
DIBATTITI

VINCENZO CUFFARO, *I legittimari e il trust: un difficile confronto* pag. 1

ABSTRACT: *The short essay critically examines the conclusions of a recent decision of the Cassation Court on the subject of trust and compares inheritance rules and trust rules with specific reference to the position of forced heirs*

SAGGI

MADS ANDENAS, *Financial Markets, Commercial Law, Investor Protection, EU and Domestic Law* » 13

ABSTRACT: *This article explores the interface between private, commercial and public law in the field of European regulation of financial markets and institutions. There is an emerging role of general principles of law, which is a fruitful field of scholarship. Financial regulation has an impact on commercial contract law, tort law, company law and other aspects of domestic law. Some regulatory rules, typically those about the conduct of business or investor protection rules, have been limited to investor or consumer protection. The relevance of EU regulatory conduct of business rules for contract law in general is one of the main topics of this article. The main part of the article discusses the extent to which national courts have used the remedies based on general contract law as tools to enforce the EU conduct of business rules. The author argues that European financial market regulation will continue to contribute to the breaking down of the traditional autonomy of general contract law and transform contract law into a regulatory tool to govern financial transactions. The emerging law that regulate transactions and institutions moves across the boundaries that divide the law, not only between national jurisdictions and the EU, but also domestically. The traditional autonomy of commercial law had a particular role to play in the domestic context, also in protecting party autonomy against regulatory intervention. This is less and less relevant today, especially on the European and international levels.*

LAURA MOSCATI, *Time, Authors' Rights and Neighboring Rights. Historical Reflections in European Civil Law Countries*

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ABSTRACT: *Duration has been one of the most debated aspects in the history of authors' rights over the last three centuries, as can be seen by retracing the main historical-legal turning points that have determined its evolution towards the current structure, and by analyzing the fundamental guidelines and main suggestions from legal science and case law. The Author examines, therefore, the decisive contributions of Locke and Napoleon and that of the international Berne and Geneva Conventions. The history of the duration of authors' rights and its concrete upward modulation are the result of two opposing and conflicting needs: those of the author and his heirs to obtain the acknowledgment of their legitimate enjoyment of the economic benefits deriving from the intellectual work, and that of the collective cultural heritage which requires the authors' rights and their heirs on the economic exploitation of the work to be qualified as rights limited in time. The Author also dwells on the international situation relating to the harmonization of the term of duration, and on the development of neighboring rights, that have since the beginning of the 20th century had a place within the sphere of authors' rights, even though with a shorter duration term than the latter.*

GIOVANNI DI LORENZO, *Note sul carattere sussidiario dell'azione generale d'arricchimento*

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ABSTRACT: *The paper analyzes the meaning of the "subsidiary character" of the general action of enrichment, providing a review of the various hermeneutic solutions of Article 2042 of the Civil Code. THE paper draws inspiration from both the prime civil law literature and a recent ruling of Supreme Court's United Sections.*

ETTORE M. LOMBARDI, *Ai confini della realtà: il neuromarketing applicato al metaverso o delle nuove prospettive dello N&M*

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ABSTRACT: *This article delves into the intersection of neuromarketing and the metaverse, exploring the evolving landscape of contemporary markets characterized by technological advancements. The analysis navigates through the roles played by neuromarketing, the metaverse, digital platforms, and emerging consumer protection needs. It investigates the operational areas of neuromarketing and its key factual characteristics, shedding light on how these practices influence consumer behavior. Furthermore, the article examines the metaverse and cyberspace, and their impact on the perception of legal institutions. It discusses the technological developments in neuromarketing and the metaverse, highlighting the emerging regulatory requirements necessitated by these advancements. The interplay between neuromarketing and the metaverse is scrutinized in terms of data protection and unfair commercial practices, emphasizing the implications for consumer rights and business ethics.*

In conclusion, the article provides prospective assessments and synthesis on the implications of Neuromarketing and the Metaverse, offering insights into the evolving legal landscape and the challenges posed by these innovative technologies

DIMITRI DE RADA, *Internet of Bodies: corpo, tecnica e identità* » 141

ABSTRACT: The article explores the legal perspectives of the human/human interconnection machine/network/artificial intelligence in the so-called Internet of Bodies (IOB), i.e. in the internet system which, in addition to connecting objects (IOT), does connects, in various ways, to the human body for purposes ranging from entertainment, to medical therapy to Human Enhancement. The evolution of technological network narrative generates a “new anthropology” and leads to redefining paradigms and definitions such as identity, body, subjectivity legal. The challenge for the jurist and the legislator is to “predict the unpredictable” and bringing “the factory of law” into a position to be able to anticipate rather than accompanying evolution, as has happened up to now technique, in which legal and normative categories often derive from previous technical, ethical or philosophical categories.

FRANCESCA LORI, *La messa a gara delle “concessioni balneari”, tra diritto europeo e giurisprudenza nazionale* » 173

ABSTRACT: With the two decisions of the Plenary Assembly of the Council of State on November 9th, 2021, No. 17 and 18, the debate regarding the “dys-tonia” between European and Italian law on maritime State authorizations has become even more current and intense.

THE “twin” judgments of the Plenary Assembly have indeed identified a contrast between national legislation, even of primary rank, which for decades has provided for generalized and automatic extensions of existing maritime State authorizations, and Services Directive 2006/123/EC, which, instead, requires that Member State’s public administrations shall apply a public selection procedure to potential candidates for the awarding of the authorizations and provide an appropriate limited period for their duration, avoiding automatic renewals nor any other advantage on the outgoing provider.

THIS essay, after highlighting the significant inconsistencies (and consequent uncertainties) in the current legal framework, aims to investigate the real “socio-economic” consequences of such discrepancies, analyzing the reactions of administrative courts and local public administrations, in a sector characterized by a certain resistance to change by the directly involved categories