

# Carlo Piana

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Avvocato, Milan Bar

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<http://www.piana.eu> (blog)

<http://law.piana.eu> (firm)

<http://array.eu> (network specialising in Free Software Law)

## **Bio**

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## **Professional data**

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2008 – Founder, Array – network of independent Italian lawyers specialising in IT and TLC, sole practitioner.

2000 – 2008 Founder and Partner, Studio Legale Tamos Piana & Partners – Law firm

1997 – 2000 Partner, Studio Legale Sutti, head of IT department – Law firm

1993 – 1997 Trainee, Associate and Senior Associate, Studio Legale Sutti – Law firm

Admitted, Milan Bar, 24/07/1997

Law Degree (JD), Università degli Studi di Milano, 1992

## **Languages**

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- English – fluent
- French – basic

## **Summary**

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Carlo Piana is an Italian IT Lawyer with more than 20 years' experience in the business. General Counsel (external) to the Free Software Foundation Europe, has been involved in a decade long series of antitrust actions to liberate proprietary protocols in the Workgroup Server Space. He is a founding member of the International Free and Open Source Software Law Review (IFOSSLR), President of the Board of the Protocol Freedom Information Foundation and a member of the Team steering the European Legal Network facilitated by the FSFE, the world's leading and unique non partizan legal forum around Free Software legal issues, founding member and member of the board of EuroITcounsel, quality circle amongst some of the highest ranked European IT Lawyers. He also

participated in the drafting of guidelines provided for by Art. 68 CAD (Italian Digital Administration Code) as member of expert advisory group to the Italian Digital Agency (“Agenzia per l’Italia Digitale”), and advises the largest independent provider of the Italian e-court systems (Processo Telematico).

### ***Professional experience and main activities in the IP/ITC field:***

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1996 -, consultant and counsel for many European and USA companies on software licenses, software contracts, software product liability, trademarks, domain names.

1996-1999, of counsel in the first (and possibly only) “Millennium bug” decision in Italy (case Zignago vs. Unisys);

1997-, experience in litigation before civil courts

1998 – 2007, consultant and advisor to Italian enterprises and nationwide association (such as the National Association of Donors of Organs (AIDO), National Guild of General Practitioners Doctors (FIMMG) on data protection.

2000 – 2008, experience in litigation before administrative courts (mainly public procurement cases)

2000 – 2002, Official Advisor and consultant of the Provincia di Pavia for software security measures and productivity management systems.

2000 – 2005, official consultant to the ALCST-Lombardy - Lega delle Cooperative (guild of the service coops for the Lombardy) for data protection issues.

2001 –, consultant and advisor to business in the Internet and F/OSS sector.

2004 –, consultant on the adoption of the GNU GPL license and on the compatibility of various F/OSS licenses.

2004 – 2012, sole counsel for two intervening parties in the largest EC antitrust litigation thus far in the software market (Microsoft vs. EC Commission)

2006 –, consultant of international multimedia companies in technology transfer and licensing, negotiation for software patents, copyright and secret licensing for the most relevant streaming technologies.

2006 –, appointed as world-wide counsel for domain name protection, Unicredit Bank Group; first ever decision by an administrative court in Italy on the largest ever typosquatting scam case.

2006 – 2007, advisor to the Software Freedom Law Centre for the adoption of the new GNU GPL v.3, international problems of public software licenses (with focus on Italy)

2007 –, Recommended expert for FOSS licensing issues by the FTF

2007 – 2008, strategic alliance with German IT specialized firm PRW, developing innovative services for “corporate IT compliance”

2007 – 2008, legal advisor to IDC Group and Empirica GmbH; member of the advisory board of the European study "Intellectual Property for ICT producing SMEs".

2008 –, General counsel (independent) Fluendo Group (Multimedia software industry, Spain)

2008 –, General counsel, Free Software Foundation Europe

2008 –, Representative agent in the registration of European Trademarks (CTM)

2009 –, Member of the Editorial Committee of the International Free and Open Source Law Review (peer reviewed) <http://ifosslr.org>

2009 – 2010, Counsel to Oracle Corp in the merger control case Oracle/Sun, expertise in GNU GPL licensing.

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. Representing Aduc in the first class action in Italy against a software manufacturer (Microsoft).

2010 –, Advising various public administrations on FOSS adoption.

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

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)

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

2011 –, Featuring the Who's Who Legal for IT Law in Italy.

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

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”).

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.

## **Author**

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### **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

### **2013**

*Analisi delle policies di condivisione dei dati spaziali*, by Simone Aliprandi and Carlo Piana for FreeGIS.net (“Analysis of spatial data sharing policies”). Available (CC-BY-SA) at <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, Worksooph on “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* (Explaining Free Software Licenses) chapter of *Il Software Libero in Italia*, with Marco Ciurcina, President, Italian Free Software Association. Shake Edizioni, Milan.

## 2008

*La legge e la Rete Dieci anni (e più) di internet e diritto* (*The Law and the Net*), Monti & Ambrosini (collection of works directed 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* (Metamorphoses of computer against the principle of exhaustion) - 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* (*Software public licenses and contractual agreements*) – “I contratti”, No 7 - Ipsoa – Milan (law review)

*Illegittimità delle limitazioni alla circolazione del software* (*Limitations to circulation of software are unlawful*) – Interlex (also in M. Cammarata, “Internet e la Legge”, Monti e Ambrosini, Pescara, 2008) Interlex

## 2005:

*I brevetti software sono morti, viva i brevetti!* (*Software patents are dead, long life, software patents!*) - Interlex

*Perché il software libero è un fenomeno giuridico ovvero: it's still the license, stupid!* (*Why Free Software is a legal phenomenon, or “it's still the license, stupid”*) Interlex

*Brevetti software e massimi sistemi (Software patents and the “chief world systems”)* - Interlex – The work was selected for inclusion in the forum of the decennial.

*Microsoft e antitrust UE: fatte le sanzioni, bisogna fare il mercato (Microsoft and EU antitrust: after the measures, market making is needed)* – Interlex

*Software libero e interoperabilità (Free Software and interoperability)* - 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 (Secure wiping and encryption of data: two necessary security measures)* – Interlex

*Ma l'antitrust non è affare privato (...but antitrust [in software market] is not a private business)* Interlex

#### **2003**

*Dove fanno un deserto, lo chiamano “Palladium” (Where they make a desert, they call it “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 (The project law [on F/OSS in the public administration] can be discussed)* – Interlex

*Restyling parziale delle regole sul trattamento dei dati personali (Partial restyling of the data protection rules)* – 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 (Privacy – minimum security measures)* - Diritto e pratica delle Società (il Sole 24Ore)

*Riservatezza e fiducia anche nella consulenza legale online (Confidentiality and trust also in legal online consultancy)* – Italia Oggi

*Privacy, è corsa all'adeguamento (Privacy, run for compliance)* – Italia Oggi

*Sanzioni in agguato sulla privacy (Punishment lies in ambush for privacy)* – Italia Oggi

*Il Garante sollecita l'adozione delle misure minime di sicurezza (The Data Protection Authority urges for adoption of the minimal security requirements)* – Diritto e Pratica delle Società – Il Sole 24Ore

#### **1999**

*Millennium bug e diritto civile (Millennium Bug and Civil Law)* – Report to “Internet and the Law” conference – Treviso (available at [www.studiocelentano.it](http://www.studiocelentano.it)).

#### **Various contributions:**

2013 – , column on IT Law for MySolution Post

2012 – , influencer, CloudPeople (Telecom Italia)

2004-2005

Columnist, legal issues, (GNU) Linux Magazine [Italy]

2006 -2007,

Legal columnist, Linea EDP, on technology-related issues

### **Memberships:**

1993 -, Associazione Nazionale Alpini (Italian Mountaneer's Army's Association)

1997 -, Member, now also member of the Board, of euroITcounsel, European quality circle of lawyers specialising in IT&TLC law (<http://www.euroitcounsel.com>)

2004 -, Legal Team of the Free Software Foundation Europe. Now FTF (Freedom Task Force)

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

2007 -, President of the Board, Protocol Freedom Information Foundation

2010 -, Member of the Editorial Committee, International Free and Open Source Software Law Review

2012 -, Member of the Ethical Committee, Associazione Italiana Dislessia

### **Miscellanea:**

- Military service in the Alpini (Mountaneers) corps, UN peacekeeping force Unomoz (Mozambique). One medal, one cross, a special mention for services. Discharged with full honours (1993).
- Small self-hosted personal blog on digital liberties and the law (<http://www.piana.eu>), and micro-blog (<http://status.piana.eu>)
- Passionate about technology and its legal implications (self definition: legal hacker).
- Hobbies & Sports: Motorcycling, Photography, Technology