

SELECTION OF ONE PROFESSOR (LEVEL 1), FOR ACADEMIC RECRUITMENT FIELD 12/E2" COMPARATIVE LAW" AT THE DIRPOLIS INSTITUTE (INSTITUTE OF LAW, POLITICS AND DEVELOPMENT) - ACADEMIC CLASS OF SOCIAL SCIENCES, RESERVED, PURSUANT TO ART. 24, SUBSECTION 6, OF ITALIAN LAW 240/2010, FOR ASSOCIATE PROFESSORS EMPLOYED AT THE SCHOOL, ISSUED BY RECTOR DECREE. NO. 131 DATED 07/03/2024.

MINUTES OF THE THIRD MEETING

The Review Committee for the selection of one professor (level 1) for the Academic Recruitment Field 12/E2 "Comparative Law" at the Dirpolis Institute (Institute of Law, Politics and Development) of the Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna di Pisa, reserved for associate professors employed at the School to be selected pursuant to art. 24, subsection 6 of the Italian law 240/2010, nominated by decree No. 236 dated 30/04/2024 by the Rector, that consists of:

- Prof. Diana Cerini, Full Professor of Academic Recruitment Field 12/E2 "Comparative Law" at the University of Milano -Bicocca;
- Prof. Giovanni Comandè, Full Professor of Academic Recruitment Field 12/E2 "Comparative Law" at the School, as expert designated by the Dirpolis Institute;
- Prof. Nikitas Hatzimihail, Full Professor at the University of Cyprus;
- Prof. Antonello Miranda, Full Professor of Academic Recruitment Field 12/E2 "Comparative Law" at the University of Palermo;
- Prof. Virginia Zambrano, Full Professor of Academic Recruitment Field 12/E2 "Comparative Law" at the University of Salerno;

convened for the third time, via teleconference, by the platform Webex on June, 6, 2024, at from the following locations:

Prof. Cerini located in Milano, Piazza Ateneo nuovo 1, connected via computer

Prof. Comandè located in Pisa, Scuola Superiore Sant'Anna connected via computer

Prof. Hatzimihail located in Nicosia, Cyprus, Avv. Università 1, connected via computer

Prof. Miranda located in Palermo via Amico 2, connected via computer

Prof. Zambrano located in Salerno via Guariglia 12, connected via : computer

The President, having ascertained the presence of all the members, opened the session and verified that the assessment criteria defined in the previous session had been published on the website of the School.

The members of the Committee states that the Personnel Office of the School has provided them with an electronic copy of the documentation submitted by the applicant containing: application, curriculum, publications with a declaration in lieu of an affidavit certifying compliance with the original, letters of recommendation, and a list of all the documents accompanying the application.

The members of the Committee state that they have examined the publications, curriculum and teaching activities of the candidate and made their individual assessments, which are reported in Annex 1 of these minutes.

The Committee then examines the publications, curriculum and teaching activities of the candidate, confronts their individual assessments and reviews the collegiate assessments annexes sub 2 attached to the minutes of which they are an integral part.

Then after a full discussion, on the basis of a unanimous vote, the Committee declares that the winning candidate is: Professor Caterina Sganga.

The Committee then draws up a report summarizing the work carried out.

Then the Members send to their declarations of approval. These declarations form an integral part of this agreed minute. Then the minutes will be given to the Personnel Office in order for these proceedings to be verified, with a decree from the Rector.

The session closed at 10.55 a.m.

Read, approved and signed.

The President

Prof. Antonello Miranda

ANNEX 1 – INDIVIDUAL ASSESSMENTS

Candidate: Prof. Caterina Sganga

Prof. Diana Valentina Cerini

The candidate has a solid curriculum showing regular as well as high level commitment and engagement in academic activities.

For what concerns her training and education, she got the two levels of the law degrees (Laurea Specialistica in Giurisprudenza, 2006, and Laurea Triennale in Scienze Giuridiche, 2004) both *cum laude*, at the University of Pisa, followed by a Ph. D. title *cum laude* at Scuola Sant'Anna di Pisa (2011), as well as other specializing training in Italy and abroad, including a LL.M at Yale Law School. During her career she also collecting a number of awards and grants qualifying her as a remarkable scholar among the academic community.

Her teaching activities are remarkable, including various courses for graduate students (among which Comparative Introduction to Intellectual Property, Intellectual Property between exclusivity and access, Comparative Property Law, Common Law Contracts; Economics and Law of Patents, Economics and Law of Intellectual Property, Trust law: history, models and contaminations, Digital Rights and Conflicts, Intellectual Property and Human Rights) as well as numerous lessons for Ph.D. programs and executive lecturing. She has been visiting scholar and professor in foreign institutions (in Belgium, Ireland, Germany and Hungary).

The candidate appears to be fully engaged in academic organizational activities, in particular one can notice the following: Rector's Delegate for Open Science and President of the Open Science Committee (2022-currently); Rector's Co-delegate for Placement (with R.Barontini, 2024-currently); Member of the Managing Board of the DIRPOLIS Institute (2021-2023); Associate Scientific Coordinator, Department of Excellence "LEMBEDS" (2023-currently) and Member of the Managing Board (2021-currently); Member of the Ethical Committee (2021-currently); Member of the Joint Committee Professors-Students (Commissione Paritetica, 2018- currently); Member of the Doctoral Committee of the PhD in Law (2018-currently); Member of the Doctoral committee of the National PhD in Cybersecurity; Member of the Support Team of the Vice-Dean for Civic Engagement (2019-2022).

The candidate declares to be involved in a number of civil engagement activities.

Publications are also exhaustive, including books, editing books, and chapters.

All that considered, and according to my experience as professor, my assessment is for the candidate Sganga to be completely adequate for the full professor role in this procedure.

Candidate: Prof. Caterina Sganga

Prof. Giovanni Comandè

Prof. Caterina Sganga, Associate Professor of Comparative Private Law at Dirpolis of Scuola Superiore S. Anna in Pisa, presents an impressive cv on all accounts. After spending several years in a very prestigious institution such as the Central European University (CEU) of Budapest-Vienna she was directly called as associate professor for her merits. She holds a Master of Laws (LL.M.) degree from Yale Law School in 2009 and a Postgraduate Diploma (Ph.D.) in Law from Scuola S. Anna in 2011.

She obtained, with unanimity, the national scientific qualification for the position of Full Professor for the concurrency field "Comparative Law" in October 2022.

Immediately after starting her position at SSSA she was entrusted by the EC as coordinator of the H2020 RIA project RECREATING EUROPE – "Rethinking Digital Copyright for a Culturally Diverse, Accessible, Creative Europe", that she managed with significant and unusual acknowledgement from the EC. Since that moment her research activities is constellated of awards for competitive grants both at the national and international level. Namely WP Leader in 2 Horizon Europe RIA projects (OpenMUSE e REBOOT, 2023-2025), member of the Sant'Anna's research team in 3 H2020 projects (SoBigData ++, Valkyries, LEADS), and partner of a tendered study for the European Commission, DG RTD – Open Science. In Italy I am the coordinator/principal investigator

of the national PRIN 2021 Copy-IT (*Italian copyright law after the most recent EU legislative reforms: impact assessments, best practices and reform proposals to build a more efficient and fairer system, 2023-2024, € 212.501*), co-principal investigator of the PRIN 2022 SNIP (*Self-assessment Network Impact Program, 2023-2024, € 242.927*) and member of the research team Sant'Anna in 3 national projects (PNRR Partnernariato Esteso 7 - SERICS; PNRR Ministero Giustizia – Giustizia Agile; Regione Toscana – 5GSOSIA).

All this research activity is fully reflected her the very significant scientific publications that include 2 monographs, 3 edited books, 27 contributions to books and a long list of scholarly articles in very prestigious international and national journals. Among the many seminal works produced by Prof. Sganga I would like to emphasize her ability to move in an ever innovative way but in continuity as attested by the links between her seminal work in *Dei beni in generale (Artt. 810 – 821 c.c.) [On Goods in General (Articles 810-821 of the Civil Code)]*, in *Il Codice Civile – Commentario*, directed by P.Schlesinger and continued by F.D.Busnelli, Giuffrè, Milan, 2015 (pp. 432) and her subsequent production presented for the purposes of this evaluation (two monographs and 18 articles, chapters in volumes, essays and notes to judgments).

Her international standing and experience is attested by the many visiting periods and participation as invited speaker to prominent conferences. Noteworthy as a signa of international appreciation is her appointment as President elected of the EUROPEAN POLICY FOR INTELLECTUAL PROPERTY (EPIP) ASSOCIATION.

Her ability to obtain competitive grants and carry out the corresponding research and coordination is beyond the usual if compared with peers.

Proféssor Sganga attests a very wide and diverse teaching portfolio. Also, she Sganga engages at a very high level with policymakers, stakeholders and the general public. Just to quote some prominent examples she cooperated with WIPO (World Intellectual Property Organization), the Italian Parliament, the EFF (Electronic Frontiers Foundation), ICOM (International Council of Museums) and EBLIDA (European Bureau of Library Information and Documentation Associations) In short, her passion for research, teaching and public engagement is fully reflected in her excellent curriculum.

As a result, the overall judgment on the candidate is undoubtedly and extremely positive. She fully deserves the full professor position referred to in this procedure of recruitment.

Candidate: Prof. Caterina Sganga

Prof. Nikitas Hatzimihail

Candidate: Prof. Caterina Sganga

Prof. Caterina Sganga is a very impressive candidate for this position.

Prof. Sganga completed with distinction (*summa cum laude*) her basic legal studies (*Laurea Triennale in Scienze Giuridiche, 2004*) and graduate legal studies (*Laurea Specialistica in Giurisprudenza, 2006*) at the University of Pisa. She continued with graduate legal studies in the U.S. notably Yale Law School (*LL.M., 2009*) and obtained her doctorate, *summa cum laude* from the Scuola Superiore Sant'Anna in Pisa in 2011. During her studies she also worked as a research or student fellow in both Sant'Anna and Yale.

In 2012, Prof. Sganga was first appointed to a position of Assistant and then Associate Professor of Law at the Central European University, where she remained until 2018, when she was appointed ("called") directly to a position of Associate Professor of Comparative Private Law at the Scuola Superiore Sant'Anna. She has also visited several European universities as a visiting lecturer or visiting professor, including Europa-Kolleg Hamburg (2011), Maynooth in Ireland (2017, 2018) and most notably K.U. Leuven in Belgium (2022).

In October 2022, Prof. Sganga obtained, with unanimity, the national scientific qualification for the position of Full Professor for the field "Comparative Law."

Prof. Sganga has organized and/or taught courses of broad scope in private law and comparative

law, and at all levels, especially graduate-level and doctoral level, including Comparative Introduction to Intellectual Property, Intellectual Property, Comparative Property Law, Digital Rights and Conflicts, Intellectual Property and Human Rights as well as Common Law Contracts; Economics and Law of Patents, Economics and Law of Intellectual Property, Trust law: history, models and contaminations. She has also been very active in the supervision of undergraduate and graduate student theses and, more recently, involved in the supervision and co-supervision of doctoral students.

The candidate has also been exemplary in her service to the University, concerning both research and student-oriented aspects of academic life. I am mentioning her currently serving as Rector's Delegate for Open Science and President of the Open Science Committee and Co-delegate for Placement; her past membership in the Managing Board of the DIRPOLIS Institute (2021-2023); she presently serves as Associate Scientific Coordinator and Member of the Managing Board at the Department of Excellence "LEMBEDS"; a Member of the Ethical Committee and the Joint Committee Professors-Students (Commissione Paritetica), finally, as a member of the Doctoral Committee of the PhD in Law (2018-currently) of the National PhD in Cybersecurity).

The candidate's civic engagement is also well documented. I am making particular mention of her membership (2019-2022) in the Vice-Dean's Support Team for Civic Engagement.

I would like to focus on two areas.

First, her ability to attract research grants. Her CV is two pages long in this regard, and includes several funded projects in which Prof. Sganga acted as coordinator, co-coordinator, principal investigator, WP leader or national expert. Her dossier further documents the enormous success of Prof. Sganga in that regard, in a manner that lives up to and further develops the very strong international reputation of the Scuola Superiore Sant'Anna in this area.

Secondly, her scholarly output. Her dossier includes two monographs and three edited books with prestigious Italian (Giuffr ) and British (E. Elgar, Routledge) publishers; 27 chapters in books and an equivalent number of articles in international and Italian scientific journals, including the leading ones in her area, such as IIC, as well as case notes, other published work and the expected corresponding number of paper contributions to international conferences.

Prof Sganga's recent appointment as President-elect of the European Policy for Intellectual Property Association provides ample evidence of her competence and growing international reputation.

I would therefore easily reach the conclusion that Prof. Caterina Sganga is fully qualified in all pertinent aspects for the position of Professor of Comparative Law at the Scuola Superiore Sant'Anna and wholeheartedly support her election.

Candidate: Prof. Caterina Sganga

Prof. Antonello Miranda

Prof. Caterina Sganga is currently Associate Professor of Comparative Private Law at Dirpolis of Scuola Superiore S. Anna in Pisa; she holds the position following direct call as a committed lecturer at a foreign university (Central European University (CEU) of Budapest-Vienna). In October 2022, he had been awarded the national scientific qualification for the position of Full Professor for the concurrency field "Comparative Law".

After her bachelor's and master's degrees in law, the candidate received a Master of Laws (LL.M.) degree from Yale Law School in 2009 and a Postgraduate Diploma (Ph.D.) in Law from Scuola S. Anna in 2011. She declares and documents that she has taught and conducted research at numerous foreign universities and research institutions. She declares and documents that she has carried out significant and continuous teaching activities and demonstrates international standing in her scientific field. The candidate has also demonstrated great ability to plan and obtain research funding. She has, also, a variety of international conference activities.

Overall, the candidate presents an excellent curriculum that demonstrates passionate and continuous scholarly, research and teaching activities.

The candidate's research activity has resulted in the ample production of scientific articles and monographs, often written in English and published in journals of high international standing.

For the purposes of this evaluation, the candidate presents two monographs and 18 articles, chapters in volumes, essays and notes to judgments.

Prominent among the monographs is the study, in English and published by Elgar, "Propertizing European Copyright. History, Challenges and Opportunities" in which the Author addresses the study

of EU copyright law, on the basis of its internal inconsistencies, fragmentations and gaps, then reconstructing the landscape of the different approaches by Author and Courts, and consequently developing a 'back-to-the-system' approach to general theories of private law.

The second monograph "Dei beni in generale (Artt. 810 - 821 c.c.)" is a study included in the commentary to the Civil Code directed by P. Schlesinger and continued by F. D. Busnelli, dedicated to a fresh reconstruction of the "theory of goods" approached with the historical-comparative method, and full of interesting insights.

The subject of property, particularly that of copyright and its protection, remains central in the so-called "minor" studies, all of which present a clear reconstructive and expository style, with complete and exhaustive note layout, revealing full knowledge of the subject and mastery of the methods of legal comparison.

Among these works I feel I should point out at least "Right to Culture and Freedom of Art and Science: Participation and Access, in C.GEIGER (ed.), Research Handbook on Human Rights and Intellectual Property (Ch.30), Edward Elgar Publishing, 2015, and the more recent, "*La nozione di opera protetta nel diritto d'autore europeo tra armonizzazione silente e silenzi controversi*" ("The notion of protected work in EU copyright law between silent harmonization and controversial silences"), in *Rivista di Diritto Industriale*, 2020; "*Ventisei anni di Direttiva Database alla prova della nuova Strategia europea per i dati: evoluzioni giurisprudenziali*" in *Il diritto dell'informazione e dell'informatica*, 2022; 'The past, present and future of EU copyright flexibilities,' *International Review of Intellectual Property and Competition Law (IIC)*, vol. 55, 2024.

As a result, the overall judgment on the candidate is largely positive, thus deeming her totally deserving of the full professor position referred to in this procedure of recruitment.

Candidate: Prof. Caterina Sganga

Prof. Virginia Zambrano

The applicant Caterina Sganga has obtained a law degree from the University of Pisa. She also obtained a Master of Laws (LL.M.) from Yale Law School in 2009 and a Postgraduate Diploma (Ph.D.) in Law from Scuola S. Anna in 2011. Her research activity, carried out, over the years, at prestigious Italian and foreign institutes (Yale law school; McGill University; MAX-PLANCK INSTITUTE FOR INNOVATION AND COMPETITION, to name a few of them) is rich and varied. She has been visiting professor at the KATHOLIEKE UNIVERSITEIT (KU) LEUVEN (Leuven, Belgium), the MAYNOOTH UNIVERSITY (Maynooth, Ireland); the EUROPA-KOLLEG HAMBURG (Hamburg, Germany); the CENTRAL EUROPEAN UNIVERSITY (Budapest, Hungary) where she also served as Associate Professor of Law (2012-2018). She is currently Associate Professor of Comparative Private Law at Dirpolis of Scuola Superiore S. Anna in Pisa. Her teaching activity is relevant and continuous, showing a significant international profile.

The candidate's ability to plan and obtain research funding and carry out third mission activities is remarkable. She also declares an intense participation in national and international congresses, where she has distinguished herself for the originality of her contributions.

For the purposes of this evaluation, the candidate presents two books and 18 articles, divided into volumes' chapters, essays and analysis of outstanding case law, showing great versatility in approaching different literature's styles. Most of the publications are written in English and, all of them, are published by relevant international editors or find their space in top international journals.

Among the books presented for the current evaluation, the work "Propertizing European Copyright. History, Challenges and Opportunities" is of particular importance. In this book, the author - through a close regulatory and jurisprudential comparative analysis - reaches the conclusion that only the privatization of copyright is able to adequately offer the regulatory framework within which to address the interpretative and balancing problems that characterize EU copyright. The work is original, methodologically well developed and adequately argued.

The second book "Dei beni in generale (Artt. 810 - 821 c.c.)" is a commentary to the Italian Civil Code directed by P. Schlesinger and continued by F. D. Busnelli and deals with the theory of goods. The topic, despite being of pure civil law, offers a reasoned approach to the different Italian doctrinal approaches that have stratified over the years.

Among the so called "minor production" we highlight the followings: "Principio di

proporzionalità e misure di tutela del diritto d'autore ("Proportionality principle and copyright injunctions"), *Annali Italiani del Diritto d'Autore, della Cultura e dello Spettacolo (AIDA)*, n.29, 2020"; "From abuse of right to European copyright misuse: a new doctrine for EU copyright law (with S. Scalzini), 48(4)*International Review of Intellectual Property and Competition Law (IIC)* (2017)"; "La nozione di opera protetta nel diritto d'autore europeo tra armonizzazione silente e silenzi controversi" ("The notion of protected work in EU copyright law between silent harmonization and controversial silences"), in *Rivista di Diritto Industriale*, 2020; 'The past, present and future of EU copyright flexibilities,' *International Review of Intellectual Property and Competition Law (IIC)*, vol. 55, 2024; "Right to Culture and Freedom of Art and Science: Participation and Access, in C.GEIGER (ed.), *Research Handbook on Human Rights and Intellectual Property* (Ch.30), Edward Elgar Publishing, 2015".

Even if the topic of property and, in particular, that of copyright and its protection, represents the candidate's most coherent line of research, it must be noted that her scientific interests do not end here. The scientific production produced for the purposes of this procedure highlights the candidate's ability to systematically frame the most relevant legal problems. In this sense, the works are characterized by a clear expository style, always well-argued and consistent with the objectives that the candidate sets for herself, revealing full mastery of the legal comparison's method.

For the purposes of this recruitment procedure, the judgment on the candidate is largely positive. The candidate certainly demonstrates her full scientific maturity and, therefore, her suitability to hold the position of full professor referred to.

ANNEX 2 – COLLEGIATE ASSESSMENTS

Candidate: Prof. Caterina Sganga

Prof. Caterina Sganga presents an excellent curriculum on all accounts that demonstrates passionate and continuous scholarly, research and teaching activities along with her engagement in the third mission.

For what concerns her training and education, she got the two levels of the law degrees (Laurea Specialistica in Giurisprudenza, 2006, and Laurea Triennale in Scienze Giuridiche, 2004) both *cum laude*, at the University of Pisa, followed by a Ph. D. title *cum laude* at Scuola Sant'Anna di Pisa (2011), as well as other specializing training in Italy and abroad, including a LL.M at Yale Law School. Her scientific production delivered for the purposes of this procedure highlights the candidate's ability to systematically frame the most relevant legal problems. It has resulted in an ample production of scientific articles and monographs, often written in English and published in journals of very high international standing. The works are characterized by a clear expository style, always well-argued and consistent with the objectives that the candidate sets for herself, revealing full mastery of the legal comparison's method. Even if the topic of property and, in particular, that of copyright and its protection, represents the candidate's most coherent line of research, it must be noted that her scientific interests do not end here and cover a large span of topics and research areas.

Professor Sganga teaching activities are relevant and continuous, showing a significant international profile. They include various courses for graduate students (among which Comparative Introduction to Intellectual Property, Intellectual Property between exclusivity and access, Comparative Property Law, Common Law Contracts; Economics and Law of Patents, Economics and Law of Intellectual Property, Trust law: history, models and contaminations, Digital Rights and Conflicts, Intellectual Property and Human Rights) as well as numerous lessons for Ph.D. programs and executive lecturing.

She has been visiting scholar and professor in foreign institutions (in Belgium, Ireland, Germany and Hungary).

Professor Sganga is very widely engaged in academic organizational activities. Illustrative is her role as Rector's Delegate for Open Science and President of the Open Science Committee (2022-currently); Rector's Co-delegate for Placement (with R.Barontini, 2024-currently); Member of the Managing Board of the DIRPOLIS Institute (2021-2023); Associate Scientific Coordinator, Department of Excellence "LEMBEDS" (2023-currently) and Member of the Managing Board (2021-currently); Member of the Ethical Committee (2021-currently); Member of the Joint Committee Professors-Students (Commissione Paritetica, 2018- currently); Member of the Doctoral Committee of the PhD in Law (2018-currently); Member of the Doctoral committee of the National PhD in Cybersecurity; Member of the Support Team of the Vice-Dean for Civic Engagement (2019-2022). A similar engagement at a very high level is shown with policymakers, stakeholders and the general public (e.g. WIPO, the Italian Parliament, EFF, ICOM, EBLIDA).

Professor Sganga's ability to plan and obtain research funding and carry out them is remarkable for her results.

The overall judgment on the candidate is undoubtedly and extremely positive. Professor Sganga fully deserves the full professor position referred to in this procedure of recruitment.