Carlo Piana

[REDACTED]

Bio

[REDACTED]

Languages

Italian:	Native speaker
English:	Fluent
French:	Basic

Education and admissions

2018	**Admitted before the Supreme Court**
1997	**Lawyer**; Admitted, called to the Milan Bar on 24/07/1997
1992	**Degree in law** (J.D.); *Cum laude*, Università degli Studi di Milano

Abstract

Lawyer with 25+ years' experience, Carlo is currently in the Who's Who of Italian technology lawyers, and has been so in 6 of the last 10 years. His firm was selected as CorporateINTL's Global Award Winner 2018: Boutique - Digital Law Firm of the Year in Italy, and on 2019 for IT Law.

Former Counsel (external) to the Free Software Foundation Europe (2008-2019), has been involved in a decade long series of antitrust actions to liberate proprietary protocols in the Workgroup Server Space and advocating open standards. He is board member of the Open Source Initiative, the body maintaining the Open Source Definition approving the Open Source liceses. He is a founding editor of the International Free and Open Source Software Law Review (IFOSSLR), Founding member and President of the Board of EuroITcounsel, quality circle amongst some of the highest ranked European IT Lawyers. He also participated in the drafting of software procurement guidelines for Italy as member of expert advisory group to the Italian Digital Agency ("AgID"), and has been advising the largest independent provider of the Italian e-court systems ("Processo Telematico"), in which field he has helped opening an antitrust investigation. Member of the Open Source and Intellectual Property Advisory Group dell'United Nations Technology Innovation Labs Programme (for the United Nations).

More recently has been involved in large projects for monetizing FOSS software, granting access to open data advising public bodies, including one autonomous Italian region, and in the procurement for one the largest regional e-procurement systems and is assisting the largest national industry association (AssoSoftware, member of Confindustria) in a series of antitrust and related activities.

References

2022	Board Member, Open Source Initiative
2022	Member of Eclipse Foundation; Eclipse Oniro Working Group, Contributing Member and, member of the Steering Committee; Software Defined Vehicle Working Group, member.
2022	Lead counsel in the first action to enforce the GNU GPL license in Italy (won interim case, appeal and merit waived)
2018 –	Assosoftware: Brought antitrust actions against publicly-subsidized offering in the field of software for professionals.
2018 –	In charge of dealing with the legal aspects of the digital innovation project for an international utility (Gas + Energy) company
2017 –	Advising the autonomous Region of Sardinia on their overall open data projects, in joint venture with Avv. GB Gallus e FP Micozzi, after competitive tender; assisting IDM Bolzano (a fully-owned company of the Autonomous Province of Bolzano) with a project on facilitating sharing and reusing open data from public and private company via an innovative platform.
2016 – 2018	member of the Council of the Legal Network, the world largest and most pre-eminent discussion forum among experts in Free and Open Source Software field.
2016	advising the world largest open source company within a project to cross sell products to the world largest software company, providing expert opinion on the interpretation of a Free Software license potentially disruptive of the deal.
2016 –	advising the Public Contract Agency of the Autonomous Province of Bolzano (ACP) for the resolution of issues with the current provider of the e-procurement platform and assisting in the preparation and conduction the new competitive tender.

2015 –   representing an industry association in successful antitrust challenge of anticompetitive practice in the field of electronic court services, investigation closed with commitments.

2015 – 2017   advising the largest software company in Italy in refactoring an open-source based project for business analysis.

2014   represented the complainant in the first opened antitrust investigation for the Italian market of innovative software for public schools, ended with the publication of commitments by the investigated companies.

2013 – 2015   European Parliament (Juri committee, Green/EFA group) – Author of two Parliament studies: Piana, Carlo; Öberg, Ulf (2014) 'Ensuring utmost transparency – Free Software and Open Standards under the Rules of Procedure of the European Parliament', International Free and Open Source Software Law Review, 6(1), pp 11 – 50 DOI: 10.5033/ifosslr.v6i1.105;A discussion of the different software licensing regimes, Briefing note to the European Parliament, JURI Committee, Worksoph "legal aspects of free and open source software", Compilation of briefing notes. Availble from: `http://www`
`.europarl.europa.eu/document/activities/cont/201307/20130702ATT69002`
`/20130702ATT69002EN.pdf` –

2013 – 2014   keynote speaker at the Open Source Day in Rome (the largest event on the topic in Italy, with more than 1200 attendees)

2013   Member of the Advisory Panel at the Italian Digital Agency (Agenzia per l'Italia Digitale) in charge of setting out certain rules for procurement and comparative evaluation of software, giving preference to reuse and Free/Open Source Software, according to Art. 68.1-bis and 68.1-ter of the Italian Digital Administration Code ("CAD").

2012 – 2013   member of the steering committee of Freegis.net (trans-regional project for geographic open data).

2012 –   Appointed advisor of Assosoftware members (part of Confindustria).

2011 –   ScientiaMobile `https://www.scientiamobile.com/` – USA startup to create an API licensing for interoperability with mobile devices (WURFL project – `https:`
`//web.wurfl.io/`), database right proprietary exploitation.

2011 – 2020   Featuring in the Who's Who Legal for IT Law in Italy (8 times).

2011 – 2013   Member of the advisory board of FreeGIS.net.

2011   Obtained one of the first decisions in Italy (and in Europe) on liability of Internet search provider for autocompletion and suggestions in search engines, the first to be confirmed on appeal (reportedly)

2010 –   Advising on a rolling basis the largest Italian legal publisher for the implementation of Court e-docket online services ("Processo Civile Telematico")

2010 –   Advising various public administrations on FOSS adoption.

2010 – 2014   Representing two interveners in the appeal against the Oracle/Sun merger (Software Freedom Law Center, Canonical Ltd) at the General Court of the European Court of Justice.

2009 – 2010	Counsel to Oracle Corp in the merger control case Oracle/Sun, expertise in GNU GPL licensing.
2009 –	Member of the Editorial Committee of the International Free and Open Source Law Review (peer reviewed), now International Journal of Law, Technology and Society `https://jolts.world`
2008 –	Member of the committee organizing the world largest invitation-only conference for Free and Open Source Software legal experts, held annually (Amsterdam, Barcelona), hosting a pre-conference day on openness in non-software fields (open data, open hardware, open government, open standards, etc.).
2008 –	Representative agent in the registration of European Trademarks (CTM)
2008 – 2018	General counsel (independent), Free Software Foundation Europe
2008 –	General counsel (independent), Fluendo Group (Multimedia software industry, Spain)
2006 – 2018	Counsel to Unicredit Spa Group for the management of domain names, recovering in ADR and other procedures (obtained the first decision on "typosquatting" in Italy)

Author

2023	Simone Aliprandi, Carlo Piana, *Tutela dei beni culturali e lo strano caso di Studi d'arte Cave Michelangelo*, Diritto d'Autore.it `https://www.dirittodautore.it/approfondimenti/tutela-dei-beni-culturali-e-lo-strano-caso-di-studi-darte-cave-michelangelo/?utm_content=cmp-true`
2022	*17 Antitrust, Competition, and Open Source*, Chapter in Amanda Brock (ed.), *Open Source Law, Policy and Practice (2nd edn)*, Oxford University Press `https://academic.oup.com/book/44727`
2020	*Scraping di dati pubblici per non perdere il treno della concorrenza* (Scraping of public data not to lose the train to competition), TechEconomy 2030 `https://www.techeconomy2030.it/2020/01/29/scraping-di-dati-pubblici-per-non-perdere-il-treno-della-concorrenza/`
2019	*Smart contract: cosa sono e a cosa servono* (Smart Contracts: what they are and what they are made for). Ingenium (with Giorgio Alessandro Donà Danioni) `https://www.ingenium-magazine.it/smart-contract/`
2018	*Open Source, Sofware Libero e altre Libertà* (Open Source, Free Software and Other Liberties). Ledizioni, Milano
	Bitcoin: an open source currency and more – IFOSSLR (Piana, Carlo (2017), International Free and Open Source Software Law Review, 9(1), pp 35-43 DOI: 10.5033/ifosslr.v9i1.120)
2017	*Il Bitcoin, bolla o soufflé* (Bitcoin, Bubble or Soufflé?) – Econopoly, il Sole 24Ore `http://www.econopoly.ilsole24ore.com/2017/12/17/bitcoin-bolla-o-souffle/`

Ingenium (`http://www.ingenium-magazine.it/authors/carlo-piana`) a magazine in cooperation between Engineering and Tech Econonomy on Digital Transformation)

- Quale il rapporto tra privacy e servizi innovativi?
- Linee guida nazionali e licenze per l'Open Data – Quale la licenza giusta per la pubblicazione dei dati aperti?

2016   Il documento informatico e la firma digitale nel processo telematico, Ilprocessotelematico.it, Giuffrè - Milano

A series of coordinated articles published on TechEconomy, here the main ones:

- *Brevi cenni sull'universo (aperto)* (Brief Notes on the (open) Universe);

- *Una breve storia personale del software libero* (open source) (A short personal history of Free Software (open source));

- *Le licenze di software libero* (open source) (Free (open source) Software licenses);

- *Licenze di software libero e modelli di business* (Free Software licenses and business models)

- *I contenuti open e le Creative Commons* (Open Content and the Creative Commons)

- *Standard e open standard, il diavolo si annida nei dettagli* (Standards and Open Standards, the Devil is in the Detail)

- *Open standard e brevetti* (Patents and Open Standards)

- *I dati aperti o Open Data* (Open Data)

- *API e nuvole: la faccia chiusa del Web* (API and clouds, the closed face of Web)

- *Bulgaria Open, Italia qualche passo dietro* (Bulgaria Open, Italy some steps behind)

- *Brevetti e software: per chi suona la campana* (Software Patent: For Whom The Bell Tolls)

- *Nuvole aperte, nuvole chiuse e nuvole nere* (Open Clouds, Closed Clouds and Black Clouds)

- *Concorrenza e piattaforme in conflitto nel caso Google* (Competition and Platforms in Conflict in the Google Case)

- *Ponti, torri, vele e lo strano caso della libertà di panorama* (Bridges, Towers, Sails and the strange case of the Freedom of Panorama)

- *Esiste uno pseudo-copyiright sui beni culturali* (Does a Pseudo-Copyright Exist on Heritage Goods?)

2014   Il Fenomeno Open Data: Indicazioni e Norme per un Mondo di Dati Aperti,(The Open Data phenomenon, advice and rules for an Open Data World) Ledizioni (Chapter).

Piana, Carlo; Öberg, Ulf (2014) '*Ensuring utmost transparency – Free Software and Open Standards under the Rules of Procedure of the European Parliament*', International Free and Open Source Software Law Review, 6(1), pp 11 – 50 DOI: 10.5033/ifosslr.v6i1.105 (upon appointment by the Green/EFA group at the EU Parliament)

2013   *Analisi delle policies di condivisione dei dati spaziali*, (Analysis of spatial data sharing policies) Simone Aliprandi e Carlo Piana for FreeGIS.net available at (CC-By-SA) `https://freegis.net/documents/10157/14646/D-5-1+Analisi+delle +policies+di+condivisione+dei+dati+spaziali.pdf?version=1.0`

A discussion of the different software licensing regimes, Briefing note to the European Parliament, JURI Committee, Workshop "legal aspects of free and open source software", Compilation of briefing notes. Available at: `http://www.europarl .europa.eu/document/activities/cont/201307/20130702ATT69002 /20130702ATT69002EN.pdf`

2012   Simone Aliprandi, Carlo Piana, *Il Free and Open Source software nell'ordinamento italiano: principali problematiche giuridiche*, Informatica e Diritto, pp 79 – 96.

G. De Nova (curated by), *Le Restituzioni contrattuali*, chapter on International Private law, pp 37 – 53. CEDAM, Padova.

2011   Simone Aliprandi, Carlo Piana, *The International Free and Open Source Software Law Book* – FLOSS In Italy (chapter), Open Source Press, Munich, pp 139 - 156

2010   *Italian Constitutional Court gives way to Free Software friendly laws* IFOSS L. Rev., 2(1), pp 61 – 66 DOI: 10.5033/ifosslr.v2i1.38

2009   *Introduzione alle licenze di Software Libero*, chapter Il Software Libero in Italia, with Marco Ciurcina, Shake Edizioni, Milan.

2008   *La legge e la Rete Dieci anni (e più) di internet e diritto*, Monti & Ambrosini (compiled by Manlio Cammarata), essay on software patents.

Il rimborso del software e la prova di logicità (Software reimbursement and the logic test, article on OEM bundling), co-authored with Dr. Fabia Piccolino – Interlex

IP protection for ICT producing SMEs – IDC, Empirica (contributor and discussant, EU financed project)

2007   *Le metamorfosi del computer contro il principio di esaurimento* - Interlex

Per chi suona il CAP (_"For whom the bell tolls_", article on database protection of the postcode database held by the Italian post service) - Interlex

2006   *Licenze pubbliche di software e contratto* – "I contratti", No 7 - Ipsoa – Milan (law review)

Illegittimità delle limitazioni alla circolazione del software) – Interlex (also in M. Cammarata, "Internet e la Legge", Monti e Ambrosini, Pescara, 2008) Interlex

2005   *I brevetti software sono morti, viva i brevetti!* - Interlex

Perché il software libero è un fenomeno giuridico ovvero: it's still the license, stupid ! Interlex

Brevetti software e massimi sistemi - Interlex – The work was selected for inclusion in the forum of the decennial.

Microsoft e antitrust UE: fatte le sanzioni, bisogna fare il mercato – Interlex

Software libero e interoperabilità - Software libero e open source: i nuovi modelli di business per le imprese, Acts of

2004   *Cancellazione sicura e cifratura dei dati*: due misure necessarie (– Interlex)

Ma l'antitrust non è affare privato Interlex

2003   *Dove fanno un deserto, lo chiamano "Palladium"* - Interlex

Responsibilities for the Protection of Intellectual Property for Internet-Service-Providers. From the EU perspective - Lisbon UIA world congress (papers).

2002   *Si può discutere sul disegno di legge* – Interlex

Restyling parziale delle regole sul trattamento dei dati personali – Diritto e pratica delle società – Il Sole 24Ore

2000   *Italy to implement a new Domain Name Law* - Computer and Telecommunications Law Review (Sweet & Maxwell, London)

Domain Names Disputes - The Italian Situation, European Intellectual Property Law Review (Sweet & Maxwell, London)

Privacy - misure minime di sicurezza - Diritto e pratica delle Società (il Sole 24Ore)

Riservatezza e fiducia anche nella consulenza legale online – Italia Oggi

Privacy, è corsa all'adeguamento – Italia Oggi

Sanzioni in agguato sulla privacy – Italia Oggi

Il Garante sollecita l'adozione delle misure minime di sicurezza – Diritto e Pratica delle Società – Il Sole 24Ore

Member

1993 –   Associazione Nazionale Alpini

1997 –   Member, Member of the Board, euroITcounsel, Quality circle europeo di avvocati esperti di IT&TLC law (`http://www.euroitcounsel.com`)

2018 –   President, euroITcounsel

2007 – 2008   Member of Uninfo JTC1 (Italian NB of ISO/IEC Joint Technical Committee), technical representative.

2007 –   President of the Board, now Member of the Board, Protocol Freedom Information Foundation

2010 –   Member of the Editorial Committee, International Free and Open Source Software Law Review, now Journal of Open Law, Technology and Society.

2012 – 2015	Member of the Ethical Committee, Associazione Italiana Dislessia
2016 –2018	Member of the Council, Legal Network (sponsored by FSFE) `https://fsfe.org/activities/ftf/ln.en.html`
2019 –	Member of the Open Source and Intellectual Property Advisory Group of the United Nations's Technology Innovation Labs Programme (UNTIL).
2022	Board Member, Open Source Initiative
2022	Member of Eclipse Foundation; Eclipse Oniro Working Group, Contributing Member and, member of the Steering Committee; Software Defined Vehicle Working Group, member.