



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIRST SECTION

Applications nos. 28471/22 and 30989/22
Roberto QUAGLIANO against Italy
and KAMEL FILM S.A.S. DI ROBERTO QUAGLIANO & C. against Italy
Both lodged on 27 May 2022
communicated on 26 August 2026

SUBJECT MATTER OF THE CASE

The applications concern the admissibility of witness evidence and the examination of the defendants in civil proceedings.

The applications are brought by Mr Quagliano, acting in his own name (no. 28471/22) and as the representative of the company Kamel Film SAS di Roberto Quagliano & C. – a television production company (no. 30989/22). The applicants entered into negotiations with R.T.I. S.p.A. (RTI) – a television broadcasting company – regarding a television programme concept, but the negotiations ended without any agreement in 2001. Later that year, M.D.F., through her production company, broadcasted with RTI a programme which the applicants considered to be substantially identical to their proposal.

The applicants sued RTI, M.D.F. and her company for copyright infringement, unfair competition and pre-contractual liability, also requesting the examination of the defendants and the hearing of thirteen witnesses. M.D.F. did not appear, and the Rome District Court rejected all witness requests. It subsequently dismissed the claims on 26 March 2010.

The Rome Court of Appeal upheld the judgment on 8 April 2016, and the Court of Cassation declared the applicants' appeal inadmissible on 29 November 2021.

The applicants complain under Article 6 § 1 of the Convention that the refusal of the domestic courts to admit the hearing of witnesses and to conduct

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a formal examination of one of the defendants, based on insufficient and arbitrary reasons, violated the right to a fair trial and the principle of equality of arms.

QUESTIONS TO THE PARTIES

Did the applicants have a fair hearing in the determination of their civil rights and obligations, in accordance with the requirements of Article 6 § 1 of the Convention, including the principle of equality of arms? In particular, did the decisions of the domestic courts rejecting the applicants' requests contain adequate reasons (*Wierzbicki v. Poland*, no. 24541/94, §§ 39, 44-45, 18 June 2002; *Dombo Beheer B.V. v. the Netherlands*, 27 October 1993, §§ 31-35, Series A no. 274; *Carmel Saliba v. Malta*, no. 24221/13, §§ 62-67, 77, 79, 29 November 2016)?