

Introduzione: INFORMATICA, TELEMATICA, INTERNET E DIRITTO

La telematica, internet e l'evoluzione tecnologica hanno un'influenza sul diritto pubblico che possiamo descrivere sotto due aspetti importanti:

- Il primo aspetto è quello dello **stato e della sovranità statale** da un lato, e delle **fonti del diritto** dall'altro. Per fonte del diritto si intende una fonte che scaturisce dal stato e da autorità pubbliche
- L'altro aspetto fondamentale è quello delle **libertà statali**: subire o dare pregiudizi attraverso internet (ricordiamo la libertà di comunicare il proprio pensiero; diritto alla privacy, alla protezione dati, alla propria persona e dignità)

Sono tutti aspetti che riguardano l'**evoluzione di internet** e il suo impatto sulle categorie del diritto pubblico.

Internet di per sé è uno strumento che presenta delle caratteristiche che, in certi termini, coincidono con le caratteristiche di democraticità: tutti vi possono accedere, è mantenuto il rispetto dell'uguaglianza. Essendo però un mondo a-territoriale, può essere un rischio per la libera autodeterminazione

Diritto e tecnologia

Diritto e tecnologia sono legati da un rapporto ricorsivo:

- Il diritto cerca di **disciplinare** la tecnologia e gli strumenti che mette a disposizione
- Il diritto è anche **condizionato** dalla tecnologia: certe categorie giuridiche sono state modificate secondo necessità a causa dell'evoluzione della tecnologia.
- La tecnologia è utilizzata come **strumento di regolazione**: strumento tecnico che viene a incorporare la regola, utilizzata dal diritto per attuare la regola.

Es regolamento protezione dati

Finalità: proteggere il diritto alla privacy e alla riservatezza. Ci sono degli strumenti tecnici che consentono di proteggere questa riservatezza (i dati vengono criptati); strumento tecnologico che incorpora la regola, che dà direttamente attuazione alla regola

- In questo senso la tecnologia **supporta** il diritto

Terminologia

- **Digitale**: *digitus* (latino = dito) / *digit* (inglese = numero)
- **Bit**: il bit è una crasi tra binary e digit.
- **Informatica**: *information automatique* (fr), elaborazione automatica del codice binario
- **Telematica**: telecomunicazione (trasmissione a distanza di segnali regolata da un protocollo di comunicazione) unita l'informatica. È la trasmissione di comunicazioni tra elaboratori (crittografia = algoritmo + chiave)

Lo strumento elettronico (**device**) parla in un linguaggio fatto di **bit**: il linguaggio del calcolatore è espresso secondo la **logica binaria**, quindi in codici binari composti da 0 e 1.

Gli individui comunicano su internet attraverso **forme espressive** (testi, immagini, suoni, ...), ognuna delle quali viene tradotta in bit attraverso gli **algoritmi di programmazione** (un algoritmo è un insieme definito e ordinato di regole per risolvere, attraverso un numero finito di passaggi, un problema); il **codice sorgente** viene elaborato attraverso l'algoritmo e viene tradotto in codice binario; il calcolatore lo legge e produce il risultato.

Novità: la **telematica** unisce l'informatica con le telecomunicazioni: permette, rispetto alla singola informatica, agli elaboratori di **comunicare a distanza**.

Diritto Dell Informatica Diritto Dell Informatica

Joacim Rocklöv



Diritto Dell Informatica Diritto Dell Informatica:

Information Technology Law in Italy Giovanni Ziccardi, 2025-04-16 Derived from the renowned multi volume International Encyclopaedia of Laws this practical guide to information technology law the law affecting information and communication technology ICT in Italy covers every aspect of the subject including the regulation of digital markets intellectual property rights in the digital context relevant competition rules drafting and negotiating ICT related contracts electronic transactions and cybercrime Lawyers who handle transnational matters will appreciate the detailed explanation of specific characteristics of practice and procedure Following a general introduction the monograph assembles its information and guidance in six main areas of practice 1 the regulatory framework of digital markets including legal aspects of standardization international private law applied to the online context telecommunications law regulation of audio visual services and online commercial platforms 2 online public services including e government e health and online voting 3 contract law with regard to software hardware networks and related services with special attention to case law in this area rules with regard to electronic evidence regulation of electronic signatures online financial services and electronic commerce 4 software protection legal protection of databases or chips and other intellectual property matters 5 the legal framework regarding cybersecurity and 6 the application of criminal procedure and substantive criminal law in the area of cybercrime Its succinct yet scholarly nature as well as the practical quality of the information it provides make this monograph a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in Italy will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative law in this relatively new and challenging field

Intellectual Property Liability of Consumers, Facilitators and Intermediaries Christopher Heath, Anselm Kamperman Sanders, 2012-10-01 With reports from all major jurisdictions where the responsibility of facilitators and intermediaries for copyright and trade mark infringement have been litigated this very useful book is the first comprehensive global survey of the liability regime that intermediaries may face when assisting others to directly infringe copyright and trade mark rights or when providing others with the means to do so It addresses such issues as the following ISP liability contributory and secondary liability for trade mark copyright and patent infringement time and geo shifting devices and services consumer identification through dynamic IP addresses infringements committed on a commercial scale liability of hosting providers requirements for a breach of duty of care notice to users to refrain from infringements filters and other due diligence measures actual knowledge privacy and infringers personal data file sharing services online storage services and liability of transporters and freighters After a general introduction analysing relevant aspects of trade mark and copyright law local experts provide detailed reports on positions in the EU at the Community level Germany France Italy The United States Japan Korea Australia and New Zealand As well as dealing with the issues each report pays close attention to case law legislative developments and procedural issues of injunctive relief and damages A final chapter covers comparative

contributory patent infringement Along with the very practical value the book offers corporate counsel charged with IP rights litigation the authors shed light on the fundamental issue of whether attempts to broaden liability in this area are compatible with established IP principles such as territoriality freedom to operate and freedom of competition As a result the book will be welcomed by a wide spectrum of lawyers and others working in this rapidly growing field including practitioners policymakers academics and jurists **Temi di diritto dell'informatica** Claudio Di Cocco,Giovanni Sartor,2011

European Computer Law Information Technology Law Group/Europe,1996 A country by country survey of computer law in Europe by members of the first specialist computer law network in Europe *Access to Legal Norms* Council of Europe,2000-01-01 For any state governed by the rule of law it is essential that laws are codified and accessible This conference looked at the issues involved in the dissemination of legal information *Digitization, Copyright and the Law* Ettore M. Lombardi,2024-09-13 This book discusses copyleft and its impact on the traditional way to conceive of property It is specifically focused on the European and international juridical framework Analysing the impact of digitalization on copyright and the potential effect of copyleft in the European market and within a European and international juridical framework this book explores the complex evolutionary framework which charts the reduction of physical property and the progressive expansion of intangible assets Although digitalization enables more accessibility than ever before this impacts traditional intellectual property frameworks Evaluating common traits of ownership structure the book considers the challenges that intangible property open source and creative commons present to the current legal system Examining the impact of copyleft on copyright and the law of ownership the book considers the rights of authors and creators legal limits and complications arising from these new forms of ownership of intangible assets The book is grounded in the European potential regulatory framework of copyleft through movements like open source software The book will be of interest to students academics and practitioners with an interest in contract law property law and intellectual property law

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