



# Carmelo Carlo Rossello

Full professor

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## *Education and training*

1980

### **Degree in Law. J.D.**

PROPERTY LAW AND 'JUS AEDIFICANDI'. - 110/110 MAGNA CUM LAUDE.  
UNIVERSITY OF GENOA - GENOA - IT

## *Academic experience*

2006 - ONGOING

### **Professore Ordinario di Diritto Privato.**

University of Genoa - Genoa - IT

Since 1st november 1993 Professore associato of 'Diritto Privato' at the Faculty of Political Sciences of the University of Genoa. From 1993 till 2008 encharged of the course of 'Information Technology Law' at the Law Faculty of the University of Genoa. Since 2006 Professore ordinario of Diritto Privato.

1986

### **Visiting scholar**

University of Berkeley California U.S.A.

In 1986 visiting scholar at the School of Law (Boalt Hall) of the University of Berkeley California U.S.A. did researches on software protection.

1983

### **Visiting scholar**

University of Berkeley California U.S.A.

In 1983 visiting scholar at the School of Law (Boalt Hall) of the University of Berkeley California U.S.A. did researches on computer contracts.

## *Work experience*

1982 - ONGOING

### **Lawyer. Admitted to the Genoa Bar since 1982. Admitted to plead before the Court of Cassation and other Superior Courts in 1996.**

Law firm - GENOA - IT

Member of the International Bar Association (I.B.A.) of the Comitè Maritime International (C.M.I.) of the Italian Association of Maritime Law (A.I.D.I.M.) of Italian Association of Civil Law Professors.

2015 - ONGOING

**Member of the Board of Directors of C.I.E.L.I. Italian Center of Excellence on Logistics Transport and Infrastructures.**

University of Genoa.

## *Language skills*

**English**

Proficient

TOEFL

**French**

Independent

## *Teaching activity*

**PRIVATE LAW BASIC INSTITUTES**

**Presentation.**

The teaching of Institutions of Private Law has as its object the study of the foundations of the legal discipline applicable to relations between private subjects. The proposed program favors national positive law, but without neglecting to stress the connections with the law of the European Union. It is a fundamental teaching whatever the professional outlet towards which students will orientate.

**Educational goals.**

The main purpose of this course is to enable students to acquire a basic knowledge, a method of study and tools for interpretation in order to be able to identify, understand and apply the regulatory provisions that govern the conduct of legal relationships between private individuals.

**Teaching program.**

- The law.
- The rights.
- The subjects.
- The property rights.
- The obligation and liabilities.
- The contract.
- Tort liability and other sources of obligations.
- The company (basics).

**Teaching methods.**

Teaching is provided with lectures, for a total of 36 hours (equal to 6 CFU), during which the main theoretical notions of Private Law will be presented and analyzed, in which some examples and practical cases drawn from the most recent jurisprudence will also be proposed and discussed.

**Texts and bibliography.**

Textbook for attending students (present at least 2/3 of the frequency surveys) is: V. Roppo, *Private Law*, Giappichelli, Torino, 2018, in the portions corresponding to the subjects being taught.

Textbook for non-attending students: in addition to V. Roppo, *Diritto Privato*, Giappichelli, Torino, 2018 in the parts corresponding to the subjects covered by Module I (Part I to VIII), students will have to prepare two cases

for the exam at their choice among those included in the AM volume Benedetti (ed.), *The private law of the United Sections*, La Tribuna, Piacenza, 2015.

For everyone: Civil Code, most recent edition (any publisher).

**Examination method.**

The exam consists of an oral interview that includes 2/3 questions that can range over the entire program assigned to them: the most general first and the remaining ones of a more specific nature. In addition to the knowledge of the individual institutions, the student's ability to link the concepts and to reason on applicable cases and rules is appreciated. At the student's choice the exam can take place in written form.

**Assessment methods.**

The exam tends to verify that the student is able to orientate himself in the private legal system, if he knows categories and institutions and its functioning and has acquired the ability to identify and apply specific rules to concrete cases. Through questions of a general theoretical or more specific type, it is verified whether the student is able to:

- identify and define legal concepts using an appropriate technical language.
- Understand and interpret the rules.
- Identify and apply appropriate regulatory provisions to resolve conflicts between individuals.

**Other references of the teacher (reception hours etc.).**

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**Receipt.**

During the period of the lessons: before or after each lesson at the classroom where the lesson takes place. Outside the lecture period: by appointment only (by sending an e-mail to the teacher).

## ***Postgraduate research and teaching activity***

### **Supervision of PhD students, residents and post-doctoral fellows**

Since 2001, member of the scientific committee and teacher in the post degree master on Information Technology Law at the University of Bologna. Professor in the post degree master organized by the National School of Logistics and Transport.

## ***Research interests***

### **Mean areas of research**

- Contract Law. Tort Law. Commercial Law.
- Information Technology Law.

In terms of Information Technology law, Carlo Rossello published the first Italian scientific contributions in the matter of IT contracts, software

protection and e-commerce. It has built on the back of this scientific experience with legal practice, both in litigation (software protection, database and multimedia disputes; domain name conflicts), and in advising on contracts in the IT and e-commerce sector as a whole.

More specifically, Carlo Rossello's research and know-how in IT Law covers:

- software protection and relative litigation.
- IT contracts (software development, software licence, distribution, leasing; software escrow agreements; facility management; IT outsourcing).
- Contracts and liabilities of Internet Service Providers.
- E-commerce (website development; access and hosting; control of compliance with EU law on electronic commerce).
- Know-how and/or technology transfer contracts; D.A.
- IT Procurement contracts.
- All legal issues connected to digital technologies.

## Grants

2012 - 2013

### INTERNET-UGUAGLIANZA-LIBERTA' FONDAMENTALI

PRIN - IT

Participant

## Editorial activity

Member of the scientific Committee of the Law Journal '*Il diritto marittimo*'.

Referee of various Law Journals.

### SCIENTIFIC PUBLICATIONS

#### Books.

1. *Il danno evitabile. La misura della responsabilità fra diligenza ed efficienza*, Padova, Cedam 1990, pagg. X, 319.
2. *I contratti dell'informatica nella nuova disciplina del software*, Milano, Giuffrè, 1997, pagg. XVI, 296.
3. *Commercio elettronico, documento informatico e firma digitale. La nuova disciplina* (curato congiuntamente con G. FINOCCHIARO ed E. TOSI), Torino, Giappichelli, 2003, pagg. XIII, 738.
4. *L'errore nel contratto*, in *Il codice civile. Commentario*, diretto da F.D. Busnelli, Milano, Giuffrè, 2004, pagg. XI, 256.
5. *Commercio elettronico. La Governance di Internet tra diritto statale, autodisciplina, soft law e lex mercatoria*, Milano, Giuffrè, 2006, pagg. XII, 406.
6. *Commercio elettronico*, in *Trattato di Diritto Privato* diretto da Mario Bessone, Torino, Giappichelli, 2007, pagg. XIV, 452 (curato congiuntamente con G. FINOCCHIARO ed E. TOSI).
7. *L'errore nel contratto*, in *Il codice civile. Commentario*, diretto da F.D. Busnelli, Milano, Giuffrè, 2019, pagg. XIII, 306. Second edition updated and expanded.

## Recent essays.

- *La polizza di carico elettronica e il sistema "Bolero"*, in *Contratto e impresa*, 2018, pagg. 24-34.
- *Electronic Bill of Lading: the "Bolero" System*, in *International Bar Association, Maritime & Transport Law*, September 2016, pagg. 34-37.
- *Le clausole di riservatezza e i "Non Disclosure Agreements"*, in *Dir. comm. internaz.*, 2014, pagg. 697-707.
- Chapter on *"I contratti per i servizi informatici"*, in *Trattato dei contratti* diretto da Vincenzo Roppo, Vol. III, Milano, Giuffrè, 2014, pagg. 707-756
- *Riflessioni de jure condendo in materia di responsabilità del provider*, in *Diritto dell'informazione e dell'informatica*, 2010, pagg. 617-629.
- *Il "danno da vacanza rovinata" dopo le Sezioni Unite del 2008 sul nuovo statuto del danno non patrimoniale*, in *Scritti in onore di Francesco Berlingieri*, Milano, 2010, vol. II, pagg. 861-880.
- *Concorso del fatto colposo del creditore*, in *Trattato della responsabilità contrattuale* diretto da G. VISINTINI, vol. III, Padova, Cedam, 2009, pagg. 409-426.
- *La Governance di Internet tra diritto statale, autodisciplina, soft law e lex mercatoria*, in *Dir. commercio internaz.*, 2006, pagg. 45-95.
- *Comunicazioni elettroniche*, Relazione tenuta al Convegno *"Il trasporto marittimo di persone e di cose"*, tenutosi a Genova il 19 maggio 2006, in *Dir. mar.*, 2006, pagg. 1032-1047.
- *La nuova disciplina del commercio elettronico. Principi generali e ambito di applicazione*, in *Dir. commercio internaz.*, 2004, pagg. 43-67.
- *Gli obblighi informativi del prestatore di servizi*, in *Diritto ed economia del terziario*, 2003.

Author of more than 90 essays, commentaries and notes.

## **Assignments abroad**

Carlo Rossello is regularly invited to attend, as chairman and/or speaker, at international conferences on the subjects covered by his academic research.

In the quality of member of the International Bar Association (I.B.A.), Carlo Rossello did actively attend the works of the *"Maritime and Transport Law"* section, in occasion of the annual I.B.A. meetings of 2007 (Singapore); 2009 (Madrid); 2010 (Vancouver); 2015 (Vienna), as well as in the congresses of the *"Maritime and Transport Law"* section, held in Athens in June 2011; in Copenhagen in May 2012; in Geneva in May 2015.

## **Other professional activities**

**Carlo Rossello** is a member of the Genoa Bar Association since 1982. He was admitted to plead before the Court of Cassation and other Superior Courts in 1996.

He specialises in litigation, arbitration (administered and *ad hoc*) and legal advice on international trade and shipping law, in particular concerning:

maritime and transport insurance (H&M, P&I, cargo claims); ships' sale and purchase; ship-building, ship-finance and ship-repairs contracts; maritime claims; ships' arrest; ship-builder's and ship-repairer's liability; yachts and super-yachts.

In the broader insurance area, he handles D&O and liability of auditing firms, corporate and industrial risk, environmental damage.

He advises and represents leading Italian and international insurance and reinsurance companies.

Carlo Rossello is a credited member of the following Italian and International arbitration associations:

- *Camera Arbitrale Nazionale e Internazionale di Milano* (National and International Arbitration Chamber, Milan).
- *International Chamber of Commerce (ICC)*, Italian section.
- *London Maritime Arbitrators Association (LMAA)*, London.
- *Chartered Institute of Arbitrators*, London.
- *Associazione Italiana per l'arbitrato (AIA – Italian Arbitration Association)*, Rome.