

# I Big Data E Il Diritto Antitrust

*Il diritto bancario oggi: aspetti sostanziali e processuali* AA.VV. 2023-03-13 Il volume affronta tutte le problematiche connesse al diritto bancario, analizzando, per ciascun argomento ed in una ottica eminentemente operativa, la dottrina e la giurisprudenza ad esso relativo. Più specificamente, dapprima l'opera analizza le fonti del diritto bancario e l'attività delle banche per procedere successivamente, all'analisi dei singoli contratti. In particolare, dopo essersi soffermati sulla tematica della forma dei contratti, esamina il contratto di conto corrente, il deposito bancario, l'apertura di credito, l'anticipazione bancaria, lo sconto, il mutuo, il credito fondiario, il leasing, il factoring, i buoni fruttiferi postali, la cessione del quinto e le garanzie bancarie. Vengono poi analizzati i servizi di pagamento con una particolare attenzione ai servizi bancari online. Una Sezione del volume è, poi, dedicata all'esame dei fenomeni derivanti dall'attività bancaria. Dopo avere trattato, in generale, la materia degli interessi e della modificazione unilaterale delle condizioni contrattuali, vengono esaminate le problematiche: dell'anatocismo; dell'usura; dei costi dei servizi bancari delle garanzie; della concessione abusiva di credito; dei derivati. Infine, l'ultima Sezione è dedicata, attraverso un esame approfondito, al contenzioso bancario. Vengono qui esaminate le tematiche: del ricorso monitorio della banca e del relativo giudizio di opposizione; dell'azione di ripetizione del cliente; della consulenza tecnica d'ufficio con particolare riferimento a quella contabile (alla luce delle pronunce delle sezioni unite del 2022); degli obblighi di conservazione della documentazione e degli strumenti per l'acquisizione degli estratti conto; dei rimedi contro l'illegittima segnalazione alla centrale rischi; della prescrizione; della mediazione in materia di controversie bancarie; dell'arbitro bancario finanziario. Sempre nell'ambito di questa Sezione vengono esaminati due tematiche di grande attualità, la prima costituita dalla class action e la seconda dal contenzioso bancario nell'ambito delle procedure concorsuali. Tutti i temi sono aggiornati con le ultime novità normative e giurisprudenziali. Un articolato indice analitico consente l'immediata individuazione e consultazione dei temi di interesse del lettore.

*I finanziamenti infragruppo* Angelo Borselli 2022-04-14T00:00:00+02:00 La disciplina dei finanziamenti infragruppo, introdotta con la riforma del diritto societario del 2003 all'art. 2497-quinquies c.c., si è innovata nel corso del tempo in seguito ad interventi normativi che hanno interessato la legge fallimentare e, da ultimo, con l'introduzione del Codice della crisi e della composizione negoziata per la soluzione della crisi d'impresa, configurando un sistema che oscilla tra la postergazione e la prededuzione dei finanziamenti, e che induce a interrogarsi sul fondamento della disciplina e sugli interessi sottesi alla stessa. Il lavoro propone una ricostruzione della disciplina dei finanziamenti infragruppo con l'obiettivo di individuare un criterio di valutazione della fattispecie che consenta di discriminare tra finanziamenti "anomali", che perseguono finalità di risk-shifting in pregiudizio dei creditori esterni, e finanziamenti diretti a promuovere il risanamento della società in crisi e a permettere una migliore soddisfazione dei creditori, che rispondono ad un principio di corretto finanziamento dell'impresa di gruppo. In una prospettiva di uso interpretativo del diritto comparato, lo studio si avvale anche dell'analisi dell'esperienza statunitense in materia di equitable subordination, idonea a far emergere un approccio diverso al problema dei finanziamenti infragruppo, non meramente incentrato sulla situazione di squilibrio patrimoniale e finanziario della società finanziata, ma sull'accertamento di una finalità abusiva del soggetto finanziatore. Lo studio considera, altresì, le implicazioni transnazionali della disciplina italiana dei finanziamenti infragruppo in relazione al caso in cui la fattispecie presenti collegamenti con una pluralità di ordinamenti statali. Il fenomeno del finanziamento infragruppo può trascendere, infatti, il diritto nazionale e sollevare questioni che, interessando più ordinamenti giuridici, possono originare conflitti di legge e di giurisdizione. Il lavoro analizza, quindi, l'applicazione nello spazio della disciplina italiana, con particolare riguardo all'ipotesi di insolvenza transfrontaliera, prendendo in esame l'ordinamento italiano, dell'Unione europea e statunitense, al fine di esplorare come opera in fattispecie transfrontaliere il bilanciamento degli interessi dei creditori interni ed esterni al gruppo.

*Competition, Data and Privacy in the Digital Economy* Maria Wasastjerna 2020-07-16 Increasingly, we conduct our lives online, and in doing so, we grant access to our personal information. The crucial feedstock of the world economy thus generated - the commercialization and exploitation of personal data and the intrusion of digital privacy it entails - has built an imposing edifice of market power. As we enter the third decade of the 21st century, this detailed exploration of the interlinkage between competition and data privacy takes a critical look at competition policy to evaluate whether the system in its current form and with the existing approach is capable of tackling the challenges raised by the role of personal data in the shift from an offline to an online economy. Challenging the commonplace assumption that privacy has little or no role and relevance in competition law, the author's penetrating analysis accomplishes the following and more: provides an in-depth understanding of the intersection of competition and privacy in the data-driven economy; surveys legal policy developments on the role of privacy in competition law; underlines the importance of non-price parameters in competition, such as consumer choice; clearly explains why and how competition law can protect privacy among its policy objectives; and addresses challenges in measuring the intangible harm of digital privacy violation in assessing abuse of market power. Recent case law in Europe and elsewhere, a revealing comparison between relevant European Union (EU) and United States (US) practice, the expanded role of the EU's Competition Commissioner, and the likely impact of such phenomena as the coronavirus pandemic are all drawn into the book's remit. In her analysis of the growing privacy dimension in competition policy, the author examines the topic from a broad perspective that includes societal, political, economic, historical and cultural elements. Her insightful multidimensional and value-based review will prove of immeasurable value to practitioners, academics, policymakers and enforcers in its identification of implications for business practice as we go forward.

*The Commercial Appropriation of Personality* Huw Beverley-Smith 2002-08-15 Commercial exploitation of attributes of an individual's personality, such as name, voice and likeness, forms a mainstay of modern advertising and marketing. Such indicia also represent an important aspect of an individual's dignity which is often offended by unauthorized commercial appropriation. This volume provides a framework for analysing the disparate aspects of the problem of commercial appropriation of personality and traces, in detail, the discrete patterns of development in the major common law systems. It also considers whether a coherent justification for a remedy may be identified from a range of competing theories. The considerable variation in substantive legal protection reflects more fundamental differences in the law's responsiveness to commercial practices and different attitudes towards the proper scope and limits of intangible property rights.

*Big Data and Competition Policy* Maurice E. Stucke 2016 Big Data and Big Analytics are a big deal today. Big Data is playing a pivotal role in many companies' strategic decision-making. Companies are striving to acquire a 'data advantage' over rivals. Data-driven mergers are increasing. These data-driven business strategies and mergers raise significant implications for privacy, consumer protection and competition law. At the same time, European and United States' competition authorities are beginning to consider the implications of a data-driven economy on competition policy. In 2015, the European Commission launched a competition inquiry into the e-commerce sector and issued a statement of objections in its Google investigation. The implications of Big Data on competition policy will likely be a part of the mix. Big Data and Competition Policy is the first work to offer a detailed description of the important new issue of Big Data and explains how it relates to competition laws and policy, both in the EU and US. The book helps bring the reader quickly up to speed on what is Big Data, its competitive implications, the competition authorities' approach to data-driven mergers and business strategies, and their current approach's strengths and weaknesses. Written by two recognized leading experts in competition law, this accessible work offers practical guidance and theoretical discussion of the potential benefits (including data-driven efficiencies) and concerns for the practitioner, policy maker, and academic alike.

*State and Enterprise* Maria Rosaria Mauro 2023-01-09 This book addresses the regulation of the State/Enterprise relationship in the framework of international economic context. It analyzes this relationship from the

discrete perspectives of conflict, cooperation, and integration in contributions by authors representing a diverse range of legal cultures and political backgrounds. The topic is investigated following three approaches: • State versus Enterprise (the State which bans, restricts, or regulates the activities of Enterprises, both domestic and foreign); • Enterprise versus State (the Enterprises, main actors of commercial, industrial or financial initiatives, which may directly or indirectly affect the legal and economic structure of the State); • State as Enterprise and Enterprise as State (public Enterprises under political control that pursue geopolitical goals, and Enterprises that rely on the political, financial, and strategic support of the State for their business expansion). Furthermore, the volume includes a special focus on the relationship State/Enterprise in non-capitalist economies (China, Russia, and Cuba).

*Big Data* Min Chen 2014-05-05 This Springer Brief provides a comprehensive overview of the background and recent developments of big data. The value chain of big data is divided into four phases: data generation, data acquisition, data storage and data analysis. For each phase, the book introduces the general background, discusses technical challenges and reviews the latest advances. Technologies under discussion include cloud computing, Internet of Things, data centers, Hadoop and more. The authors also explore several representative applications of big data such as enterprise management, online social networks, healthcare and medical applications, collective intelligence and smart grids. This book concludes with a thoughtful discussion of possible research directions and development trends in the field. *Big Data: Related Technologies, Challenges and Future Prospects* is a concise yet thorough examination of this exciting area. It is designed for researchers and professionals interested in big data or related research. Advanced-level students in computer science and electrical engineering will also find this book useful.

*Trattato delle società - Tomo I* Vincenzo Donativi 2022-09-07 Il Tomo I del Trattato delle Società è composto da quattro parti: introduzione generale del diritto societario, il tema si apre con un autorevole saggio comparatistico, nel quale si mettono in risalto le più recenti tendenze evolutive che, negli ordinamenti più vicini al nostro, hanno investito lo stesso "paradigma" societario; "temi generali", ovvero sia quegli istituti o quei segmenti di disciplina riferibili a tutti i "tipi" societari; impatto delle nuove tecnologie sul diritto delle società; i tipi delle società di persone. Il taglio dell'opera è quello della trattazione di alto profilo scientifico, assicurata dalla autorevolezza accademica o istituzionale dei diversi Autori, non disgiunta da una marcata sensibilità per le ricadute pratiche, garantita anche dalla completezza dei riferimenti giurisprudenziali e dall'uso di modalità grafiche che agevolano la lettura. Della stessa Collana altri 3 tomi dedicati alle società per azioni (Tomo II), alle società in accomandita per azioni, alle s.r.l. e agli istituti comuni alle società di capitoli (Tomo III) e infine ai diversi "statuti normativi speciali" (dalle quotate, alle società del sistema bancario e finanziario, fino a tutte le ormai numerosissime figure di diritto speciale o singolare) e alle cooperative (Tomo IV). Ciascun tomo, pur autonomo, è parte di un'Opera "omnia" che, per la sua completezza, per la metodologia adottata e per l'autorevolezza degli Autori, ci si augura possa divenire un punto di riferimento per quanti in futuro (non necessariamente prossimo) saranno chiamati a confrontarsi con la materia.

**Democrazia e potere dei dati** Antonello Soro 2019-10-23T00:00:00+02:00 "La sicurezza cibernetica è un problema di sicurezza nazionale, se dovesse scoppiare una guerra la minaccia non arriverebbe dai carri armati ma dagli attacchi ai sistemi digitali, dalle torri di controllo agli acquedotti." Antonello Soro, la Repubblica Il rapporto tra tecnica e democrazia, pur certamente non nuovo, è divenuto centrale nell'era digitale. L'impatto delle nuove tecnologie sulla vita individuale e collettiva è tale da dover essere affrontato con il massimo grado di consapevolezza ricordando, con Chabod, che nella Storia c'è posto solo per ciò che ha coscienza di sé. La tecnologia digitale ha infatti innescato - con la forza propria delle rivoluzioni epocali e l'intensità delle grandi conquiste dell'Umanità - mutamenti profondi del tessuto democratico e della stessa struttura sociale, sostituendo quei corpi intermedi che la disintermediazione intendeva superare e ridisegnando il raggio di estensione del potere e i confini della libertà. Si tratta di innovazioni che hanno mutato a tal punto e così velocemente i nostri sistemi di valori, le nostre categorie del pensiero, persino la nostra concezione del tempo e dello spazio da renderci troppo spesso prigionieri degli opposti estremismi: del neoluddismo da una parte e della tentazione, al contrario, di delegare la gestione della vita privata e pubblica alla neutralità della tecnica. Questo saggio, rigoroso ma di facile lettura, illustra le innumerevoli implicazioni del rapporto tra tecnica e democrazia, su un orizzonte che spazia da quello propriamente giuridico a quello etico e filosofico, dall'uso degli algoritmi predittivi in economia e finanza alle nuove forme di sfruttamento del lavoro, dall'intelligenza artificiale alla nuova geografia dei poteri, dall'«arbitrato» tra libertà di espressione e dignità nei social network ai trojan, dalla cybersicurezza alla moneta digitale.

*MC Diritto ed Economia dei Mezzi di Comunicazione* Astolfo Di Amato 2016-07-01 La rivista ha cercato negli anni di offrire un utile strumento giuridico, legislativo a quanti lavorano e studiano nel settore dell'editoria e dell'informazione. Ciò che il lettore troverà agevole è l'organizzazione dei contenuti, che gli consentirà in breve tempo di avere una visione di insieme delle novità che interessano il settore, grazie ad una suddivisione degli argomenti distinti in editoriali, rubriche, raccolte di giurisprudenza, note a sentenza, bollettino di giurisprudenza commerciale, laboratorio antitrust, raccolta delle novità legislative, bollettino di giurisprudenza comunitaria, corsi e ricorsi storici. Del numero 2 del 2011 ci preme segnalare al lettore due articoli: l'editoriale che argomenta il tema delle intercettazioni telefoniche in Spagna, che in un momento come questo che in Italia il tema è così dibattuto, tentare di affrontare l'argomento, dando uno sguardo a quello che avviene in casa del nostro vicino, è sicuramente un modo razionale e istruttivo di affrontare un tema così spinoso. Al lettore chiediamo, in quale epoca ci troviamo? Viene facilmente da rispondere in quella dei social network. Nell'articolo che suggeriamo viene trattato questo argomento così attuale, tentando di argomentare la disciplina contrattualistica che cerca di regolare questo mondo sempre più in espansione.

**Kritika: Essays on Intellectual Property** Hanns Ullrich 2018-07-27 The fields of intellectual property have broadened and deepened in so many ways that commentators struggle to keep up with the ceaseless rush of developments and hot topics. *Kritika: Essays on Intellectual Property* is a series that is designed to help authors escape this rush. It creates a forum for authors who wish to more deeply question, investigate and reflect upon the evolving themes and principles of the discipline.

*Big Data and Global Trade Law* Mira Burri 2021-07-29 This collection explores the relevance of global trade law for data, big data and cross-border data flows. Contributing authors from different disciplines including law, economics and political science analyze developments at the World Trade Organization and in preferential trade venues by asking what future-oriented models for data governance are available and viable in the area of trade law and policy. The collection paints the broad picture of the interaction between digital technologies and trade regulation as well as provides in-depth analyses of critical to the data-driven economy issues, such as privacy and AI, and different countries' perspectives. This title is also available as Open Access on Cambridge Core.

*Transition and Coherence in Intellectual Property Law* Niklas Bruun 2021-01-07 This volume is for students and scholars of intellectual property law, practitioners seeking creative arguments from across the field, and policymakers searching for solutions to changing social and technological issues. The book explores the tensions between two fundamentally competing demands made of IP law.

*Handbook of Big Data and IoT Security* Ali Dehghantanha 2019-03-22 This handbook provides an overarching view of cyber security and digital forensic challenges related to big data and IoT environment, prior to reviewing existing data mining solutions and their potential application in big data context, and existing authentication and access control for IoT devices. An IoT access control scheme and an IoT forensic framework is also presented in this book, and it explains how the IoT forensic framework can be used to guide investigation of a popular cloud storage service. A distributed file system forensic approach is also presented, which is used to guide the investigation of Ceph. Minecraft, a Massively Multiplayer Online Game, and the Hadoop distributed file system environment are also forensically studied and their findings reported in this book. A forensic IoT source camera identification algorithm is introduced, which uses the camera's sensor pattern noise from the captured image. In addition to the IoT access control and forensic frameworks, this handbook covers a cyber defense triage process for nine advanced persistent threat (APT) groups targeting IoT infrastructure, namely: APT1, Molerats, Silent Chollima, Shell Crew, NetTraveler, ProjectSauron, CopyKittens, Volatile Cedar and Transparent Tribe. The characteristics of remote-controlled real-world Trojans using the Cyber Kill Chain are also examined. It introduces a method to leverage different crashes discovered from two

fuzzing approaches, which can be used to enhance the effectiveness of fuzzers. Cloud computing is also often associated with IoT and big data (e.g., cloud-enabled IoT systems), and hence a survey of the cloud security literature and a survey of botnet detection approaches are presented in the book. Finally, game security solutions are studied and explained how one may circumvent such solutions. This handbook targets the security, privacy and forensics research community, and big data research community, including policy makers and government agencies, public and private organizations policy makers. Undergraduate and postgraduate students enrolled in cyber security and forensic programs will also find this handbook useful as a reference.

**Reports of Cases Before the Court of Justice and the Court of First Instance** Court of Justice of the European Communities 1998

*Regulating Industrial Internet Through IPR, Data Protection and Competition Law* Rosa Maria Ballardini 2019-08-28 The digitization of industrial processes has suddenly taken a great leap forward, with burgeoning applications in manufacturing, transportation and numerous other areas. Many stakeholders, however, are uncertain about the opportunities and risks associated with it and what it really means for businesses and national economies. Clarity of legal rules is now a pressing necessity. This book, the first to deal with legal questions related to Industrial Internet, follows a multidisciplinary approach that is instructed by law concerning intellectual property, data protection, competition, contracts and licensing, focusing on business, technology and policy-driven issues. Experts in various relevant fields of science and industry measure the legal tensions created by Industrial Internet in our global economy and propose solutions that are both theoretically valuable and concretely practical, identifying workable business models and practices based on both technical and legal knowledge. Perspectives include the following: regulating Industrial Internet via intellectual property rights (IPR); data ownership versus control over data; artificial intelligence and IPR infringement; patent owning in Industrial Internet; abuse of dominance in Industrial Internet platforms; data collaboration, pooling and hoarding; legal implications of granular versioning technologies; and misuse of information for anticompetitive purposes. The book represents a record of a major collaborative project, held between 2016 and 2019 in Finland, involving a number of universities, technology firms and law firms. As Industrial Internet technologies are already being used in several businesses, it is of paramount importance for the global economy that legal, business and policy-related challenges are promptly analyzed and discussed. This crucially important book not only reveals the legal and policy-related issues that we soon will have to deal with but also facilitates the creation of legislation and policies that promote Industrial-Internet-related technologies and new business opportunities. It will be warmly welcomed by practitioners, patent and other IPR attorneys, innovation economists and companies operating in the Industrial Internet ecosystem, as well as by competition authorities and other policymakers.

**MC Diritto ed Economia dei Mezzi di Comunicazione** Astolfo Di Amato 2019-01-07 La rivista ha cercato negli anni di offrire un utile strumento giuridico, legislativo a quanti lavorano e studiano nel settore dell'editoria e dell'informazione. Ciò che il lettore troverà agevole è l'organizzazione dei contenuti, che gli consentirà in breve tempo di avere una visione di insieme delle novità che interessano il settore, grazie ad una suddivisione degli argomenti distinti in editoriali, rubriche, raccolte di giurisprudenza, note a sentenza, bollettino di giurisprudenza commerciale, laboratorio antitrust, raccolta delle novità legislative, bollettino di giurisprudenza comunitaria, corsi e ricorsi storici. Il numero 3 del 2009 affronta il tema della crisi dell'editoria, dando voce ai reali protagonisti attraverso i loro interventi. Tra questi segnaliamo la disamina molto lucida del Presidente dell'Ordine dei Giornalisti, Lorenzo Del Boca sulla figura della professione del giornalista; o ancora riteniamo sia utile sottolineare la voce del sindacato dei giornalisti attraverso le parole del suo Presidente Roberto Natale, che conferma per intero i problemi che da anni caratterizzano il settore. Sottolineiamo, inoltre, che tutti i progetti di legge menzionati nei diversi interventi sono riportati all'interno dell'appendice normativa.

*Rivista delle società* 2000

*Seguro de personas e inteligencia artificial* Abel B. Veiga Copo 2022-04-19 ¿Cómo influye o impacta la inteligencia artificial y el big data en los seguros y particularmente en los de personas? ¿cómo la digitalización y la inteligencia está llevando a cabo un mayor "control" del riesgo del asegurado y sus hábitos saludables o fiscalización a través de wearables? ¿qué recorrido tendrán los seguros pay as you live?, o planteado de otro modo, ¿cómo se ajustan las primas o coste del seguro al verdadero riesgo constante que día a día o por franjas temporales impacta en el asegurado? ¿Cómo y en qué medida va a afectar a la exégesis constructiva y evolutiva de los seguros de personas toda la digitalización que el contrato de seguro está experimentando y, sobre todo, el uso de datos masivos en el comportamiento conductual, hábitos, conductas saludables, etc., de un asegurado en seguros de vida, de asistencia sanitaria, etc.?, ¿se discrimina al seleccionar o al analizar esos datos y excluir buenos y malos riesgos atinentes a la salud o a la persona misma? Este libro es, en definitiva, el resultado de la investigación y trabajo de cuarenta autores que participaron en el III Congreso Internacional de Derecho de Seguros que, bajo la dirección mía y la coordinación del profesor Martínez Muñoz se desarrolló en la Universidad Pontificia Comillas en la cátedra Uría Menéndez - ICADE de regulación de mercados, los días 6, 7 y 8 de octubre de 2021. Cincuenta y dos ponentes excepcionales, de más de una docena de países y veinticinco universidades y centros de investigación europeos y americanos impartieron presencial y virtualmente a más de 300 asistentes en formato bimodal y cuyas intervenciones hoy jalonan este libro. Esta obra completa el catálogo de Thomson-Reuters Aranzadi.

**Bioetica, diritti e intelligenza artificiale** Andrea Patroni Griffi 2023-05-05T00:00:00+02:00 Il presente volume raccoglie i contributi del gruppo di ricerca CIRB sull'intelligenza artificiale con l'intento di costituire un laboratorio di riflessione sul tema nelle sue diverse declinazioni, filosofica, etica, giuridica, medica, tecnico-scientifica. Quella tra bioetica e intelligenza artificiale, come si evidenzia nell'introduzione del Curatore, è una relazione ancora da costruire. Ci troviamo all'alba di un tempo in cui le applicazioni dell'IA si prestano potenzialmente ad essere presenti in quasi tutte le attività dell'uomo, dando nuovo significato allo sviluppo tecnologico così come classicamente inteso. Emerge l'interrogativo di fondo: l'intelligenza artificiale è solo strumento "meccanico" per quanto avanzato o va oltre il suo stesso "creatore", l'uomo e l'umano, segnandone una nuova dimensione? Delle due l'una: o l'IA comporta solo una nuova tecnologia dell'umano, in una dimensione che resta antropocentrica, oppure la nuova rivoluzione tecnologica, segnata da un'intelligenza destinata a superare, a sostituire quella umana, arrivando a prescindere da questa, comporterà una trasfigurazione stessa dell'identità dell'uomo.

**Privacy and Data Protection in Software Services** Roberto Senigaglia 2021-08-05 The aim of the book is to create a bridge between two 'lands' that are usually kept separate: technical tools and legal rules should be bound together for moulding a special 'toolbox' to solve present and future issues. The volume is intended to contribute to this 'toolbox' in the area of software services, while addressing how to make legal studies work closely with engineers' and computer scientists' fields of expertise, who are increasingly involved in tangled choices on daily programming and software development. In this respect, law has not lost its importance and its own categories in the digital world, but as well as any social science needs to experience a new realistic approach amid technological development and individuals' fundamental rights and freedoms.

*Diffusione di giudizi inesatti nel mercato finanziario e responsabilità delle agenzie di rating* Chiara Picciau 2018-08-29T00:00:00+02:00 Con il Regolamento (UE) n. 462/2013 il legislatore europeo ha introdotto una prima disciplina comune della responsabilità civile delle agenzie di rating all'interno degli Stati membri per i danni patiti dall'emittente e dagli investitori a causa della diffusione di giudizi inesatti sul merito di credito. I profili maggiormente problematici riguardano i danni patiti dagli investitori, anche in ragione del numero elevato dei potenziali danneggiati dalla diffusione di rating inesatti nel mercato finanziario. A istanze di compensazione del singolo danneggiato si affiancano considerazioni riguardanti sia la funzione che i servizi di rating svolgono a beneficio del mercato, sia il rischio che il regime di responsabilità sia troppo severo, determinando l'effetto indesiderato di disincentivare lo sviluppo dei servizi di valutazione del merito creditizio. Il volume si propone, pertanto, di indagare se, a seguito dell'intervento del legislatore europeo, con riferimento ai danni prodotti dalla diffusione dei rating del credito nel mercato finanziario vi sia effettivamente un problema di eccessiva deterrenza ovvero, al contrario, di effettività della tutela, nonché quale sia l'equilibrio raggiunto, nell'ordinamento italiano, tra queste opposte esigenze. Il lavoro si sofferma, in particolare, sulla configurazione che può assumere il nesso causale con riguardo allo specifico tema oggetto di

indagine, evidenziando le differenze tra l'ipotesi di affidamento dell'investitore ai giudizi di rating, quella dell'influenza diretta del rating sulla formazione dei prezzi di mercato e il caso in cui il rating fornisca un contributo determinante per l'accesso degli strumenti finanziari a un mercato o segmento di esso. Sono, quindi, esaminati gli ostacoli che, specialmente in punto di prova del nesso causale, incontrano gli investitori, unitamente all'operatività di regole, come quella della solidarietà risarcitoria, che possono in concreto incidere sull'effetto di deterrenza della sanzione civile.

*Big Data, Algorithms and Food Safety* Salvatore Sapienza 2022-10-20 This book identifies the principles that should be applied when processing Big Data in the context of food safety risk assessments. Food safety is a critical goal in the protection of individuals' right to health and the flourishing of the food and feed market. Big Data is fostering new applications capable of enhancing the accuracy of food safety risk assessments. An extraordinary amount of information is analysed to detect the existence or predict the likelihood of future risks, also by means of machine learning algorithms. Big Data and novel analysis techniques are topics of growing interest for food safety agencies, including the European Food Safety Authority (EFSA). This wealth of information brings with it both opportunities and risks concerning the extraction of meaningful inferences from data. However, conflicting interests and tensions among the parties involved are hindering efforts to find shared methods for steering the processing of Big Data in a sound, transparent and trustworthy way. While consumers call for more transparency, food business operators tend to be reluctant to share informational assets. This has resulted in a considerable lack of trust in the EU food safety system. A recent legislative reform, supported by new legal cases, aims to restore confidence in the risk analysis system by reshaping the meaning of data ownership in this domain. While this regulatory approach is being established, breakthrough analytics techniques are encouraging thinking about the next steps in managing food safety data in the age of machine learning. The book focuses on two core topics - data ownership and data governance - by evaluating how the regulatory framework addresses the challenges raised by Big Data and its analysis in an applied, significant, and overlooked domain. To do so, it adopts an interdisciplinary approach that considers both the technological advances and the policy tools adopted in the European Union, while also assuming an ethical perspective when exploring potential solutions. The conclusion puts forward a proposal: an ethical blueprint for identifying the principles - Security, Accountability, Fairness, Explainability, Transparency and Privacy - to be observed when processing Big Data for food safety purposes, including by means of machine learning. Possible implementations are then discussed, also in connection with two recent legislative proposals, namely the Data Governance Act and the Artificial Intelligence Act.

**Antitrust Settlements** Giovanna Massarotto 2019-10-17 Competition enforcement authorities use settlements as a tool to ensure compliance with antitrust law. Companies can make commitments to remedy breaches, ensuring that they avoid litigation and potential fines and reputational damage. The author of this highly original and innovative book shows that, rather than fines or arguing principles of competition law in litigation, antitrust settlements (namely U.S. consent decrees and EU commitment decisions) hold the key to globally effective enforcement, particularly in the digital and blockchain era. Antitrust law does not necessarily need to be abolished, but rather should be fully exploited as an economic regulation led by antitrust settlements. In supporting her thesis, the author examines such elements of competition enforcement as the following: drawbacks of allowing the courts to regulate markets; whether antitrust settlements sacrifice antitrust deterrence; how settlements rapidly and surgically regulate markets; comparative analysis between U.S. consent decrees and EU commitment decisions; economic analysis on the adoption of antitrust settlements in both the U.S. and EU markets from 2013 to 2018; fundamental role of antitrust settlements in regulating the current digital markets; and comprehensive description on how to use antitrust settlements to regulate the data industry. With its thorough guidance on U.S. consent decrees and EU commitment decisions from their functioning to their characteristics and procedure—and its extensive treatment of the main antitrust remedies available and used in enforcing of antitrust law in both the U.S. and EU—the book provides both an economic and a legal analysis of the functioning and the scope of antitrust settlements. It assesses the influence of decisions on companies' behavior and agencies' practice, using economic analysis to show the procompetitive or anticompetitive effects of remedies, with special attention to digital markets. Because markets have become so dynamic and unpredictable that is difficult to preserve efficiency, the author says, there is a little room for law—economic regulation is a better fit. This book is a springboard to further investigate how a simple antitrust enforcement tool, having turned competition law into an economic regulation policy, can drive our economy, leading both the antitrust and regulatory interventions in tackling today's market challenges.

*Legal teck, Contract re-design & Big data per professionisti e imprese* A cura di Silvia Martinelli e Carlo Rossi Chauvenet 2022-05-05 Il volume illustra il procedimento del cosiddetto 'Change management' per gli studi legali spiegando: cosa sia esattamente uno smart contract: funzioni e validità giuridica il mondo dei Big Data: come analizzarli in maniera efficace, quali le risorse e i limiti di utilizzo come arrivare alla Data monetization strategy, che, ad oggi, rimane, ancora in gran parte, inesplorata. Lo scenario pandemico ha infatti richiesto una sostanziale inversione del modo di lavorare di tutti. Gli studi legali non sono da meno. Il volume è un efficace supporto che risponde alle seguenti domande: Come gestire uno studio legale in maniera dematerializzata? Qual è il modello di legale e avvocato 4.0 dopo gli eventi del 2020? Come far fronte a situazioni impreviste ed impostare piani di continuità operativa, che guidino nel rispondere, recuperare, riprendere e ripristinare a un livello predefinito le attività a seguito di un'interruzione?

*Digital Platforms and Global Law* Bassan, Fabio 2021-11-17 Digital Platforms and Global Law focuses on digital platforms and identifies their relevant legal profiles in terms of transnational and international law. It qualifies digital platforms as private legal orders, which exercise the legislative, executive, and (para)jurisdictional power within them. Starting from this assumption, the author studies the relationship between these orders and state, transnational, and international orders and concludes that the power of states to impose rules on platforms is different in terms of their external (in relation to other platforms and states) and internal (in their own legal system) action.

**Constitutional Challenges in the Algorithmic Society** Hans-W. Micklitz 2021-12-02 How can the law address the constitutional challenges of the algorithmic society? This volume provides possible solutions.

**Economia internazionale** 1957

**Reports of Cases Before the Court** Court of Justice of the European Communities 1998

*Ten Legal Perspectives on the «Big Data Revolution»* Vincenzo Zeno-Zencovich 2017

*Socialtotalitarismo* SILVIO MARESCA 2021-08-03 Gli enormi e dispotici monopoli privati che dominano la scena digitale, in primis Facebook e Google, hanno acquisito una dimensione, un potere, una pervasività, una tale disponibilità di informazioni personali su miliardi di utenti da delineare un vero e proprio neo-totalitarismo. Nel "Socialtotalitarismo", le piattaforme online chiudono la visuale di ciascuno sui saperi, sulle ideologie, sul branco che meglio si conformano alle sue preferenze e pregiudizi, producendo tribalizzazione, radicalizzazione, sfaldamento di ogni "verità", razionalità e coesione sociale. Se l'Occidente si destasse dal sonno della ragione democratica che ha portato a questa rapidissima conquista del mondo da parte di una manciata di padroni privati potrebbe esplorare delle vie d'uscita: una nuova e vigorosa politica antitrust; il divieto di raccolta e trattamento di informazioni personali che non siano espressamente fornite dall'utente; il riconoscimento della natura di bene comune del web e delle sue principali infrastrutture e funzioni; l'imposizione di un "design etico" delle piattaforme online, che vieti ogni manipolazione, induzione di dipendenza, e moderi i "contagi emotivi". Il Digital Act, in discussione nella UE, è un'epocale salto di qualità nei tentativi di regolare democraticamente il capitalismo digitale. Ma è debole la decisione UE di non contrastare il diritto alla raccolta e trattamento di illimitate informazioni personali, e la rinuncia all'introduzione di limiti antitrust forti.

**Roma Tre Law Review** Giulio Napolitano 2019-12-23 Il progetto della "Roma Tre Law Review" è diverso dalle esperienze americane. È abbastanza raro che una revisione di diritto italiana si identifichi con un'istituzione specifica. In generale, le riviste hanno un'impostazione tematica, essendo originariamente associate a uno o più argomenti specifici, una disciplina o una metodologia. Nei casi più eclatanti, rappresentano il veicolo di un particolare progetto culturale. Invariabilmente, tuttavia, essi derivano dagli sforzi di una rete di studiosi o professionisti, che tendono ad essere legati solo da interessi intellettuali comuni. Inoltre, nella maggior parte dei casi le riviste di diritto sono pubblicate da editori commerciali, che di solito sono istituiti sotto forma di società a scopo di lucro. La Roma Tre Law Review mira a rompere con questa tradizione, per

due motivi principali: 1) è concepita come lo spin-off di un'istituzione e non di un gruppo di studiosi o professionisti. 2) è pubblicata in house da un'organizzazione senza scopo di lucro.

**Informatica e diritto** 1990

**Intellectual Property Law** Jon Holyoak 1995

I big data e il diritto antitrust Mariateresa Maggiolino 2018

*Handbook of Intellectual Property Research* Irene Calboli 2021 "The relevance of intellectual property (IP) law has increased dramatically over the last several years. Globalization, digitization, and the rise of post-industrial information-based industries have all contributed to a new prominence of IP law as one of the most important factors in driving innovation and economic development. At the same time, the significant expansion of IP rules has impacted many areas of public policy such as public health, the environment, biodiversity, agriculture, information, in an unprecedented manner. The growing importance of IP law has led to an exponential growth of academic research in this area. This Book offers a comprehensive overview of the methods and approaches that can be used to address and develop scholarly research questions related to IP law. In particular, this Book aims to provide a useful resource that can be used by IP scholars who are interested in expanding their expertise in a specific research method or seek to acquire an understanding of alternative lenses that could be applied to their research. Even though this Book does not claim to include all existing research methodologies, it represents one of the largest and most diverse compilations, which has been carried out to date. In addition, the authors of this Book comprise an equally diverse group of scholars from different jurisdictions, backgrounds, and legal traditions. This diversity, both regarding the topics and the authors, is a fundamental feature of the Book, which seeks to assist IP scholars worldwide in their research journeys." --

Information Technology and the Law 1992

*GOVERNANCE OF/THROUGH BIG DATA. Volume I* Giorgio Resta 2023-05-20 These two volumes collect twenty five articles and papers published within the "Governance of/through Data" research project financed by the Italian Ministry of Universities. The research project, which was promoted by Roma Tre University, as project lead, and saw the participation of professors and researchers from Bocconi University in Milan; LUMSA University in Rome; Salento University in Lecce and Turin Polytechnic, cover multiple issues which are here presented in five sections: Algorithms and artificial intelligence; Antitrust, artificial intelligence and data; Big Data; Data governance; Data protection and privacy. DOI: 10.13134/979-12-5977-173-5

**Pagare beni e servizi con i dati personali** Sergio Amato 2023-07-14 Le miriadi di servizi "gratuiti" che troviamo online lo sono davvero? Un utente può utilizzare le proprie informazioni in sostituzione - o in aggiunta - al pagamento di un prezzo per l'accesso a contenuti o servizi digitali? È possibile riconoscere un valore economico al dato personale? A queste domande si tenterà di fornire una risposta, attraverso un'analisi dello stato dell'arte sulla nuova economia dei dati, nel tentativo di individuare delle proposte di bilanciamento tra l'approccio fondamentalista e quello più liberista in materia di privacy. Aggiornato a Direttiva (UE) 770/2019 e Decreto Legislativo n. 173 del 2021, Direttiva (UE) 2161/2019 e Decreto Legislativo n. 26 del 7 marzo 2023, Data Governance Act e Data Act, Sentenze del Consiglio di Stato nn. 2630 e 2631 del 29 marzo 2021 sul caso Meta, Decisione dell'8 febbraio 2023 del Datatilsynet, Risoluzione del 22 marzo 2023 della Conference of Independent Data Protection Supervisors of the Federation and the Länder.

Antitrust between EU Law and national law/Antitrust fra diritto nazionale e diritto dell'unione europea Enrico Adriano Raffaelli 2019-09-09 This work contains the papers of the thirteenth Conference on "Antitrust between EU Law and national law", held in Treviso on May 24 and 25, 2018 under the patronage of the European Lawyers Union - Union des Avocats Européens (UAE), the Associazione Italiana per la Tutela della Concorrenza - the Italian section of the Ligue Internationale du Droit de la Concurrence (LIDC)-, the Associazione Italiana Giuristi di Impresa (AIGI), the European Company Lawyers Association (ECLA), and the Associazione Antitrust Italiana (AAI). Some of the papers have been extensively reviewed and updated by the authors prior to publication. The contributions contained in this volume are the result of an in-depth analysis and study of the most salient issues arising from the application of antitrust rules, carried out by experienced and high-ranking professionals, in-house lawyers, academics and EU/national and international institutional representatives who attended the Conference. They deal with extremely topical issues, lying at the heart of current antitrust debate. Some of the most contemporary topics include those related to private antitrust enforcement after the implementation of Directive 2014/104/EU, and to the interplay between antitrust and intellectual property rights. Ample consideration is also given to recent developments in the field of new technologies and the related antitrust issues, as well as to the relations between consumer protection and antitrust. \* \* \* Questo volume contiene gli atti del XIII Convegno sul tema "Antitrust fra Diritto Nazionale e Diritto dell'Unione Europea", tenutosi a Treviso il 24 e 25 maggio 2018 con il patrocinio dell'Unione degli Avvocati Europei (UAE), dell'Associazione Italiana per la Tutela della Concorrenza - sezione italiana della Ligue Internationale du Droit de la Concurrence (LIDC) -, dell'Associazione Italiana dei Giuristi di Impresa (AIGI), della European Company Lawyers Association (AEJE-ECLA) e dell'Associazione Antitrust Italiana (AAI). Alcuni contributi sono stati sostanzialmente rivisti ed aggiornati dagli autori prima della pubblicazione. Gli articoli contenuti nel presente volume sono il frutto del prezioso lavoro di studio e approfondimento delle più interessanti tematiche correlate all'applicazione del diritto antitrust, svolto da qualificati esponenti del mondo professionale, imprenditoriale, accademico ed istituzionale, intervenuti al Convegno. I contributi pubblicati affrontano temi di estrema rilevanza, che rappresentano il cuore delle problematiche antitrust oggi maggiormente dibattute, tra le quali spiccano, per attualità, quelle connesse al private enforcement ed al risarcimento dei danni in seguito dell'attuazione della Direttiva 2014/104/UE, nonché alle interazioni tra diritto antitrust e diritti di proprietà intellettuale. Ampio spazio è inoltre dedicato alle tematiche concernenti le nuove tecnologie e la loro rilevanza dal punto di vista antitrust, nonché ai rapporti tra tutela del consumatore e diritto antitrust.

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