artists create because expression itself matters, but also because creative work can become part of an economy that supports people and institutions.

This is why the protection of intellectual property should not be understood merely as a mechanism for preventing copying. Protection is connected with incentives. If creators have no reasonable expectation that their efforts will be respected, investment in creation becomes harder to justify. The relationship is neither absolute nor simple: protection has limits, exceptions exist, competition matters, access to knowledge matters, and different forms of intellectual property require different approaches. But the underlying principle remains important. Innovation requires an environment in which creation is treated as something of value.

Luciano Daffarra's professional experience has repeatedly brought him back to this point. Copyright questions may appear technical when viewed through an individual dispute. They become much larger when considered across an industry. A single unauthorized copy may seem insignificant. A system that enables millions of unauthorized uses is different. New technology may appear neutral. Its economic effect may become profound when it changes the entire distribution chain of a creative sector.

The challenge for law is to recognize this difference without becoming detached from reality. Rules must protect rights, but they must also remain understandable and enforceable. A rule that cannot be applied in the technological environment in which people actually operate risks becoming a statement of principle rather than an effective instrument. The history of copyright in the digital age is, in many respects, a history of that tension.

The same broad principle applies across intellectual property. Patents, designs, trademarks, trade secrets, and copyright are distinct legal instruments, but they belong to a broader ecosystem. Intellectual property is not a single right; it is a collection of rights that respond to different forms of human and commercial creativity. Their common feature is the recognition that intangible value can be economically and socially important.

The public debate sometimes becomes trapped between two extreme positions. One treats every use of protected material as an attack that must be stopped regardless of context. The other assumes that anything available through technology should be available for use. Neither position is sufficient. The real work begins when society accepts that rights and access must coexist, and that the balance must be constructed with precision.

The question becomes even more important when technology accelerates the creation and circulation of

information. Digital networks reduced the cost of copying almost to zero. Artificial intelligence is now changing the scale at which information can be analyzed, transformed, and reproduced. The law therefore faces not one technological disruption but a sequence of them. Each disruption tests whether existing concepts still describe reality.

Daffarra does not believe that the answer is to abandon the principles developed over decades. Nor does he believe that every old rule can simply be transferred into a new environment without examination. The better approach is to understand why a rule exists, what interest it protects, and whether the same interest is threatened in a new way. Once the purpose is understood, adaptation becomes more intelligent.

The right to create is ultimately inseparable from the responsibility to understand what creation contributes to society. Protecting intellectual property is not about placing a fence around knowledge for its own sake. It is about maintaining an environment in which people have reasons to invest their time, imagination, and resources in producing something new. That is why the subject remains important—not only to lawyers, but to anyone interested in innovation and the future of work.

THE PURPOSE OF PROTECTION

Daffarra's starting point is not that intellectual property should exist for its own sake. He believes that intellectual property protection contributes to innovation, technological development, and social and economic growth. This places legal rights within a wider public purpose.

He has also examined this principle through the TRIPS framework. Protection and enforcement of intellectual property relates to technological innovation, technology

transfer and dissemination, social and economic welfare, and a balance between rights and obligations.

That perspective explains why the subject cannot be reduced to the question of whether something was copied. The wider questions are what was created, what value it has, what use is being made of it, who bears the economic consequences, and whether the legal framework still works in the technological environment in which the dispute arises.

2. Choice, Judgment and Responsibility

THE RESPONSIBILITY OF CHOICE

A professional life is often described through its visible milestones: positions held, organizations joined, cases handled, articles published or responsibilities assumed. The less visible part is the accumulation of decisions that made those milestones possible. Every day contains choices. Some are obvious. Others are made under incomplete information, pressure or uncertainty. What matters is not the fantasy of making perfect decisions but developing a method that allows decisions to be made responsibly.

Daffarra's education and professional experience have each contributed to that method. Neither produced a formula that can be applied mechanically. Different situations require different judgments. Sometimes there is time to investigate every detail. Sometimes a decision must be made quickly. Sometimes the technically correct solution will not be welcomed by everyone involved. He cannot eliminate these circumstances; he can only learn to recognize them.

One of the most useful distinctions is between what can be controlled and what cannot. Much frustration comes from treating uncertainty as though it were a personal failure. Circumstances can change. Other people can behave unpredictably. A market can move in an unexpected direction. A legal question can develop through a judicial decision that nobody anticipated. The existence of uncertainty does not remove the responsibility to choose. It makes preparation more important.

Preparation begins with information. Daffarra has always believed that a sound solution requires the widest possible range of relevant information about the problem. This is not an invitation to collect information without purpose. It is a reminder that intuition becomes more reliable when

supported by knowledge. Experience helps professionals identify what matters, but without curiosity, experience can become a limitation.

There is another element that is less technical: values. Circumstances change; values should provide continuity. A person who changes a professional position because the facts have changed is adapting. A person who changes fundamental principles simply because circumstances are inconvenient is doing something else. The distinction may not always be visible from the outside, but over time it becomes clear.

Difficult decisions can also be painful. Professional life is not designed to guarantee approval. A choice may be necessary even when someone else considers it wrong. The responsibility of the professional is not to satisfy every person in the room. It is to understand the consequences, consider the relevant interests and act consistently with the purpose of the decision.

This becomes especially important in legal work. Clients do not need an attorney merely to confirm what they already believe. They need someone prepared to explain what the situation means and what can realistically be done. The most useful advice is not always the most pleasant advice. Reliability requires the courage to distinguish between the desired answer and the defensible answer.

The discipline of choosing also requires accepting mistakes. Everyone makes them. What matters is not constructing a professional identity in which mistakes supposedly never occur. That is pretension, and pretension is dangerous because it makes mistakes harder to recognize. The more valuable skill is learning from an error and avoiding its repetition.

Over time, decisions become part of reputation. People remember whether a professional was dependable when

circumstances became difficult. They remember whether the person remained calm, whether information was handled responsibly, and whether advice was given with genuine attention to the problem. Reputation is therefore not created by a single announcement. It is built through repeated choices.

A career can be measured by many external indicators, but the quality of its decisions is a better internal measure. Daffarra has never regarded public recognition as a sufficient definition of achievement. Recognition is temporary and can be sincere or insincere. The more durable satisfaction comes from knowing that the work was done seriously and that the decision served a useful purpose.

CHOICE IS ALSO RESPONSIBILITY

Daffarra describes every decision as a deliberate choice shaped by subjective and objective factors. His education and professional activity gradually taught him how to make decisions in different areas of life. Judgment, in this sense, is developed rather than inherited.

He also recognizes that difficult decisions cannot always satisfy everyone. Sometimes circumstances require a timely decision, and the person making it must accept that the outcome may not be equally appreciated by all concerned. The measure of a decision is therefore not universal approval.

3. Learning to See More Than One Legal World

LEARNING ACROSS LEGAL SYSTEMS

One of the most influential parts of Daffarra's professional experience was the opportunity to work with U.S. companies and professionals over an extended period. The value of that experience was not limited to specific legal questions. It changed the way he reasoned. He learned to examine the same problem through Italian and European perspectives while also understanding how professionals in the United States might frame the issue.

This difference matters because law is never completely separated from the environment in which it operates. A legal system reflects history, culture, institutions and economic expectations. Two jurisdictions may address a similar problem with different concepts because their underlying assumptions are different. Understanding those differences does not require abandoning one's own system. It requires learning to recognize that another person may be reasoning from a different starting point.

International work also teaches humility. It is easy to assume that the familiar approach is universal. It is not. A professional who wants to work across jurisdictions must become comfortable with uncertainty and comparison. Language is part of this process. English, in particular, has become essential to international professional communication, but speaking a language is not the same as understanding the legal and commercial expectations associated with it.

The importance of comparative thinking has increased with technology. Digital services do not respect traditional borders in the same way physical businesses once did. A platform can operate in one country, host information in another, reach users everywhere and become involved in

disputes governed by several legal systems. A copyright problem can therefore become international before the participants have even decided that it is a legal problem.

This is why knowledge cannot be static. A lawyer who studies only the rules that were relevant at the beginning of a career risks becoming technically competent but strategically limited. The same applies beyond law. Technology changes markets; markets change client expectations; new expectations change professional roles. Continuous learning is a condition of remaining useful.

International relationships are built through people as well. Over the years, Daffarra has had the opportunity to meet extraordinary professionals and people who were humble, capable, fascinating, and honest. Not every lesson comes from a famous person or an impressive institution. Sometimes the most useful lesson comes from observing how an ordinary professional behaves when nobody is watching.

Perspective also changes with age. Age can be an asset because it gives experience a longer memory. A person can compare today's problems with situations that seemed different years earlier and discover that the underlying questions are familiar. This does not mean that experience automatically produces wisdom. It means that experience creates the possibility of seeing patterns that were invisible at the beginning.

The danger is to confuse experience with certainty. The world changes too quickly for any professional to rely entirely on what worked yesterday. Experience should make professionals more careful, not more rigid. The strongest professional is therefore not the person who insists that every new problem must be solved using an old method. It is the person who knows which principles should remain stable and which methods must change.

Seeing more than one perspective is ultimately a form of respect. It acknowledges that a problem may affect creators, users, companies, regulators, platforms, and the public at the same time. A solution that benefits one participant may impose an unacceptable cost on another. Good professional judgment begins by seeing the whole field before deciding where to stand.

That habit of looking outward has shaped Daffarra's approach to intellectual property. Copyright is local in its enforcement but international in its economic reality. Technology is global. Markets are interconnected. Creative industries depend on distribution systems that cross borders. If the professional response remains confined to one perspective, it will eventually fail to describe the world in which the right must operate.

LEARNING FROM TWO PERSPECTIVES

For a copyright attorney, international relevance therefore requires more than knowing domestic legislation. It requires understanding where different legal systems are going and how those developments may affect clients and markets.

4. When Technology Changes the Rules

WHEN TECHNOLOGY CHANGES BEHAVIOR

Every generation has its technologies, but not every technology changes the structure of an industry. Some tools improve efficiency without changing the underlying relationship between creator and consumer. Others alter the distribution chain itself. The arrival of digital networks belonged to the second category. It changed not only how works were delivered but also who could participate in their distribution.

Before digital distribution, the physical nature of a book, record, film or other medium created a natural limit. A copy required materials, equipment and a distribution process. Digital files changed economics. A consumer could become a distributor. A file could move across borders without passing through a conventional supply chain. The technology was extraordinarily useful, but it also created a new environment for unauthorized use.

The legal challenge was therefore not simply to prohibit a new behavior. It was to understand how existing interests were being affected by a new mechanism. This distinction matters whenever technology develops. If the law focuses only on the tool, it risks becoming obsolete when the tool changes. If it focuses on the underlying interest, it has a better chance of adapting.

The same principle can be observed in the transition from one media model to another. Pay television, pay-per-view and video-on-demand may look like different commercial products, but they can also be understood as stages in the continuing transformation of how audiences access content. A professional working in media law must anticipate such changes rather than simply react to them.

Technology also changes the expectations placed on professionals. Clients increasingly arrive with information gathered from digital sources and, more recently, with preliminary answers generated by artificial intelligence. For Daffarra, the question as an attorney is no longer simply whether he knows the rule, but what he should do with that knowledge in a client's situation. The client may ask a more demanding question: What should actually be done? The value of professional advice increasingly lies in judgment, reliability, and implementation.

This does not make legal knowledge less important. It makes superficial knowledge less valuable. If a machine can retrieve a rule in seconds, the professional must contribute something beyond retrieval. Context, risk assessment, strategy, negotiation and responsibility become more visible. Technology can accelerate access to information, but it does not remove the need to decide what information means.

The temptation during periods of technological change is to divide people into optimists and pessimists. Daffarra finds the distinction unhelpful. Technology can create enormous benefits and serious problems at the same time. The task is to identify the conditions under which benefits can be preserved while harmful effects are limited. That is a legal question, but it is also an economic and social question.

The history of copyright shows that adaptation is possible. New technologies have repeatedly generated concerns about copying, distribution and commercial substitution. The response has often involved a mixture of law, licensing, technology, industry practice and enforcement. No single instrument has been sufficient. The same is likely to be true in the age of artificial intelligence.

A professional who understands this history has an advantage. Daffarra does not need to treat every technological development as an unprecedented event. He can ask what has changed, what has remained constant, and

which institutions are responsible for responding. This is a more disciplined way to approach innovation than either fear or enthusiasm.

Technology changes the rules most profoundly when it changes behavior. The internet did this. Artificial intelligence is doing it again. The important question is therefore not simply what technology can do. It is what people and organizations will do because technology makes a new behavior possible.

TECHNOLOGY CHANGES THE QUESTION

Daffarra's example of pay television, pay-per-view, and video-on-demand captures the practical meaning of technological change. A professional who looks only at the present may understand the current model while missing the model that is already forming.

His point is not that every forecast will be correct. It is that professionals should develop the habit of looking beyond the immediate arrangement. Technology changes not only tools but also business models, expectations, and legal questions.

The same reasoning applies to artificial intelligence. AI does not simply add another technology to the lawyer's list. It changes the questions clients ask and raises new issues concerning information, creation, ownership, responsibility and the use of protected works.

5. Piracy and the Changing Distribution Chain

FROM COPYING TO DISTRIBUTION SYSTEMS

Piracy is frequently discussed as though it were a single activity. In reality, its forms have changed with technology. Audiovisual piracy, physical counterfeiting, file-sharing, unauthorized streaming and digital distribution involve different mechanisms and sometimes different legal responses. What connects them is the unauthorized exploitation of protected value.

Daffarra's work in this area has shown him that scale matters. A single unauthorized act can be treated as an individual violation. A network capable of reproducing and distributing protected material at enormous scale creates a different economic problem. The damage may extend beyond the individual creator to producers, distributors, employees, investors, and the industries that support creative production.

Digital technology transformed the traditional distribution pyramid. In a physical market, distribution generally moved from producer to intermediary to consumer. File-sharing introduced a new possibility: the consumer could become a distributor. The person at the end of the chain could transmit the work to others without the permission of the rights holder. This was not merely a new form of copying. It was a structural change in distribution.

The response cannot be based solely on punishment. Effective protection requires a combination of legal rules, enforcement, technological measures, and cooperation among participants. In Daffarra's earlier work on online piracy, questions of privacy and the identification of infringing users demonstrated how difficult this balance can become. Rights holders need effective remedies, but other fundamental rights cannot simply disappear because enforcement is difficult.

The same tension appears whenever intermediaries become involved. Internet service providers may not be the authors of an infringement, yet their services can be used to facilitate it. The legal question is therefore more complicated than asking whether an intermediary facilitated the distribution of unlawful material. It involves knowledge, participation, duties, remedies, and the appropriate limits of responsibility.

Piracy also reveals something important about incentives. People often focus on the price of a legitimate product, but the availability of unauthorized alternatives can influence consumer behavior even when legitimate services are accessible. Industry responses have therefore included new forms of licensing, more convenient legal access and technological protection. Enforcement is important, but making lawful access practical can also reduce the attraction of unauthorized alternatives.

The international dimension is unavoidable. Digital piracy can involve a creator in one country, a server in another, a platform incorporated somewhere else and users distributed across the world. Enforcement mechanisms developed inside one jurisdiction can therefore encounter practical limits. International cooperation and compatible legal frameworks have become increasingly important.

The history of piracy also warns against complacency. A successful enforcement strategy can be weakened by the arrival of a new technology. The answer is not to declare victory but to continue studying how the market is changing. What worked against physical duplication may not work against streaming. What worked against early file-sharing may not work against encrypted networks or decentralized systems.

The deeper lesson is that intellectual property protection must remain connected to technological reality. Law cannot preserve a distribution model simply because it is familiar. It must protect the legitimate interest while allowing markets

to evolve. This requires distinguishing between the right itself and the commercial method through which the right has traditionally been exploited.

Piracy therefore belongs in the larger story of adaptation. The aim is not to create a world without technology or experimentation. It is to ensure that innovation does not become a reason to disregard the value of the people and organizations whose work makes the cultural and technological economy possible.

ENFORCEMENT BEYOND THE INDIVIDUAL COPY

Daffarra's experience with piracy also showed him that enforcement must consider the mechanism behind the infringement. Identification of users, privacy, intermediary involvement, and cross-border enforcement can become as important as the original act of copying.

The practical response therefore requires cooperation between rights holders, service providers and public authorities, while preserving the procedural and privacy safeguards that make enforcement legitimate.

6. Internet Intermediaries and the Limits of Responsibility

WHERE INTERMEDIARY RESPONSIBILITY BEGINS

The rise of internet intermediaries created one of the most difficult legal questions of the digital era: when should a service provider be responsible for unlawful activity carried out through its systems? The answer has never been simple because the intermediary may be technically essential to communication without having created the unlawful content.

Early U.S. cases helped shape the distinction between different forms of intermediary responsibility, eventually contributing to the framework established by the Digital Millennium Copyright Act. Europe developed its own approach through the e-Commerce Directive, the Digital Services Act, and subsequent legislation and case law. These systems share a concern for balancing innovation and communication with effective protection of rights, but they do not always reach the same result through identical legal concepts.

The question of knowledge is particularly important. A provider cannot realistically be expected to know everything that occurs across a vast network. At the same time, a system that becomes aware of unlawful material cannot simply ignore it. The legal frameworks developed around notice, removal, disabling access and injunctions reflect an attempt to create a practical line between impossible general monitoring and meaningful responsibility.

The problem becomes harder as platforms become more sophisticated. Modern services are not merely passive communication channels. They may recommend content,

monetize attention, organize information and create technical mechanisms that influence how material is discovered. As the role of an intermediary changes, the legal discussion about responsibility inevitably changes with it.

There is danger in both directions. Excessive liability can encourage over-removal, harming lawful expression and legitimate uses. Insufficient responsibility can allow systems to become efficient infrastructure for infringement. A sensible framework therefore needs proportionality. It should distinguish between different types of actors and different degrees of involvement.

The international nature of the internet adds another layer. A remedy issued in one jurisdiction may affect users elsewhere. Platforms may be subject to several legal regimes at once. This creates pressure for greater cooperation and for a system of harmonized rules applicable worldwide.

Daffarra's work in this field has reinforced the importance of examining the actual mechanism of the service. Legal analysis should not begin with a label such as platform, provider, or intermediary and end there. It should ask what the service does, what information it possesses, how it reacts to notifications, whether it contributes to the unlawful activity, and what remedy would realistically address the problem.

Technology makes these questions more urgent because scale magnifies consequences. A decision affecting one file can become a decision affecting millions of pieces of information. The law must therefore be precise without becoming so complicated that enforcement becomes impossible.

The future of intermediary responsibility will probably involve a continuing dialogue between courts, legislators, regulators and technology companies. No institution can solve the issue alone. Courts decide disputes, legislatures

establish general rules, regulators develop practical standards and companies design systems that determine how those rules operate in reality.

The objective should not be to make intermediaries into universal police officers. Nor should it be to treat them as permanently neutral regardless of what their systems enable. The useful question is more demanding: what level of responsibility is reasonable for the role an intermediary actually plays? That question will remain central to digital law.

THE INTERMEDIARY QUESTION

The important point for a general reader is that technological neutrality does not automatically produce legal neutrality. When distribution systems change, the law must determine where responsibility can realistically and fairly be placed.

7. Creativity, Institutions and the Public Interest

CREATIVITY BEFORE COMMERCIAL EXPLOITATION

Some of the most interesting copyright questions do not arise in major entertainment companies. They arise in schools, universities and other institutions where young people create things for the first time. A student may produce a design, a video, a project or another creative work using institutional resources. Who owns the result? Who receives economic benefits? Who retains moral authorship? These questions are not theoretical when education becomes connected with industry.

Daffarra's writings on school creativity have explored precisely this intersection. Modern education increasingly includes practical skills, digital production, marketing, and contact with businesses. Students can create works that have genuine economic value. The traditional assumption that education and commercial production belong to separate worlds is therefore becoming less accurate.

The issue is not simply who owns a physical object. Intellectual property concerns intangible rights that may continue to exist after physical work has changed hands. A school may provide equipment and instruction. A student may contribute to the central creative idea. A teacher may guide the process. A company may finance the project and commercialize the result. The final work may contain collaboration from several participants.

Good regulation must recognize these different contributions without destroying the incentive to create. The objective should be fairness, clarity and encouragement. If young creators understand that their work has value and that their

contribution will be recognized, the educational process becomes stronger. If institutions can collaborate with businesses under clear rules, students can gain practical experience without uncertainty about basic rights.

This example illustrates a larger principle: intellectual property is not only about litigation. It is also about designing relationships before disputes arise. Contracts, institutional policies and clear expectations can prevent many conflicts. Good legal work is often invisible because the dispute never occurs.

Institutions also have a responsibility to encourage creativity rather than merely regulate it. Rules that are designed only to prevent risk can become so restrictive that they prevent experimentation. A modern institution should protect creators while allowing them to learn through practice. This is especially important when technology makes experimentation inexpensive and fast.

The public interest is therefore broader than one economic calculation. Creative work contributes to culture, education, technology and identity. A legal system that protects creativity can support economic growth, but it can also support participation in cultural life. The balance is delicate because protection must coexist with access, criticism, education and other legitimate uses.

The same principle applies to innovation in companies. A legal department should not be viewed only as a department that says no. Its purpose is to help the organization understand what can be done safely and how it can be done effectively. That requires understanding the company's mission rather than treating legal analysis as a separate exercise.

This is one reason working inside large organizations taught Daffarra lessons that could not have been learned solely through traditional legal practice. A company has objectives,

markets, people, and timing. Legal advice becomes valuable when it helps those objectives move forward while controlling risk.

Creativity needs law, but it also needs institutions capable of understanding why creativity matters. The best system is not the one with the most rules. It is the one in which rules create enough certainty for people to take the risk of creating something new.

CREATIVITY STARTS BEFORE THE MARKET

This subject shows that intellectual property is not only a question for large corporations, publishers or entertainment companies. A student who creates something has created something of value. Institutional rules surrounding that creation influence whether young people learn to regard creativity as something worth developing.

8. The Professional Who Must Keep Learning

KNOWLEDGE AS PROFESSIONAL DUTY

There was a time when professional specialization could be understood as depth within a relatively stable field. That model is increasingly difficult to maintain. A lawyer working with technology, media or intellectual property cannot ignore the technology, economics and business models that shape the legal questions he is asked to solve.

A copyright attorney, for example, needs more than knowledge of domestic copyright law. International markets, European rules, U.S. developments, licensing models, platforms and technological systems can all influence the same matter. The profession therefore rewards breadth as well as depth. The strongest specialists are often those who can connect their specialization with adjacent disciplines.

This does not mean that everyone must become an engineer or an economist. It means that curiosity must become part of professional discipline. If technology changes the client's business, the attorney needs enough understanding to ask the right questions. If a new business model changes the value chain, the legal advice must take that model into account.

Artificial intelligence makes this particularly clear. Clients may already have used an AI system to obtain a preliminary explanation of a legal issue. That does not eliminate the need for professional advice. It changes what the client expects from it. The professional must move beyond information retrieval toward judgment: what is reliable, what is risky, what should be verified, and what should be done next?

The answer is not to compete with technology by trying to imitate what technology does best. A professional should use technology while protecting the qualities that make professional responsibility meaningful. Reliability,

confidentiality, judgment and accountability cannot simply be outsourced to a machine.

Learning also has a human dimension. Working with large organizations taught Daffarra that a legal department is part of a company, not an isolated legal island. The mission of the business matters. The timing of a decision matters. The ability to communicate matters. A technically correct answer that arrives too late or cannot be understood may have limited practical value.

The next generation of professionals will face an even greater demand for adaptability. General education alone will rarely be enough in a competitive international market. But specialization alone may also be insufficient. Professionals will need to develop the habit of learning continuously and applying knowledge across boundaries.

This does not mean chasing every trend. There is a difference between learning and distraction. Knowledge should be acquired in relation to genuine professional interests and the problems one expects to solve. Depth still matters. The goal is not to know everything. It is to know enough, understand what one does not know, and know how to find reliable answers.

The professional reputation built through this process is cumulative. Clients notice when advice reflects genuine understanding rather than a generic response. They notice whether their advisor anticipates the next question. Trust grows when competence is combined with honesty about uncertainty.

In the end, continuous learning is not primarily a strategy for career advancement. It is a form of responsibility. When others depend on a professional's judgment, that professional has a responsibility to keep it current.

KNOWLEDGE CANNOT STAND STILL

Daffarra's advice to professionals is direct: a rapidly changing world requires constant and often immediate adaptation. What was valid yesterday may no longer work today because technology, clients, and markets have changed.

This is not an argument against legal specialization. It is an argument against professional isolation. The more interconnected the problem, the less useful it becomes to know only one discipline.

9. Trust, Reliability and the Meaning of Work

TRUST MUST BECOME RELIABILITY

Professional life is often described in terms of expertise. Expertise matters, but it is not enough. A client may choose an attorney because of knowledge, reputation or specialization, yet the relationship becomes valuable only when the client learns that the attorney can be relied upon when circumstances become difficult.

Trust is built slowly. It comes from consistency between what a professional says and what the professional does. It is reinforced by confidentiality, honesty, preparation and the willingness to explain uncomfortable realities. It can be damaged quickly because professional relationships depend on confidence that the person on the other side will act responsibly.

Daffarra has always regarded reliability as one of the essential qualities of serious professional life. It is not glamorous. It does not necessarily appear in a conference photograph or a professional biography. But when a difficult issue arises, reliability becomes visible. The person who responds, studies the problem, and follows through becomes a source of support.

This also explains why Daffarra has never considered public recognition to be the best definition of success. Recognition can be temporary. It can also be influenced by factors that have little to do with the quality of the work. The more meaningful measure is whether the work was useful and whether the person remained faithful to the standards he considers important.

There is a temptation in competitive professional environments to treat other people as obstacles. Daffarra has learned something different from difficult relationships. Even people who try to hinder a person's path can teach

something. Sometimes they reveal weaknesses in that person's approach. Sometimes they force that person to become more disciplined. The appropriate response is not to become negative but to understand the lesson and continue.

The same principle applies to failure. Daffarra does not believe that failure is automatically valuable, but it can become valuable when examined honestly. A difficult experience may reveal that an assumption was wrong, that preparation was insufficient, or that circumstances were outside one's control. The purpose of reflection is not self-punishment. It is improvement.

Work also becomes more satisfying when it is connected to genuine interest. Love of one's work does not mean that every day is easy or pleasant. It means that the underlying activity continues to have meaning even when tasks are difficult. Interest creates energy. Discipline turns that energy into results.

This is particularly important for young professionals. They may measure themselves against people who appear successful from the outside. Such comparisons can be misleading. A career develops at different speeds, and public visibility is not the same as professional value. Building knowledge, earning trust and becoming dependable may look slow, but those foundations are durable.

Senior professionals have a responsibility here. Young people entering a profession are not simply additional resources. They are the future of the organization and the profession itself. They need opportunities to learn, but they also need to understand why the work matters. Passion cannot be ordered into existence. It can be encouraged by showing people that their contribution has purpose.

The meaning of work therefore lies partly in what it gives to others. If professional knowledge is used only for personal advancement, something is missing. The more satisfying

form of professional life is one in which competence becomes useful to clients, colleagues, institutions and, where possible, the wider community.

RELIABILITY AS A PROFESSIONAL VALUE

Daffarra considers a strong sense of duty to be part of the essence of serious professional work. Trust is the foundation of human relationships, but in professional life it becomes meaningful only when supported by conduct that others can consistently rely upon.

For clients, this has a practical meaning. Expertise must be accompanied by preparation, clear communication and follow-through. Over time, consistency can turn professional advice into a genuine source of support.

10. Artificial Intelligence and the New Copyright Question

THE NEW COPYRIGHT FRONTIER

Artificial intelligence has changed the copyright debate because it operates at a scale that earlier technologies did not. A system can process enormous quantities of material, identify patterns and generate new outputs in seconds. Technology is powerful because it learns from information. Legal difficulty arises when the information used in that process includes works created and protected by other people.

The debate is sometimes reduced to a simple question: is training an AI model on copyrighted material legal or illegal? That formulation is too narrow. The legal analysis may depend on jurisdiction, the nature of the material, the method of acquisition, the purpose of the use, the applicable exceptions, contractual restrictions, and the relationship between the input and the output. Different legal systems may also approach the same conduct differently.

Recent disputes involving major technology companies, authors and publishers show how quickly this field is developing. Questions about datasets, licensing, fair use, text and data mining, access to works and the possible substitution of human-created markets are no longer hypothetical. They are being examined through litigation, regulation and commercial negotiations.

The problem is particularly sensitive in creative industries. A model that learns from books, journalism, images, music or other works may produce something that competes with the economic environment from which its training material came. The question is not merely whether a machine has copied a particular work. It is whether the economic

structure that supports human creation can survive if creative material becomes an input without a corresponding framework for recognition or compensation.

At the same time, technology has enormous potential to assist creators. Artificial intelligence can support research, translation, editing, design, accessibility and other forms of production. A sensible copyright policy should not treat every use of AI as suspicious. The objective should be to distinguish productive innovation from uses that unjustifiably appropriate protected value.

This is where principles become more important than slogans. A rule designed for a world of physical copies may not answer a question about machine learning. But the interests protected by copyright remain relevant. The task is to identify those interests and determine how they should operate in the new technological environment.

Transparency is likely to become increasingly important. Creators and rights holders need to understand, as far as reasonably possible, how protected works are being used. Technology companies need clear rules about what they may lawfully obtain and process. Users need to know what outputs can safely be commercialized. Uncertainty benefits neither side when the economic stakes are large.

There is also an international problem. AI systems are trained and deployed across borders, while copyright exceptions and enforcement rules remain largely national or regional. A dataset may be assembled in one country from material available globally. A model may be trained somewhere else and offered to users everywhere. The legal fragmentation is therefore likely to produce difficult questions about applicable law and enforcement.

Daffarra does not think the answer is to stop technological development. That would be unrealistic and undesirable. Nor is the answer to assume that every technological use is

legitimate simply because it is technically possible. The more useful approach is to build a framework in which innovation and rights protection can develop together.

Artificial intelligence has therefore brought an old question back in a new form: what do people owe those whose work makes new innovation possible? The answer will determine much more than copyright doctrine. It will influence the economics of creativity itself.

WHEN MACHINES LEARN FROM HUMAN CREATIVITY

The phrase “training data” can make an enormous cultural and economic process sound technical and neutral. Behind a dataset may be thousands or millions of individual acts of creation. Each work has a history. Someone wrote it, photographed it, recorded it, designed it, researched it or financed its production. When that material becomes part of a technological system, the original creative contribution does not disappear simply because the material has been converted into data.

This does not mean that every use of data should require the same legal treatment. Research, analysis, indexing, private use and commercial exploitation can involve different interests. The difficulty is precisely to identify meaningful distinctions instead of treating every use as identical.

Recent litigation concerning books, images and other creative works has made the issue visible. Courts are being asked to consider whether training practices fall within existing exceptions, whether copies made during the training process are legally significant, whether the acquisition of material was lawful, and whether outputs create a market substitution problem. These are questions that legal systems will answer gradually, and the answers may differ.

The economic dimension deserves equal attention. A creative industry survives through a chain: authors create, publishers

edit and distribute, producers finance, platforms deliver, retailers sell, and audiences consume. If a new technology changes the value of one part of that chain, the effects can spread throughout the system. The issue is therefore not only the rights of an individual author. It is the stability of an ecosystem.

At the same time, AI can become part of that ecosystem. Publishers can use it for administrative work. Journalists can use it for research assistance. Lawyers can use it to organize information. Creators can use it to explore alternatives. The distinction between assistance and substitution will continue to evolve.

The most useful legal response may therefore require several layers. Copyright law will remain central, but contracts, licensing, transparency measures, technological standards and industry practice may also contribute. No single rule can resolve every situation because technology is not one thing and the creative economy is not one market.

Another important question concerns the output. If an AI system generates something that resembles an existing work, who is responsible? If the output incorporates protected expression, what rights are involved? If a human makes substantial creative choices while using a machine, what role does human authorship play? These questions require careful distinctions rather than broad claims about whether AI “creates.”

The word creativity itself needs care. Machines can generate combinations that appear original. Human beings, however, remain responsible for the social and economic systems in which those outputs are used. The legal framework does not need to decide whether a machine is creative in a philosophical sense before it can regulate the consequences of its operation.

The future will also depend on negotiation. Technology companies and rights holders have already begun to explore licensing and commercial arrangements in some sectors. Such agreements can provide practical solutions where legislation is slow, or general rules cannot account for every business model. But negotiation works best when participants understand the value of the material being exchanged.

The central issue is therefore not whether machines will become more capable. They will. The question is whether institutions will become equally capable of recognizing the human contribution embedded in the systems those machines use.

AI, TRAINING DATA AND THE NEW COPYRIGHT FRONTIER

Daffarra's recent work on artificial intelligence brings the booklet's central question into a new environment. The difficult issue is not simply whether AI should be used, but how protected works are obtained, processed and transformed within systems operating at a scale that earlier copyright mechanisms were not designed to address.

The emerging disputes raise several separate questions: the legality of acquiring training material, the significance of copies made during training, the role of contractual restrictions, the treatment of pirated sources, and the relationship between training inputs and generated outputs. The answers may differ between the United States and Europe, which makes international awareness essential.

The important point is not to predict one final answer. It is to recognize that AI multiplies the scale of an old copyright problem while introducing new questions about authorship, remuneration, transparency and the infrastructure needed to manage rights.

Daffarra's position is best understood as a search for balance. Innovation should not become impossible because law cannot adapt. But innovation should not become an excuse for abandoning legitimate rights.

11. Experience, Resilience and the Discipline of Continuing

ADAPTATION WITHOUT LOSING PRINCIPLES

Change is a characteristic of life. It is also a characteristic of professional work. The mistake is to believe that adaptation requires abandoning everything learned in the past. In reality, experience is most useful when it helps distinguish between principles and methods. Principles can provide continuity. Methods must respond to circumstances.

The media sector offers a clear example. Business models evolve from one form of distribution to another. Technology creates new ways of delivering content. Consumer expectations change. The legal professional who understands this evolution can advise not only on today's arrangement but on the direction in which the market is moving.

This is why leadership requires looking at the present with a view toward the future. A person responsible for a legal function cannot simply ask whether today's activity is lawful. The better question is what the organization will need when the technology, market or regulatory environment changes. Strategic legal work begins before the dispute.

The same principle applies to institutions. Legislatures must sometimes act before a technological model becomes fully mature, but premature regulation can also create unintended consequences. Courts can adapt principles through individual disputes, but litigation is slow and case-specific. Regulators can establish practical standards, but their authority has limits. A functioning system therefore needs dialogue among institutions.

International coordination will become increasingly important. Intellectual property rights remain territorial in enforcement, while digital markets are global. Differences

between jurisdictions can create uncertainty for companies and creators. Harmonization can reduce friction, but complete uniformity is neither easy nor always desirable. Different legal cultures may legitimately preserve different balances.

Adaptation also means learning from failure. Not every policy will work. Not every business model will survive. Not every professional decision will produce the expected result. The ability to start again without abandoning one's values is a practical form of resilience.

Daffarra has experienced situations in which circumstances were beyond his control. The lesson was not that control is impossible and therefore irrelevant. The lesson was that persistence matters when the objective remains justified. One cannot command circumstances, but one can control preparation, effort, and the willingness to continue.

For younger professionals, this may be one of the most important lessons. They will enter markets in which many of today's assumptions will have disappeared. They cannot prepare for every future technology. They can prepare themselves to learn. They can develop strong habits of work, reliable judgment and broad knowledge. Those qualities remain useful even when the tools change.

The future of intellectual property will be shaped by this same capacity for adaptation. The law will need to respond to AI, platforms, synthetic media, new distribution models and technologies that have not yet become common. But the purpose of the law remains recognizable: to create a framework in which creativity, investment, competition and access can coexist.

Adaptation is therefore not a surrender to change. It is the disciplined decision to meet change without losing sight of what matters.

12. Leadership Without Visibility

LESSONS THAT DO NOT APPEAR ON A RÉSUMÉ

Public recognition is visible. Experience is not. A professional can accumulate awards, titles, and invitations without necessarily becoming wiser. Conversely, a person can learn an important lesson in an ordinary moment that will never appear on a résumé. Daffarra has always been more interested in the second kind of knowledge.

One of the experiences that stayed with Daffarra came from his winter travels in Scotland during the 1980s. Walking in snow and being alone in nature produced a lesson that was simple but durable: everyday problems can become easier to face when a person is physically and morally stronger. The experience had nothing to do with legal doctrine, yet it became part of the way he thinks about professional difficulties.

Strength does not mean refusing to recognize weakness. It means understanding that discomfort is part of serious work. Difficult decisions can be painful. Professional disagreement can be frustrating. A project can fail despite careful preparation. The response is not to pretend that these things do not matter. It is to remain steady enough to continue.

Daffarra has also learned from people who helped him and from people who tried to hinder him. The first group provides encouragement. The second can provide unexpected information about a person's own weaknesses and assumptions. It is easy to react negatively to opposition. It is harder, and more useful, to ask what the situation can teach.

This attitude changes the meaning of failure. Failure is not automatically a virtue. Some failures should simply be avoided. But when a failure occurs, the professional should extract whatever knowledge is available. What was

misunderstood? What information was missing? What assumption proved false? What should be done differently next time? The purpose of reflection is to improve the next decision.

The same is true of success. Success can create its own risks when it produces excessive confidence. A professional who assumes that past achievement guarantees future correctness may stop listening. Technology, markets and clients change. Experience should therefore create attentiveness rather than complacency.

There is also a personal lesson in this. A person can spend too much time measuring life through other people's reactions. Applause is temporary. Criticism can be equally temporary. What remains is the quality of the work and the values with which it was achieved.

This is why Daffarra has never liked a definition of success based only on public recognition. A serious professional should be proud of doing reliable work even when nobody is watching. Responsibility itself can be a form of achievement.

The older one becomes, the more obvious this seems. Experience does not necessarily make problems disappear. It changes the relationship with problems. One recognizes that difficult periods are temporary and that persistence can change the outcome. One also learns that not every conflict deserves a reaction.

The lesson Daffarra offers younger professionals is not to chase appearances. He encourages them to work hard, keep learning subjects that genuinely interest them, remain reliable, and protect their values. He also advises them not to let people who diminish their work determine how they assess its value.

13. The Work Behind the Work

THE DISCIPLINE BEHIND THE RESULT

People often see the final result of professional work but not the process that produced it. They see the opinion, the article, the negotiation or the presentation. They do not see the reading, questioning, comparison, revision and uncertainty that came before it. Serious work requires this invisible discipline.

Daffarra's approach to difficult problems has always depended on experience and on collecting the widest possible information about the issue. This is partly cultural and scientific. It means resisting the temptation to form a conclusion too early. The first explanation may be attractive. The better explanation often appears only after additional information changes the picture.

There is also a role for intuition. Experience can create an instinct for what deserves attention. But intuition should not become an excuse for insufficient preparation. The strongest judgment combines accumulated experience with current information.

Writing itself demonstrates this principle. A professional article is not simply a collection of facts. It requires a structure that allows the reader to understand why the facts matter. Legal writing becomes useful when it connects doctrine with consequences. The reader should be able to see not only what the rule says but why the rule matters in the real world.

The same principle applies to speaking and teaching. A professional who knows a subject deeply still needs to explain it clearly. Complexity is not a substitute for clarity. In fact, the more complex the subject is, the more important clarity becomes.

This is especially true for intellectual property. The subject crosses law, technology, economics and culture. A reader may become lost if every issue is presented as a technical dispute. The professional task is to identify the essential questions, explain the competing interests and then examine the legal tools available.

The discipline of work also includes knowing when not to claim certainty. Some issues do not yet have settled answers. Artificial intelligence is a good example. Courts are deciding questions that technology has created faster than legislation can resolve them. A responsible professional distinguishes established law from emerging interpretation.

This is not a weakness. It is a sign of intellectual honesty. Clients and readers benefit more from a careful explanation of uncertainty than from artificial confidence. Reliability depends partly on knowing the limits of one's conclusion.

The work behind the work also includes relationships. A good professional listens to clients, colleagues and opponents. Information comes through conversation as well as research. Sometimes another person's question reveals a problem that was not visible before.

The result of all this is a form of professionalism that is difficult to imitate. It is not based on performance. It is based on habits. Work carefully. Study continuously. Listen. Verify. Communicate clearly. Follow through. Over time, these habits become reputation.

THE WORK THAT PEOPLE DO NOT SEE

Much professional work is invisible by design. A carefully considered agreement may prevent a dispute that never becomes public. A legal strategy may protect a creative work without anyone outside the organization knowing who developed it.

This is one reason Daffarra resists a definition of professional value based mainly on acclaim. Useful work is often the work that solves a problem before it becomes a public event.

The same principle applies to writing. A legal article, presentation or opinion is valuable only if it clarifies something that matters. Information is not useful merely because it is abundant. The professional task is to identify what matters, understand it and communicate it clearly.

14. A Career Built Across Changing Environments

CURIOSITY ACROSS A CHANGING CAREER

A long professional career can produce two very different outcomes. It can make a person curious about how the world continues to change, or it can make the person believe that nothing genuinely new can happen. Daffarra has tried to choose the first path.

Curiosity is particularly important in a field such as intellectual property because the subject follows human creativity. Every new creative technology produces new questions. Photography changed copyright. Broadcasting changed it. Home recording changed it. The internet changed it. Artificial intelligence is changing it again.

The common thread is that technology changes the means of creation and distribution, while society continues to ask familiar questions about value, ownership, responsibility and access. Recognizing that continuity makes change less frightening. It also prevents the professionals from assuming that every new technology requires an entirely new philosophy.

Curiosity also applies to people. Daffarra has learned from extraordinary professionals, but also from people whose work or character might not initially have appeared remarkable. The ability to listen is therefore a professional skill. A person who assumes that they already know what another person can teach them has closed the door before the conversation begins.

There is a related lesson in humility. Pretentiousness is dangerous because it makes mistakes easier to commit. A professional who needs to appear certain may hide

uncertainty from himself. A professional who can admit that he needs more information is more likely to obtain it.

This does not mean endless hesitation. At some point information must become a decision. The objective of curiosity is not to postpone action. It is to improve the quality of action.

Curiosity also gives meaning to later stages of a career. If work remains interesting, experience becomes an asset rather than a weight. One can continue to write, teach, advise, discuss and learn. The subject changes, but the intellectual pleasure remains.

That pleasure is important. Work should not be reduced to income. Economic results matter, and professional responsibility includes understanding business objectives. But the deepest satisfaction often comes from solving a difficult problem, understanding a new development or helping another person move forward.

This is why Daffarra considers himself fortunate. He has had the opportunity to love what he did. That does not mean that everything was easy. It means that the work itself remained meaningful enough to justify the effort.

A professional life becomes richer when knowledge is not treated as property that must be guarded but as something that can be used to help others. The purpose of expertise is not simply to prove that one possesses it. It is to make it useful.

A CAREER ACROSS INDUSTRY, LAW AND COPYRIGHT

The public professional biography provides a useful outline of the journey behind these reflections. Daffarra began working as in-house counsel in 1978 for multinational companies in the industrial and television-media sectors. He entered private legal practice in 1990 and was a founding

partner and senior partner of Studio Legale Daffarra, d'Addio & Partners until 2013. After helping establish DDR Trust in 2014, he joined C-Lex in February 2015, working in information technology, intellectual property, and media. These stages brought together the perspectives of an in-house adviser, a law-firm leader, and a specialist in media and intellectual property.

From 1994 to 2006, he served as Secretary General of FAPAV, the Italian federation against audiovisual piracy. His professional profile states that he continues to advise FAPAV and the Motion Picture Association (MPA). He has also served on the Permanent Consultative Committee for Copyright at the Presidency of the Council of Ministers and was a member of the Board of Directors of the American Chamber of Commerce in Italy. His professional associations include AGICA, LES Italy and ALAI. These are not incidental titles: they show how his work has connected legal practice, industry coordination, policy discussion and professional education.

FROM LAW TO BUSINESS, MEDIA AND TECHNOLOGY

Work with U.S. companies broadened Daffarra's perspective. Experience inside large organizations added an understanding of business. Work in media and copyright placed him inside industries transformed by technology. International professional activity required attention to different legal systems. Writing became another way of examining those changes.

15. Defamation, Digital Reputation and Responsibility

WHEN SPEECH BECOMES A LEGAL QUESTION

The internet has changed the scale and speed at which information travels. A statement that once reached a small audience can now be copied, indexed, reposted and discussed across many platforms. This creates real opportunities for public debate, but it can also magnify harm when a statement attacks a person's reputation through false or unlawful allegations.

Defamation is not simply a disagreement or an unpleasant opinion. The legal assessment depends on the content of the statement, the context in which it is communicated, the people who can identify the person concerned, the audience reached and the rules of the relevant jurisdiction. The distinction between criticism, opinion, reporting and a potentially defamatory factual allegation matter. Context cannot be replaced by a headline or a screenshot taken out of its setting.

THE RESPONSIBILITY OF BLOGS AND ONLINE SERVICES

In an article published by Wired Italia in 2017, Daffarra examined the criminal responsibility of the operator of a blog when users post allegedly defamatory comments. The issue illustrates a wider problem of internet law: the person who creates a statement, the person who publishes it, and the service that stores or distributes it may have different roles. Their legal responsibilities should not be treated as automatically identical.

The legal analysis must consider the applicable law, the operator's role, the degree of control over the material,

knowledge of the alleged unlawfulness and the response taken when a complaint is received. A platform cannot be assumed to have authored every statement posted by a user. Equally, the digital environment should not become a place where unlawful material can remain untouched regardless of notice or circumstances.

The rules governing intermediaries must balance two legitimate concerns. Overbroad liability can encourage the removal of lawful criticism and public-interest speech. Too little accountability can leave individuals without an effective response to serious abuse. The objective is not to silence disagreement; it is to provide a fair process for distinguishing lawful expression from conduct that crosses a legal boundary.

A DOCUMENTED EXAMPLE OF SCALE AND PERSISTENCE

A 2026 professional profile published by The CIO Today reports that one of Daffarra's clients was targeted by more than 13,000 allegedly defamatory blogs. The efforts to address the material continued for approximately three years and involved coordination with the Communication Police and the Office of the Public Prosecutor in Rome. The example illustrates the potential scale and persistence of online reputational disputes, as reported by that publication.

A responsible response begins with preserving evidence: the complete page, publication date, account or publisher details, the surrounding context and any later edits. The next step is to identify the relevant jurisdiction and the available procedures, which may include a request for correction or removal, a formal notice, or judicial action where appropriate. Public retaliation can sometimes amplify the very material a person wishes to challenge, so the response should be proportionate and legally informed.

The broader lesson is that digital reputation requires both freedom and responsibility. The law must protect legitimate criticism and the public's ability to discuss matters of concern, while offering remedies when unlawful statements cause harm. The difficult work lies in applying these principles carefully to facts rather than relying on slogans.

THE PRINCIPLE

Technological reach does not remove legal responsibility, but responsibility must be assigned according to the actual role of each participant. A balanced approach protects expression, due process and reputation together.

16. Artists, Talent Contracts and Media Management

CREATIVE WORK IS ALSO A PROFESSIONAL RELATIONSHIP

The media and entertainment industries depend on the collaboration of artists, performers, presenters, producers, broadcasters, agencies and other professionals. Public attention often focuses on the finished program or performance. Behind it lies a network of agreements that determines what each participant is expected to deliver, which rights are granted, how the work may be used and how the parties will be compensated.

Daffarra's professional career has included responsibility for legal affairs involving companies, artists, and professionals in media and communication. That work sits at the point where creative ambitions meet business realities. The task is not to reduce creativity to paperwork; it is to establish a reliable framework in which creative work can be produced, distributed, and exploited without avoidable uncertainty.

WHAT A WELL-DRAFTED TALENT AGREEMENT SHOULD CLARIFY

An agreement involving an artist or media professional should identify the parties and the services, the term and territory, the remuneration and payment schedule, the permitted uses of the performance or image, any exclusivity obligations, approval procedures, confidentiality requirements and the conditions for termination. Where copyright or related rights are involved, the agreement should distinguish between rights being assigned, rights being licensed and rights that remain with the creator or performer.

The language of the contract matters. A broad clause can appear convenient when a project begins but create conflict later if the parties disagree about advertising, retransmission, digital distribution, promotional clips, streaming, merchandising or use in a new format. Clear drafting should anticipate foreseeable use without pretending that every future technological development can be predicted.

Compensation also deserves careful treatment. A fixed fee, royalty, recurring payment and a share of revenues are not interchangeable. The appropriate structure depends on the project, the contribution of the artist, the commercial model and the applicable law. Parties should understand not only the amount payable but also how it is calculated, when it becomes due and what records or reporting may be required.

MANAGEMENT, TRUST AND NEGOTIATION

Artists and their representatives often have different priorities from producers or broadcasters. The artist may seek creative control, credit, fair remuneration and protection against uses that were never contemplated. The company may need certainty about delivery, scheduling, budgets, clearing rights and the ability to distribute the finished work. A sound agreement recognizes these interests and records the compromises reached.

Trust is valuable, but it should not be used as a substitute for clarity. Written terms help preserve a relationship because they reduce the risk that each side remembers the discussion differently. They also make it easier to solve problems before they become disputes. Professional discretion is equally important: confidential negotiations and personal information should be handled with care.

WHEN THE BUSINESS MODEL CHANGES

The shift from traditional broadcasting to on-demand services and digital platforms has made rights management more complex. A permission that was once negotiated for a particular channel, territory or period may not automatically answer every question about online availability, clips, international distribution or new forms of exploitation. The contract and the applicable law must be examined together.

The purpose of legal advice in this field is practical. It should help creative professionals understand the value of their contribution, help businesses obtain the permissions they need, and create terms that can adapt to changes in technology and markets. Good legal work protects both the relationship and the work that the relationship makes possible.

17. Hiring, Professional Teams and the Work Behind Media

PEOPLE ARE PART OF THE LEGAL AND COMMERCIAL FRAMEWORK

Media and technology projects rarely depend on one person alone. They bring together legal teams, creative professionals, production staff, consultants, technical specialists, managers and external suppliers. Selecting and engaging the right people is therefore more than an administrative task: it shapes the quality, reliability and legal security of the final result.

Across in-house legal work, private practice, and media-related advisory work, Daffarra has seen how important it is to define responsibilities clearly, choose people whose expertise fits the task, and establish working arrangements that support accountability and cooperation.

DEFINE THE ROLE BEFORE SELECTING THE PERSON

A sound engagement begins with a clear description of the work: what must be delivered, who has authority to make decisions, which deadlines apply, what resources are available and how success will be evaluated. Ambiguity at the beginning often becomes disagreement at the end. A precise brief helps both the organization and the professional assess whether the proposed arrangement is realistic.

Selection should be based on relevant capability, experience, reliability and the needs of the project. In fields where legal, technical and creative knowledge overlap, communication is as important as specialist expertise. A person may be highly skilled yet struggle if responsibilities are unclear or if the

project requires cooperation across disciplines that has not been planned.

CONTRACTS, CONFIDENTIALITY AND OWNERSHIP

Before work begins, the parties should establish the status of the relationship, the scope of services, compensation, expenses, confidentiality, conflicts of interest, data protection, ownership or permitted use of work product, and the process for ending the engagement. The precise legal requirements vary by jurisdiction and by whether the relationship is employment, consultancy or another form of service arrangement.

Intellectual property deserves particular attention. A project may produce scripts, designs, recordings, software, reports, research or other material with commercial value. The parties should know who owns the relevant rights, which permissions are required and whether any third-party material is included. If payment alone resolves every ownership question can create problems after the work has been delivered.

LEADERSHIP THROUGH EXPECTATIONS AND ACCOUNTABILITY

Effective leadership does not mean controlling every detail. It means establishing standards, making responsibilities visible, communicating decisions and addressing problems before they damage the project. People work more effectively when they understand both the objective and the boundaries within which they can exercise judgment.

Fairness also matters when a project changes or ends. Scope, timing and budgets may evolve, but changes should be communicated and recorded. If a disagreement arises, the first task is to identify the actual issue: unclear instruction, a missed obligation, a resource problem or a difference in

expectations. A disciplined process makes resolution more likely than personal blame.

THE LESSON

Hiring and professional engagement are connected to the same values that support good legal practice: preparation, clarity, reliability and respect. A successful project is not simply the product of talent. It is the result of people understanding their responsibilities and working within a framework that allows their contributions to be recognized and used properly.

18. The Right to Create

CREATION, RESPONSIBILITY AND VALUE

The discussion began with intellectual property because the subject provides a way to think about creation. It ends with the creator because every legal system ultimately exists in relation to people. Rules may address works, rights, platforms, datasets, and remedies, but human effort lies behind every category.

The future will make this relationship more complicated. Machines will become more capable. Distribution will become more immediate. Markets will become more interconnected. Legal systems will continue to evolve. Some answers that appear obvious today may be reconsidered tomorrow. None of this removes the need to understand why creation matters.

The right to create is not an unlimited right to control everything that follows. Intellectual property has boundaries, exceptions and competing interests. But recognition of creative value is essential. A society that expects innovation while treating creative effort as freely appropriable creates a contradiction at the heart of its economic model.

The same principle applies to professional life. People build careers through effort that is not always visible. They acquire knowledge, develop judgment, make mistakes, recover from setbacks and continue. A professional reputation is built through many small decisions rather than one dramatic moment.

Daffarra has tried to remain consistent with the values on which he was educated. That consistency does not mean refusing to change. It means changing methods while preserving standards. Technology may change the way an attorney works. It should not change the obligation to be honest. A market may change the form of a client

relationship. It should not change the importance of reliability.

The world also needs professionals who can connect disciplines. A copyright lawyer must understand technology. A technology professional should understand the legal environment. A business leader should understand the value of creativity. A policymaker should understand the economic consequences of legal rules. The boundaries between fields are becoming less useful as problems become more interconnected.

The younger generation will inherit questions that are more complex than those professionals faced at the beginning of their careers. Knowledge will be essential, but it will not be enough on its own. Young professionals will also need adaptability, international awareness, technological literacy, and the ability to earn trust. Above all, they will need the discipline to continue learning after formal education has ended.

Daffarra's advice is straightforward: professionals should work hard and acquire broad knowledge in subjects that genuinely interest them. He encourages them not to give excessive attention to people who try to diminish their work. If an objective is sound, they should continue; if a method is wrong, they should change it. When circumstances are beyond their control, they should focus on what remains within their control—and never confuse applause with value.

Daffarra has always believed that a person's work should serve others, not only the individual. That principle provides a useful measure when the world becomes noisy. It is worth asking whether the work is useful, whether it is honest, and whether it deserves the trust placed in the person doing it. These questions are more durable than titles.

In the end, this booklet does not argue that one person has found all the answers. Instead, it offers a perspective shaped

by professional experience, technological change, difficult decisions, curiosity, and the simple pleasure of doing meaningful work.

Daffarra considers himself fortunate to have had the opportunity to love his work. That may be the most personal lesson he can offer. The future of intellectual property will be shaped by laws, courts, technology, markets, and negotiations. But the future of professional life will also depend on something more basic: whether people continue to care about the quality of what they create and the responsibility with which they create it.

SELECTED SOURCES AND FURTHER READING

The following selected publications and professional resources provide further context for the themes discussed in this booklet.

PROFESSIONAL PROFILES AND ARTICLES

C-Lex, “Avv. Luciano Daffarra,” professional profile.

The CIO Today, “Luciano Daffarra: Defending Innovation, Creativity, and Rights in the Digital Age,” professional profile (2026).

Legalcommunity, “Daffarra entra come socio in C-Lex,” 23 February 2015.

Luciano Daffarra, “Diffamazione, la responsabilità penale del gestore di un ‘blog’,” Wired Italia, 23 May 2017.

Luciano Daffarra, “The Dailymotion Case: A Rereading of the Rules of Discovery and a Thoughtful Reflection on the Protection of Rights and Privacy,” The Lawyer Network, 17 August 2015.

MATERIALS SUPPLIED BY LUCIANO DAFFARRA

Luciano Daffarra, “La tutela del diritto d’autore nell’era dell’intelligenza artificiale,” supplied manuscript, 2025.

Luciano Daffarra, “Il camcording: la fonte della pirateria cinematografica trova nuove regole in Italia,” supplied manuscript, 2019.

Luciano Daffarra, “La pirateria audiovisiva e la protezione dei sistemi di trasmissioni dei dati: in particolare file-sharing e pirateria,” supplied report to the Consiglio Superiore della Magistratura, 2008.

Luciano Daffarra, “Liability of Internet Service Providers,” WIPO workshop presentation, Tirana, 22 October 2018.