
DIBATTITI

GIORGIO RESTA - FRANCESCO SIMONETTI, *La c.d. sovranità digitale e il progetto Gaia-X* pag. 479

ABSTRACT. *This paper approaches the topic of digital sovereignty analysing the debate and the reform projects ongoing in Europe and in Italy. In particular, it describes and assesses the Gaia-X project originally proposed by the French and the German governments.*

SAGGI

ACHILLE ANTONIO CARRABBA - MARIA COLOMBA PERCHINUNNO, *Nomofilachia, poteri e contesti* » 491

ABSTRACT. *The paper proposes a 'reading' of the relationship between powers and operators that is useful to bring the law back to jus: certainty derives from the circumstance that the law has a foundation and not from adherence to an imposed sense; predictability follows from the interpretation in terms of justice of the discipline, from the possibility of its conformation to the fact with the key of reason.*

MARIA ANNUNZIATA ASTONE, *Tutela degli utenti e responsabilità dei fornitori di servizi media audiovisivi. Dalla direttiva 2018/1808/UE al Regolamento sui servizi digitali* » 527

ABSTRACT. *With the entry into force of Directive 2018/1808/EU and of the Regulations on digital services and digital markets, the market for audiovisual media services is destined to undergo profound changes also on a legal level, for at least two reasons: the expansion of the notion of media-audiovisual services, now including "video sharing platform services", the provision of a more burdensome regulatory statute, with the provision for such providers of obligations to "respect and protect human dignity" and to adopt rules aimed at preventing "conduct containing incitement to violence or hatred" or discrimination; and to guarantee a more extensive protection of the consumer of audiovisual media services, through the preparation of suitable remedies to guarantee the maximum protection of the personalist principle, both in a preventive and subsequent perspective. In this context, new liability rules of both a contractual and non-contractual nature are introduced.*

ENRICO AL MUREDEN, *La guida automatizzata di livello 3 tra principi sovranazionali, armonizzazione eurounitaria e riflessi sul diritto nazionale* » 553

ABSTRACT. *Recent changes to the regulatory framework on the circulation of vehicles with assisted and highly automated driving underline the opportunity to start a reflection aimed at a profound meditation on the rules governing civil liability for road accidents. From this point of view, therefore, it appears necessary to outline a functional legal context to accelerate the transition towards new mobility models and, at the same time, enhance the tools which, by allowing the collection of data relating to accidents and their analysis, allow ensure high levels of safety and protection of personal integrity.*

GUSTAVO GHIDINI - ROBERTO PISELLI, *Proprietà intellettuale e commercio internazionale. L'orizzonte dei TRIPs* » 575

ABSTRACT. *In the context of the TRIPS Agreement, the relationship between more-developed countries (MDCs), developing countries (DCs), and less-developed countries (LDCs) has historically been troublesome. Not surprisingly, the final text of the Agreement reflected a mediation between two different views of the role of IP in the context of international trade: a private concept based on the extension of the traditional proprietary paradigm of IP; and a public concept, that considers knowledge as essentially a public good, upholding collective interests. The article argues that the Agreement can be considered as an instrument of economic neo-colonialism at the detriment of the South of the world, and this notwithstanding the several wiggle rooms it provides to DCs and MDCs.*

GIULIA PULEIO, *La crisi climatica di fronte alla Corte europea dei diritti dell'uomo* » 611

ABSTRACT. *To date, twelve high-profile legal cases related to climate change are pending before the European Court of Human Rights in Strasbourg. This paper analyses the opportunities and challenges of using the European Court as a forum for climate change litigation. More specifically, after outlining the close connection between the climate crisis and human rights and recalling the environmental case law of the European Court, the research considers the conditions of admissibility and the issues on the merits to be assessed by the Court.*

TIZIANA BONANNI, *La tutela del design ed il cumulo di protezioni tra diritto d'autore e marchio di forma* » 651

ABSTRACT. *The article analyzes the intellectual property rights protection tools available to undertakings to protect their aesthetic innovations from infringement and acts of counterfeiting and/or parasitism. In particular, it examines the protection offered by design law, which can be cumulated with other IP rights, such as copyright and trademark. What can be inferred is an increasingly strong and business-friendly protection framework.*

ABSTRACT. The article aims to conduct a critical legal analysis of the main features and recent updates characterizing the Russian law of contract. It does that by examining the legal principles and main provisions regulating Russian contracts in a historical and critical view. The draft of a Civil Code in Russia was long and influenced by socio-political developments affecting the law and legal culture of Russian society at different stages. Since then, Russia has gone through essential amendments of that Code to make it functional in modern Russian market economy. The article covers the notion of contract and its formation, the requisites for a contract's validity, the contract's completion, eventual remedies for breaching performance and the grounds for its termination.