

Italian Republic

In the name of the Italian People

The Civil Division of the Court of the Province of Arezzo, Judge Danilo Sestini presiding, has pronounced the following

Sentence

in Civil Case number 4543/2006 of the Judicial Register.
for **Compensatory Damages (relating to right of personal identity)**
as petitioned by

Vittorio Emanuele di Savoia, born in Naples 12 February 1937 and resident in Gstaad (Switzerland);

Emanuele Filiberto di Savoia, born in Geneva (Switzerland) 22 June 1972;

both represented by Sergio Calvetti of the Treviso district and Nicola Madia of the Arezzo district, and domiciled legally care of Via Roma 7 in Arezzo, of counsel as indicated in the act cited;

PETITIONERS, COMPLAINANTS and PLAINTIFFS

AGAINST

Amedeo di Savoia Aosta, resident at Via di Meliciano 14 in Castiglion Fibocchi (Province of Arezzo), citizen tax number XXXXXXXXXXX, represented by Maurizio De Gasperis of the Rome district and Raffaello Giorgetti of the Arezzo district, and domiciled legally care of the office of Mr Giorgetti in Arezzo at Via Michelangelo 8, delegated to represent him in his absence.

Aimone di Savoia Aosta, resident at Bolshoi Levscinski Pereulok 8A in Moscow (Russia), represented by Maurizio De Gasperis of the Rome district and Raffaello Giorgetti of the Arezzo district, and domiciled legally care of the office of Mr Giorgetti in Arezzo at Via Michelangelo 8, delegated to represent him in his absence.

RESPONDENTS and DEFENDANTS

CONCLUSIONS

For the parties convened as per the transcript of 6 February 2009: “no evidence submitted bearing merit to the contrary:

1) having determined and declared the undue use of the single surname “di Savoia” by Messieurs Amedeo di Savoia-Aosta and Aimone di Savoia-Aosta and the prejudice thereby derived against the petitioners, orders Messieurs Amedeo di Savoia-Aosta and Aimone di Savoia-Aosta to cease and desist the offending use in compliance with article 6 of the Italian Civil Code (i.e. right to one’s identity and name) and to remit compensatory damages in consideration of the aforesaid comportment in the amount indicated in the course of this case and/or to the degree deemed justified by this tribunal, as well as the publication of the sentence in at least five nationally-distributed daily newspapers in at least five consecutive numbers (issues) and in at least five weekly news magazines for at least three consecutive numbers;

2) having determined and declared the undue use of the propriety (personal) coats of arms and other identifying distinctions of the petitioners as defined by article 6 of the Civil Code - respectively Amedeo di Savoia-Aosta regarding the proprietary coat of arms and identifying distinctions appertaining to the person of Vittorio Emanuele di Savoia, and Aimone di Savoia

Aosta regarding the proprietary coat of arms and identifying distinctions appertaining to the person of Emanuele Filiberto di Savoia - and the prejudice thereby derived against the petitioners, this tribunal thus ordering Messieurs Amedeo di Savoia-Aosta and Aimone di Savoia-Aosta to cease the offending use in compliance to article 6 of the Civil Code and to remit compensatory damages in consideration of the aforesaid comportment in the amount indicated in the course of this case and/or to the degree deemed justified by this tribunal, as well as the publication of the sentence in at least five nationally-distributed daily newspapers in at least five consecutive numbers and in at least five weekly news magazines for at least three consecutive numbers.

At all events:

with complete assumption of expenses, costs, taxes and fees.

To wit:

the presiding judge admits evidence as accurate and true attesting to the following proven circumstances/events:

- 1) that Mr. Amedeo di Savoia-Aosta was known until circa the Summer of 2006 as “Amedeo d’Aosta” and has always been presented/introduced as such;
- 2) that Mr. Aimone di Savoia-Aosta was known until circa the Summer of 2006 as “Aimone d’Aosta” and has always been presented/introduced as such;
- 3) that until circa the Summer of 2006 Mr. Amedeo d’Aosta was identified in the mass media only with the name “Amedeo d’Aosta”;
- 4) that until circa the Summer of 2006 Mr. Aimone d’Aosta was identified in the mass media only with the name “Aimone d’Aosta”;
- 5) that following the involvement of Vittorio Emanuele di Savoia in the noted judicial proceedings resulting from the investigation of the district Court of Potenza Province, Messieurs Amedeo and Aimone d’Aosta attempted to assume the role of heads of the House of Savoy, as per the accompanying documents numbered 2, 3, 4 and 5 as demonstrated and witnessed;
- 6) that during the Summer of 2006 the mass media began to refer to Mr. Amedeo d’Aosta, at his own request, with the patronymic “Amedeo di Savoia” and no longer as “Amedeo d’Aosta” as per the accompanying documents numbered 6, 15 and 32 as demonstrated and witnessed;
- 7) that during the Summer of 2006 the mass media began to refer to Mr. Aimone d’Aosta, at his own request, with the patronymic “Aimone di Savoia” and no longer as “Aimone d’Aosta” as per the accompanying documents numbered 10, 17, 29 and 32 as demonstrated and witnessed;
- 8) that Amedeo d’Aosta wilfully requested to be recognised as head of the House of Savoy in place of Vittorio Emanuele di Savoia;
- 9) that Aimone d’Aosta wilfully requested to be recognised as hereditary heir apparent of the House of Savoy in place of Emanuele Filiberto di Savoia;
- 10) that Amedeo d’Aosta makes use of the coat of arms appertaining to Vittorio Emanuele di Savoia, an identifying distinction referring to the person of Vittorio Emanuele di Savoia, as per documents 19 and 31 as demonstrated and witnessed;
- 11) that Aimone d’Aosta makes use of the coat of arms appertaining to Emanuele Filiberto di Savoia, an identifying distinction referring to the person of Emanuele Filiberto di Savoia, as per

documents 17 and 29 as demonstrated and witnessed;

12) that the authority to make use of the coat of arms which identifies Vittorio Emanuele di Savoia belongs exclusively to Vittorio Emanuele di Savoia, being part of the identifying distinctions which distinguish him personally;

13) that the authority to make use of the coat of arms which identifies Emanuele Filiberto di Savoia belongs exclusively to Emanuele Filiberto di Savoia, being part of the identifying distinctions which distinguish him personally;

14) that Amedeo d'Aosta has attempted to usurp the socio-historic position of Vittorio Emanuele di Savoia;

15) that Aimone d'Aosta has attempted to usurp the socio-historic position of Emanuele Filiberto di Savoia;

16) that Amedeo d'Aosta has unduly substituted himself in some of the social roles belonging to Vittorio Emanuele di Savoia;

17) that Aimone d'Aosta has unduly substituted himself in some of the social roles belonging to Emanuele Filiberto di Savoia;

18) that Amedeo d'Aosta, profiting from partial similarity of his surname, has generated confusion regarding the roles of descendants of the House of Savoy;

19) that in an especial manner Amedeo d'Aosta has attempted to usurp the position of legitimate heir belonging to Vittorio Emanuele di Savoia, creating confusion;

20) that in an especial manner Aimone d'Aosta has attempted to usurp the position of legitimate heir belonging to Emanuele Filiberto di Savoia, creating confusion;

21) that the abovementioned comportment of Amedeo d'Aosta and of Aimone d'Aosta has created noteworthy damages to Vittorio Emanuele di Savoia and to Emanuele Filiberto di Savoia, not only from an economic point of view but also in terms of emotional suffering, above all because it was initiated while Vittorio Emanuele di Savoia was involved in the investigation of Summer 2006;

22) that the comportment of Amedeo d'Aosta and Aimone d'Aosta create notable economic damages to Vittorio Emanuele di Savoia and Emanuele Filiberto di Savoia, who see themselves constrained to intervene in order that historical accuracy may be respected;

23) that Vittorio Emanuele di Savoia and Emanuele Filiberto di Savoia are the subjects of continuous attacks by Amedeo d'Aosta and Aimone d'Aosta in the press;

24) that since 27 November 2006 the website www.armorial-register.com identifies the personal coat of arms of Vittorio Emanuele di Savoia as appertaining to Amedeo d'Aosta, upon the request of the latter successive to a notification of protest by the petitioner (document 1), and cited as per document 19 as attestation;

25) that this creates grave damage to Vittorio Emanuele di Savoia;

26) that Vittorio Emanuele di Savoia had immediately brought this condition to the attention of the firm which manages the website, without having obtained either a response or removal of the pages in question, even though he is holder of the registration of said coat of arms as a trademark (document 20);

27) that successive to initiation of the present legal case Aimone d'Aosta has continued to make use of the coat of arms identified with Emanuele Filiberto di Savoia, as per document 29 as

attestation;

28) that a website has recently been published (www.crocerealedisavoia.it) in which the respondents make use of the coat of arms identified with Vittorio Emanuele di Savoia, as per document 31 as attestation;

The following are named as witnesses, namely Messieurs: Filippo Bruno di Tornaforte of Padua, Enrico Giuliano di Sant'Andrea, Ugo d'Atri (President of Guard of Honour of the Royal Tombs of the Pantheon), Pier Luigi Divina (President of the Council of Senators of the Kingdom of Italy), Alberto Claut (Secretary of the Movimento Monarchico Italiano), this tribunal reserving the right to call others as indicated.

The court requests, furthermore, the admission of expert (consultative) witnesses to determine the actual function of the coat of arms in addition to ascertaining that the present coat of arms may be implied as the principal artistic representation of a person and is intended to identify the same person by providing him with a visual emblem, being an insignia which furnishes the suitable element to constitute a habitual means of reference and identification of that same person, with particular reference to the coat of arms attached as document 28 identified exclusively with Vittorio Emanuele di Savoia (as has been regularly made use of by Amedeo d'Aosta, referring to document 19, as well as on the website www.crocerealedisavoia.it recently published, cited in document 31), identifying an individual as appertaining to a certain line of genealogical descent.

Furthermore, the court requests that an expert witness quantify the damages incurred by petitioners as a consequence of extensive use of their coats of arms by the respondents, considering in particular the registration (as trademarks) of said coats of arms by petitioners and, consequently, the economic value of same."

On behalf of the respondents, from the transcript of the hearing of 6 June 2009:

"For Amedeo d'Aosta, represented as respondent, specifically:

presentation to the competent Procurator of the Italian Republic, prior to hearing and trial, of the relative acts in order that relevant documentary penal evidence may be ascertained to elucidate facts and allegations in discussion through documentation which may be examined;

in preliminary discovery, petition to dismiss the act of citation presented as per articles 163 and 164 of the Code of Civil Procedure;

in principal manner and in merit: rejection of petitioners' request as lacking any foundation either in fact or in law.

With compensation of legal fees, costs and other expenses relative to the decision.

For Aimone d'Aosta, represented as respondent, specifically:

in preliminary discovery, petition to dismiss the act of citation presented as per articles 163 and 164 of the Code of Civil Procedure;

in principal manner and in merit: rejection of petitioners' request as lacking any foundation either in fact or in law.

With compensation of legal fees, costs and other expenses relative to the decision."

CONCISE EXPOSITION OF FINDINGS OF FACT AND LAW IN THIS JUDGEMENT

With the acts of citation issued under date of 7 December 2006 (to the respondent Amedeo di Savoia-Aosta) and 23 April 2007 (to the respondent Aimone di Savoia-Aosta), Vittorio

Emanuele di Savoia and Emanuele Filiberto di Savoia, respectively son and grandson of the last King of Italy Umberto II, have sued for relief to retrieve “a number of positions which are not only legal but also social, based on the fact of their being the dynastic heirs to the Throne of Italy” and have asserted that “into this complex context of socio-juridical positions, certain distant kin, namely Amedeo di Savoia-Aosta and his son Aimone di Savoia-Aosta, have deceptively arrogated to themselves... and with them certain pretensions... to be considered the heads of the Royal House of Savoy,” initiating as well “a clear usurpation of the surname of the petitioners”; which, in fact, since July 2006, Amedeo di Savoia-Aosta, “who in newspapers previously appeared and came to be identified with the name ‘Amedeo d’Aosta’, but is now known as - and requests to be called - ‘Amedeo di Savoia’, in a clear usurpation of the name, social positions and prerogatives of Vittorio Emanuele di Savoia”; to which must be added the fact that on 7 July 2006 there took place the “self-proclamation by Amedeo d’Aosta as Head of the House of Savoy”, followed by “a pretentious ceremony at Superga (Turin) on 21 July 2006 during which the respondents claimed to legitimise their self-proclamations”; and furthermore that “Amedeo di Aosta has initiated comportment and issued unequivocal declarations with which he has claimed to hold the aforementioned right as head of the House of Savoy because Vittorio Emanuele di Savoia allegedly lost said right for himself and his successors due to his marriage to Marina Doria in the absence of the ‘assent’ of King Umberto, a situation which supposedly derives from the sanction prescribed by Royal Letters Patent dating from the 1700s.”

This premise, in consideration of the principles expressed in articles 6 and 7 of the Civil Code as well as the final and 14th transitory disposition of the Constitution of the Italian Republic - which provides for integration into surnames of nobiliary particules (i.e. predicati or territorial designations) existent prior to 28 October 1922 - and underscoring the prejudice in the area of personal identity in consequence of the respondents’ usurpation of one’s own surname, the petitioners have requested that this Court ascertain “the protracted use of the surname ‘di Savoia’ by Messieurs Amedeo di Savoia-Aosta and Aimone di Savoia-Aosta” and to find against the respondents, “to cease the offending activity in conformity to articles 6 and 7 of the Civil Code, as well as to order the payment of compensation for damages which have been, and continue to be, incurred... and publication of this decision” in daily newspapers having national circulation and in weekly general-interest magazines.

Furthermore, it is determined that the deliberate use of the proprietary coat of arms of the petitioners by the respondents (that of Vittorio Emanuele di Savoia by Amedeo di Savoia-Aosta and that of Emanuele Filiberto di Savoia by Aimone di Savoia-Aosta) reveals that, as a sign of distinction of the person, the coat of arms must be protected as being linked to the name, and the petitioners have also requested to this end an order that the respondents cease the offending action, apart from the award of compensatory damages and publication of the decision.

Presenting distinct evidence to this court, respondents have both deduced that applying Salic Law according to the Royal Letters Patent of 13 September 1780, Vittorio Emanuele di Savoia, in contracting a marriage with a person “not of royal blood” without the assent of his father King Umberto II, lost for himself and his descendants “any prerogative of the ex Royal Family” and “therefore Amedeo di Savoia Duke of Aosta is Head of the House of Savoy as has been asserted by the Council of Senators of the Kingdom of Italy.”

Said premise has, in fact, excepted the “dismissal (nullity) of the act of citation for absolute inability to determine the request and for lack of exposition of the legal elements at its basis” and supports the principle that the surname of the respondents is without doubt “di Savoia Aosta” and that as such each “carries... the legitimate use of the surname ‘di Savoia’ or” the name and particule Aosta.

As regards the use of the coats of arms, respondents have forfeit their petition for dismissal (nullity) in the act of citation for inability of the request insofar as respondents were unable “to identify the coats of arms in question and provide proof of right of possession of same.” Furthermore, they claimed that “the coats of arms of the House of Savoy represent an artistic sign of association with the family... and belong to all members of the family, not being

intended to identify a single individual,” and therefore it is necessary to identify the head of the House of Savoy, “which is not possible in the judiciary environment of the Italian Republic.”

In this way they concluded their petition for dismissal of the act of citation and, in merit, rejection of petitioners’ complaint. The respondent Amedeo di Savoia Aosta has further requested submission of the present acts to the competent circuit of the Procurator of the Republic regarding bestowal, on the part of Vittorio Emanuele, of orders of knighthood defined as “orders which have been discontinued or are no longer extant” and therefore illegal as per article 8 of public law 178/1951.

Citing article 183, section 6, number 1 of the Code of Civil Procedure, petitioners have specified in their request that “it be drawn to the court’s attention that Messieurs Amedeo di Savoia-Aosta and Aimone di Savoia-Aosta are making use of the surname ‘di Savoia’ and that this matter” as well as “the use... of the proprietary coats of arms of the petitioners, being *personal identifying distinctions as defined by article 6 of the Civil Code*,” be addressed.

Evidentiary documentation having been reviewed, the case was heard on 3 July 2009 and adjudicated as transcribed.

In this decision we observe that:

a) in the matter of this court’s order refuting respondents’ petition for dismissal (nullity):

- the request is unfounded for both the use of the surname and the coat of arms as amply set forth in the reasons for petitioning the court (*causae petendi*), to be reviewed - according to the position of petitioners the arbitrary use of the surname “di Savoia” with the intent of supporting the thesis of Amedeo di Savoia Aosta succeeding to headship of the House of Savoy, and the illicit appropriation of coats of arms reserved to descendants of the king of Italy, resulting in this request for judgement (*petitum*), with the related restriction on further, continued use by respondents of the aforementioned surnames and heraldic arms, as well as the resulting decision regarding compensatory and reparative damages (including the publication of this sentence);

- the condition of the coats of arms not having been specifically identified (blazoned or described) is insufficient to result in the court deciding lack of judgement considering that the overall tone of the allegations of petitioners’ allegations and request is understood to make reference to the coats of arms in question as being reserved to the successor of the king of Italy and to the hereditary prince;

b) in the matter of this court’s order regarding admissibility of the petition:

- ruling on the merit of the 14th transitory and final disposition of the Constitution (“*Titles of nobility are not recognised. The territorial designations of those existing before 28 October 1922 may be valued as part of the surname*”), the Constitutional Court underscored that “*the lack of recognition of titles of nobility... implies that nobiliary titles constitute no substantial legal right and, more generally, do not retain any relevance: in a word, they exist outside the judiciary environment,*” with the consequence that “*the body of law cannot contain statutes which impose upon public authority the duty to rule in controversies regarding matters over which the Constitution does not recognise any juridical character whatsoever,*” as would occur were the court to “determine the title borne in the person of this or that individual, evaluating the matter according to standards of nobiliary succession” (Constitutional Court, civil case number 101/1967);

- it is beyond doubt, on the other hand, that integration of the territorial designation (*predicato*) with the surname, according to the abovementioned constitutional disposition, establishes that “*the territorial designations of nobiliary titles... form part of the surname and only as part of it (i.e. the surname) ‘have value’ (that is to say, are valid and applicable) legally*” (Court of Cassation, case number 10396/1997) and that protection of a name deriving from the use of the

nobiliary territorial designation as part of the surname is exclusively that which is set forth and provided for by articles 6 and 7 of the Civil Code (cf. Court of Cassation, civil case number 2426/1991);

- from which it follows that the request of petitioners is admissible insofar as it regards protection against usurpation of a name (deriving from a territorial designation incorporated therein), but not for the section entailing determinations on the means of transmission - according to rules of nobiliary succession - of titles which bear no relevance to the laws of this republic; it being understood that a determination of such fact constitutes the necessary presumption relative to the right to coats of arms (which would belong to one or another of the litigants serving to recognise specific qualifications within the Royal House), this court must declare, on this point, the inadmissibility of the request;

c) in the matter of use of the single surname “di Savoia” by the respondents:

- it is beyond doubt that the surname of the petitioners is “di Savoia” and it is not doubted that the surname of the respondents is “di Savoia Aosta” (and such is attested by the certificate of judicial filing deposited by Amedeo di Savoia Aosta and by the extract of the act of birth and certificate of residency relative to his son, Aimone);

- it is amply documented that both the respondents began to use the single surname “di Savoia” beginning in the month of July 2006 (cf. in the file submitted by petitioners, indicated as document number 15, under date of 7 July 2006 signed “Amedeo di Savoia”, two declarations of the same date signed “Amedeo” in correspondence with “duca di Savoia” typewritten beneath the signature, as well as documents number 17 dated 19 September 2006 and number 29 dated 29 September 2007 signed “Aimone di Savoia”), and that this coincided with the diffusion of said information - via the press and the internet - with declarations by the same respondents regarding assumption by Amedeo di Savoia Aosta of the position of head of the House of Savoy (cf. among the others, in the abovementioned document number 15: “H.R.H. Prince Amedeo di Savoia publicly assumes now and henceforth the position of Head of the House of Savoy and the title Duke of Savoy with the relative titles and prerogatives attached to it”);

- in view of such documentary evidence it is an undoubted fact that use by the respondents of the single surname “di Savoia” in substitution of “di Savoia Aosta” was the result of a conscious decision intended to credit the thesis of their replacing the petitioners in the senior positions in the House of Savoy;

- the condition of the surname of the respondents being partly contained in that of the petitioners did not authorise partial use of the surname “di Savoia Aosta” because the historical relevance of the double name was necessary (as respondents must have been aware) to avoid use of a surname identifying direct descent from the last king of Italy in place of a surname identifying a cadet branch of the Savoy (“di Savoia”) family;

- it therefore seems evident that, leaving aside the dynastic dispute underlying this matter (which - as stated - cannot be part of Italian jurisdiction), respondents made undue use of the surname “di Savoia” - not attached to “Aosta” - which certainly brought prejudice against the petitioners, who suffered a compromise in the function of their own surname as a means of individualising them, both as an identifying distinction of familial descent and as a means of personal identification (cf. Council of State, case number 668/2009), with such prejudice increased, in this case, by the particularly noteworthy status of the specific surname being usurped;

- therefore the conditions are herein set forth to order the cessation of the damaging conduct and to sentence the respondents to compensate petitioners for damages suffered (consequent to prejudice of a moral character provoked by illicit and intentional conduct), as well as to set forth the reparative measure of publishing the purview of this sentence in various newspapers;

- considering the fame of the persons involved and the degree of public attention obtained through use of the surname “di Savoia” by the respondents (amply documented in the extracts of newspapers and websites produced as evidence), it is determined that the moral prejudice suffered by the petitioners is substantial, and may be assigned a parity monetary value (based on articles 2056 and 1226 of the Civil Code), which the court establishes at 50,000 (fifty thousand) euros to be paid by each of the respondents to each of the petitioners (considering that, though undertaken by both respondents simultaneously and in the same manner, the actions of each respondent were independent, therefore conditions of joint and co-responsible action as defined by article 2055 of the Civil Code do not apply);

- the great degree of public attention generated by the matter necessitates the reparative measure of publishing the sentence rendered in more than one newspaper;

d) there exist valid reasons, in relation to the inadmissibility of the request relative to use of the coats of arms, for partial compensation of court costs which follow below;

e) as regards the bestowal of honours by Vittorio Emanuele di Savoia (cf. documents 9 through 13 submitted by Amedeo di Savoia Aosta), a crime being, if only in the abstract, hypothetically possible, in view of article 8 of public law number 178/1951, the present sentence shall be submitted (with copies of the aforementioned documents) to the Procurator of the Republic for evaluation for competency of jurisdiction.

P.Q.M.

The Arezzo District Court definitively pronounces on the petition of Vittorio Emanuele di Savoia and Emanuele Filiberto di Savoia against Amedeo di Savoia Aosta and Aimone di Savoia Aosta, all motions being heard, the following judgement:

- prohibits the respondents to use the single surname “di Savoia” in place of the complete surname “di Savoia Aosta”;

- orders each of the respondents to pay each of the petitioners the sum of 50,000 (fifty thousand) euros in compensatory damages as well as interest on expenses incurred;

- orders publication of the purview of this sentence, one time, in the daily newspapers “Il Corriere della Sera” and “La Repubblica,” as well as the weekly magazines “L’Espresso” and “Panorama,” at respondents’ expense and, in the event of their immediate inability to defray these costs, at the expense of petitioners to be reimbursed by respondents;

- orders compensation for one-third of litigation and court expenses, in cash or direct payment, incurred by the petitioners, totalling 12,000 (twelve thousand) euros (of which 1,772 euros for taxes, 541 euros for fees and the remainder for legal counsel and reimbursement of expenses), in addition to value added tax.

Arezzo, 27 January 2010

Judge D. Sestini