

## **SILVIA MARTINELLI**

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### A SHORT RESUME

Graduated in Law at the University of Milan (Legal Informatics, Prof. Giovanni Ziccardi), PhD Candidate at the University of Turin (Private Law, Prof. Raffaele Caterina), lawyer at the Milan Bar Association and Legal & Technology Research Team Manager at CRC Lex.

I wrote about e-commerce, freedom of expression online, the control of the worker through new technologies, the discipline and protection of domain names, the protection of personal data, the right to be forgotten and the provider liability.

My first book is about the right to be forgotten: “Diritto all’oblio e motori di ricerca. Memoria e privacy nell’era digitale“, Giuffrè, 2017 (“Right to be forgotten and search engines. Memory and privacy in the digital age”).

My research project concerns platform economy and the liability of the multi-sided market platform.

I am also Affiliate Scholar at the Information Society Law Center of the University of Milan, Teaching Assistant (“Cultore della materia”) in both Private Law and Legal Informatics, Member of the Editorial Committee of the Law Reviews “Cyberspazio e Diritto”, “Diritto, Mercato e Tecnologia” and “Diritto di Internet”, Fellow of the European Law Institute and of the Italian Academy of Internet Code, Member of the European Law & Tech Network.

### RESEARCH FIELDS AND INTEREST

Law and Technology. Private Law and Legal Informatics.

E-commerce, consumer law, privacy, data protection, personality rights, right to be forgotten, right to data portability, freedom of expression online, domain names, surveillance of the worker through technologies, cybersecurity and contractual liability, ISP liability, platform liability, platform economy/sharing economy /collaborative economy, code contracts and smart contracts, algorithms and artificial intelligence.

## RESEARCH ACTIVITIES

- 2016 - Present PhD Candidate in “Law, the Individual and Market”, University of Turin. Research Project: “Platform economy: the liability of multi-side market platform”, Prof. Raffaele Caterina.
- 2018 - Present Affiliate Scholar at the Information Society Law Center, University of Milan, Department Cesare Beccaria, Prof. Giovanni Ziccardi.
- 2017 - Present Teaching Assistant in Private Law (“Cultore della materia”), University of Turin, Department of Law, Prof. Raffaele Caterina.
- 2015 - Present Teaching Assistant in Legal Informatics (“Cultore della materia”), University of Milan, Department of Law “Cesare Beccaria”, Prof. Giovanni Ziccardi.
- 2018 (April-July) PhD Visiting Scholar at the European Legal Studies Institute di Osnabrück (Germany), Prof. Christian von Bar, Prof. Christoph Busch.
- 2016 Collaboration contract, University of Milan, in the context of the Postgraduate Course in “Legal Informatics”.

## EDUCATION

- 2019 Technological Innovation and Law (TIL 2019) Intensive course, Interdepartmental Research Center European Center for Law Science and New Technologies (ECLT), University of Pavia.
- 2015 Postgraduate Course in Legal Informatics, University of Milan.
- 2014 Law degree, University of Milan.  
Final dissertation in Legal Informatics (Title: “Legal Informatics Aspect of E-commerce”), Prof. Giovanni Ziccardi and Prof. Pierluigi Perri.
- 2008 High School Diploma, at the “Vittorio Veneto High School” of Milan, scientific studies and languages (English and French).

## PROFESSIONAL EXPERIENCE

- 2019- Presente Legal & Technology Research Team Manager at CRC Lex.
- 2018 – Presente Lawyer at the Milan Bar Association.
- 2017 License to practice law (abilitazione all’esercizio della professione forense).
- 2015-2016 Trainee lawyer in Private Law for the law firm “ISL” (May 2015- November 2016) and the law firm “Izzi Toniatti Pini Perron-Cabus Ziliani De Lodi” (February 2015 - April 2015).
- 2015 Legal advisor for “Partners for Innovation - P4I”, “Digital 360”.
- 2014-2015 Internship at the Milan Chamber of Commerce, Regulation of the Market, Resp. Dott.ssa Valeria Sala.
- 2008-2014 Hostess, promoter, waitress and analogues.

## FURTHER ACTIVITIES

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|---|---|
| CIBERSPAZIO E DIRITTO   | Member of the Editorial Committee   |
| DIRITTO, MERCATO E TECNOLOGIA   | Member of the Editorial Committee   |
| DIRITTO DI INTERNET   | Member of the Editorial Committee   |
| ELI - European Law Institute  | Fellow.<br>Member of the Special Interest Group in Digital Law, Personal Data Protection, Fundamental Rights, Global Private Law. |
| IAIC - Italian Academy of the Internet Code   | Member  |
| EUROPEAN LAW & TECH NETWORK   | Member  |
| IDPP - International Journal for the Data Protection Officer, Privacy Officer and Privacy Counsel | Country Correspondent   |
| QUOTIDIANO GIURIDICO E QUOTIDIANO IPSOA   | Contributor   |
| CULTURA DEMOCRATICA   | Participation in think tank and cooperation in legislative drafting   |

## PUBLICATIONS

### BOOK

Diritto all'oblio e motori di ricerca. Memoria e privacy nell'era digitale, Giuffrè, Milano, 2017.  
(Right to Be Forgotten and Search Engine. Memory and Privacy in the Digital Era)

### ARTICLES, CASE NOTES AND CHAPTERS

#### *Forthcoming*

Diritto all'oblio e alla privacy nel bilanciamento tra riservatezza e libertà di espressione: quali limiti per i personaggi dello spettacolo? (Nota a Cassazione civile, I Sezione, 20 marzo 2018, n. 6919)  
in *Giurisprudenza Italiana*

#### *Published*

Sharing Data and Privacy in the Platform Economy: The Right to Data Portability and "Porting Rights"

in *Regulating New Technologies in Uncertain Times*, (a cura di) Leonie Reins, Springer, 2019.

L'autorità privata del provider

in *I poteri privati e il diritto della regolazione*, (ed.) P. SIRENA, A. ZOPPINI, Roma Tre-Press, Roma, 2018, pp. 555-568.

Diritto all'oblio e motori di ricerca: il bilanciamento tra memoria e oblio in Internet e le problematiche poste dalla de-indicizzazione

in *Il Diritto dell'Informazione e dell'Informatica*, fasc. 3/2017, Giuffrè, Milano, pp. 565-581.

Sicurezza informatica degli istituti di credito e responsabilità contrattuale (Cassazione civile, Sez. I, 3 febbraio 2017, n. 2950)

in *Giurisprudenza italiana*, vol. 10-2017, pp. 2069-2074.

I profili di responsabilità dei provider

in *Tecnologia e diritto. Fondamenti d'informatica per il giurista*, (ed.) G. ZICCARDI, P. PERRI, Giuffrè, Milano, 2017, pp. 317-324.

Il nuovo Regolamento generale sulla protezione dei dati: alcune considerazioni informatico-giuridiche

in *Nuovo Diritto Civile*, n. 1/2016, Dike, Roma, pp. 405-442.

Published in a previous version in *Diritto Mercato Tecnologia*, 31 maggio 2016.

La disciplina dei nomi a dominio e i rimedi esperibili in caso di cybersquatting

in *Cyberspazio e Diritto*, vol. 16, n. 54 (3-2015), Mucchi Editore, Modena, pp. 405-420.

Il controllo a distanza del lavoratore e le nuove tecnologie

in *Cyberspazio e Diritto*, vol. 16, n. 53 (2-2015), Mucchi Editore, Modena, pp. 357-384.

Informazione online, sequestro e responsabilità

in *Cyberspazio e Diritto*, vol. 16, n. 52 (1-2015), Mucchi Editore, Modena, pp. 51-84.

Aspetti contrattuali del commercio elettronico: il contratto telematico e la disciplina del codice del consumo in materia di contratti a distanza alla luce delle recenti modifiche in vigore da giugno 2014

in *Cyberspazio e Diritto*, vol. 15, n. 51 (2/3-2014), Mucchi Editore, Modena, pp. 273-309.

L'impresa e il commercio elettronico: opportunità, normativa, sicurezza

by Giovanni Ziccardi, Pierluigi Perri e Silvia Martinelli, Camera di Commercio di Milano, Servizio Studi, Ricerche 2014, (Co-author, Study published by the Milan Chamber of Commerce).

#### TALKS, CONFERENCES AND TEACHING EXPERIENCES

##### *Forthcoming*

Lecture, Post-graduate course in "Data Protection e Data Governance", Prof. Pierluigi Perri.

Il ruolo del DPO nella gestione dei diritti degli interessati (The Data Protection Officer and the management of the rights of the data subject).

University of Milan, 13 June 2019.

##### *Past events*

Panel at the International Journalism Festival of Perugia (IJF19)

Protection, privacy and the right to be forgotten by weak and vulnerable individuals and victims of crime, with Prof.ssa Stefania Stefanelli.

Perugia, April 2019.

Seminars in Contract Law, Private Law course, Prof. Raffaele Caterina  
Lezione sulla risoluzione di casi pratici in materia contrattuale - clinica legale.  
(Law clinic in contract law)  
University of Turin, March-April 2019.

Guest lecture, Contract Law course, Prof.ssa Laura Valle  
Il contratto tra passato e futuro: contratto telematico, e-commerce, piattaforme e smart contract (The contract between past and future: telematic contract, e-commerce, platforms and smart contract)  
University of Bozen, March 2019.

Guest lecture, Legal Clinic in International Law, Prof. Gabriele Della Morte  
Privacy e libertà di espressione nel bilanciamento tra diritti: un dialogo tra Corti interne e internazionali (balancing privacy and freedom of speech: a dialogue between internal and international courts) .  
Università Cattolica del Sacro Cuore, March 2019.

DTLC Conference 2018, Information Society Law Center (ISLC).  
La condivisione dei dati e i “diritti di portabilità” nella platform economy.  
University of Milan, December 2018.

Lecture, Post-graduate course in “Cybercrime and digital investigations” (Corso di Perfezionamento in “Criminalità Informatica e Investigazioni Digitali”), Prof. Giovanni Ziccardi.  
La rimozione dei contenuti dalle piattaforme e dai motori di ricerca (the deletion of contents from platforms and search engines).  
University of Milan, December 2018.

One-day symposium to present and discuss my book at the : “Diritto all’oblio, de-indicizzazione e motori di ricerca. Giornata di studio e di confronto a margine del volume di Silvia Martinelli ‘Diritto all’oblio e motori di ricerca’”.  
Il bilanciamento dei diritti nella giurisprudenza e nei provvedimenti del Garante (The balancing of rights in the jurisprudence and in the judgments of the data protection authority).  
University of Milan, September 2018.

International PhD Colloquium “Regulating new technologies in uncertain times”, Tilburg Institute for Law, Technology, and Society (TILT) - Call for papers.  
The right to data portability in the platform economy: how to free consumers and suppliers from the dictatorship of the platform and increase competition in the EU’s Digital Single Market.  
Tilburg University, June 2018.

Lecture, Post-graduate course in “Data Protection e Data Governance”, Prof. Pierluigi Perri.  
I diritti degli interessati e il diritto all’oblio (the data subjects rights and the right to be forgotten).  
University of Milan, February 2018.

Presentation of my book about right to be forgotten and discussion with professors as a lecture for Phd students in “Law, the Individual and the Market”.  
University of Turin, December 2017.

Conference “I poteri privati e il diritto della regolazione. A quarant’anni da ‘Le autorità private’ di C. M. Bianca” (private powers and regulation, in honour of C. M. Bianca) - Call for papers.  
L’autorità privata del provider (the private authority of the provider).  
Bocconi University, November 2017.

Panel at the International Journalism Festival of Perugia (IJF17).

Diritto all'oblio e de-indicizzazione. Il difficile bilanciamento tra le esigenze di restaurazione della privacy e la libertà di espressione (right to be forgotten and delisting). Perugia, 6 April 2017.

Guest lecture, "Informatics for lawyers", Prof. Guido Boella.

Diritto all'oblio e de-indicizzazione. Direttiva 31/2000, responsabilità del provider, protezione dei dati personali (Right to be forgotten, provider liability, Directive 31/2000). University of Turin, March 2017.

Participation in round-table at the Conference "European Digital Single Market and new professions", European Documentation Center, University of Milan.

Informatica giuridica e diritto del cibernazio (Legal informatics and law of the cyberspace).

University of Milan, October 2016.

Guest lecture, Legal Informatics, Prof. Ziccardi.

Privacy, dati personali e diritto all'oblio (privacy, data protection and right to be forgotten).

University of Milan, May 2016.

Seminar-cycle about hate speech online, course of "Legal Informatics", Prof. Ziccardi.

Espressioni d'odio nella giurisprudenza della Corte europea dei diritti dell'uomo (hate speech in the judgments of the ECHR).

University of Milan, April 2016.

Guest lecture, Legal Informatics, Prof. Ziccardi.

La libertà di manifestazione del pensiero in Internet (Freedom of speech online).

University of Milan, April 2015.

Seminar-cycle about hate speech online, course of "Legal Informatics", Prof. Ziccardi

La libertà di manifestazione del pensiero in Internet (Freedom of speech online).

University of Milan, April 2015.

## LANGUAGES

Italian (mothertongue) - English (C1/B2) - French (B2) – German (elementary)