



DIGITAL IN LAW



UNIVERSITÀ DEGLI STUDI
DI MILANO
DIPARTIMENTO DI
STUDI INTERNAZIONALI,
GIURIDICI E STORICO-POLITICI



MOOC: Distributed Ledger Technologies and EU Private International Law

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Become Digital in Law DIGinLaw" Project
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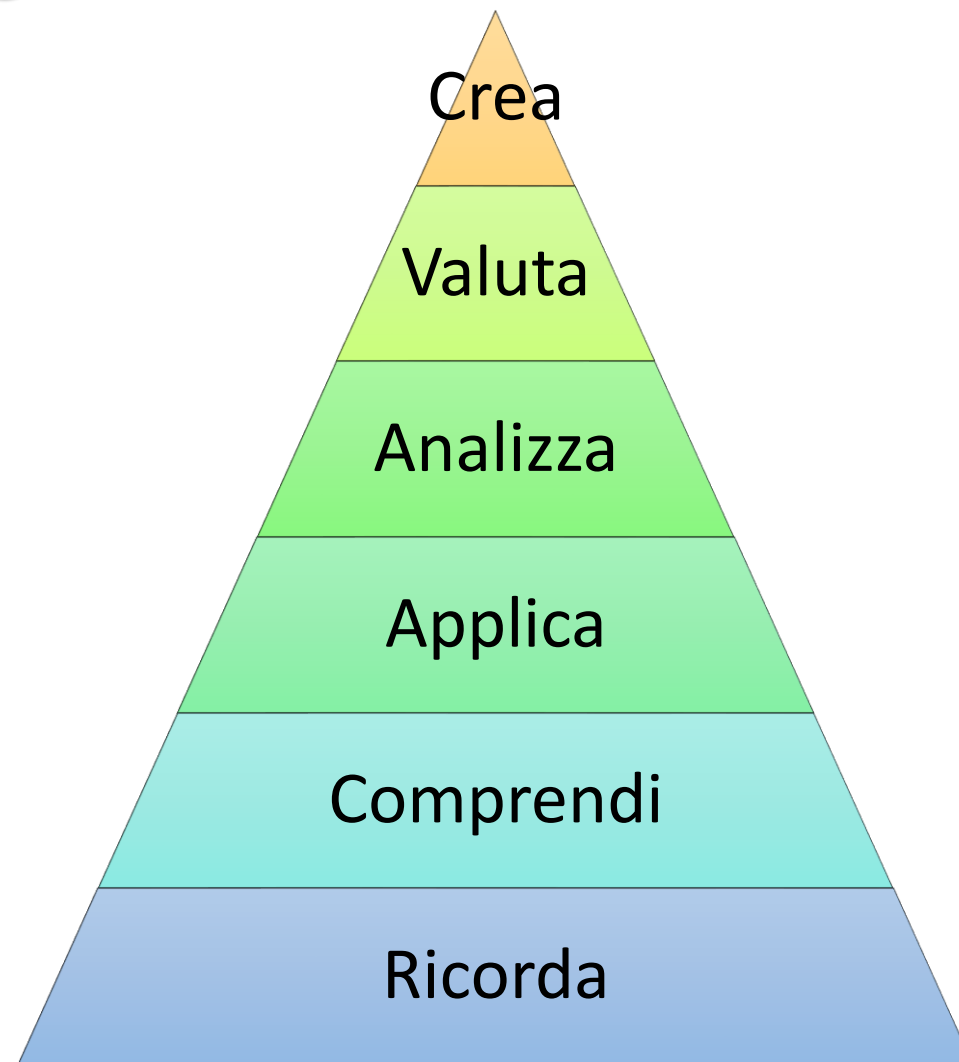
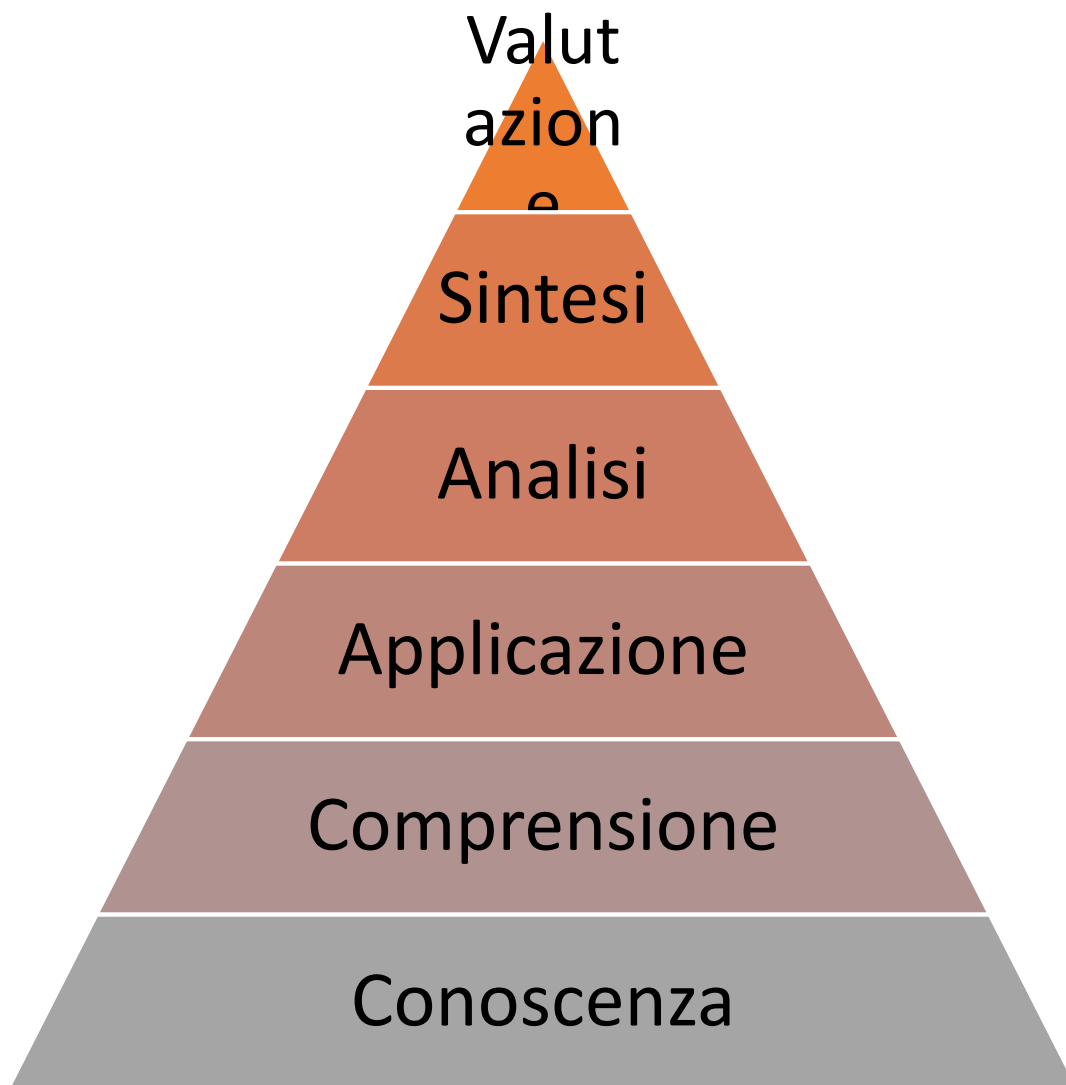
4 Unità:

1. Introduzione alle DLT (compresi gli Smart Contract) – Comprensione tecnica
2. Introduzione ai diritti reali e DLT - Problemi di caratterizzazione
3. Materia contrattuale: regolamento (CE) n. 593/2008 (Roma I) e analisi dell'applicazione delle regole tradizionali sui conflitti di legge sia oggettive che fondate sull'autonomia delle parti nel contesto di DLT
4. Materia extracontrattuale: Regolamento (CE) n. 864/2007 (Roma II) e analisi dell'applicazione delle norme tradizionali sui conflitti di legge sia oggettive che fondate sull'autonomia delle parti nel contesto di DLT

Competenze/risultati di apprendimento

- Definire le nozioni base di DLT e smart contract
- Individuare gli strumenti giuridici di diritto internazionale privato applicabili alle DLT
- Spiegare il funzionamento delle DLT e qualificare gli strumenti tecnici che rappresentano i mezzi per lo scambio di beni e servizi sulle DLTS
- Discutere il quadro giuridico delle DLT
- Determinare la legge applicabile alle DLT
- Illustrare i punti deboli e le lacune delle norme tradizionali sui conflitti di leggi in materia di DLT
- Formulare nuove soluzioni in materia di DLT nel diritto internazionale privato
- Valutare l'adeguatezza dell'attuale quadro normativo alle problematiche sollevate nell'ambito delle DLT

6 livelli di abilità cognitive della tassonomia di Bloom - eLearning



Competenze/risultati di apprendimento

- Definire le nozioni base di DLT e smart contract
 - livello Bloom: conoscenza - 1 unità
- Individuare gli strumenti giuridici di diritto internazionale privato applicabili alle DLT
 - livello Bloom: conoscenza – 2, 3 e 4 unità
- Spiegare il funzionamento delle DLT e qualificare gli strumenti tecnici che rappresentano i mezzi per lo scambio di beni e servizi sulle DLTS
 - livello Bloom: comprensione – 1 unità
- Discutere il quadro giuridico delle DLT
 - livello Bloom: applicazione – 2, 3 e 4 unità
- Determinare la legge applicabile alle DLT
 - livello Bloom: applicazione - 2, 3 e 4 unità
- Illustrare i punti deboli e le lacune delle norme tradizionali sui conflitti di leggi in materia di DLT
 - livello Bloom: analisi - 2, 3 e 4 unità
- Formulare nuove soluzioni di diritto internazionale privato in materia di DLT
 - livello Bloom: sintesi - 2, 3 e 4 unità
- Valutare l'adeguatezza dell'attuale quadro normativo alle problematiche sollevate nell'ambito delle DLT
 - livello Bloom: valutazione - 2, 3 e 4 unità



x

Task: Share your opinion!

Test your knowledge on ...

2. Characterization Iss...

Introductory video to th...

Read the learning mater...

Slides for the lecture

Video lecture on digital ...

Share your opinion!

Test your knowledge on ...

3. Contractual matters: Regulation (EC) No 593/2008 (Rome I) and Analysis of Application of Traditional Conflicts of Laws Rules in respect of DLTs, both objective and based on party autonomy.

This unit will delve into the topic of contractual matters and in particular you will learn about the conflict of laws rules provided in the Rome I Regulation in the context of DLTs.

In this module, you will learn about the conflict of rules through the study of materials provided, share your views and reflect on them. At the end of the unit, you will be able to

- identify the legal instruments of private international law applicable to DLTs;
- discuss the legal framework of DLTs;
- illustrate the weaknesses and gaps of the traditional conflicts of laws rules in respect of DLTs;
- and evaluate the adequacy of the current legal framework to the problems raised in the context of DLTs;
- formulate new solutions as to DLT in private international law.

Strumenti pedagogici e interattività

- Video (ovvero registrazioni di "lezioni") e presentazioni ppt
- Materiali di lettura
- Forum
- Quiz

Strategia di valutazione

- Test d'ingresso a risposta multipla all'inizio del corso - autovalutazione (non obbligatorio);
- Forum - risposte alle domande su argomenti specifici di ciascuna unità poste dai docenti (obbligatorio);
- 4 test a scelta multipla dopo ogni unità prima di poter passare all'unità successiva (obbligatorio).

✕

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Before starting with Uni...

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Video lecture on Rome ...

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▼ 4. Extra-contractual ...

Before starting, review ...

Introductory video on t...

Discussion Forum on U...

Final Quiz on Unit 4

▼ Conclusion of the cou...

Survey

▼ Materiali summer sch...

Forum gradimento stu...

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URL

[Before starting with Unit 3, review your knowledge on Rome I Regulation](#)

PAGE

[Introductory video to the unit topic](#)

View



FOLDER

[Read the learning materials](#)

Mark as done



FILE

[Slides for the lecture](#)

View



PAGE

[Video lecture on Rome I Regulation and DLTs](#)

FORUM

[Share your opinion!](#)

Make forum posts: 1



QUIZ

[Test your knowledge on the topics of the unit](#)

Make attempts: 1

[Receive a grade](#)

- Test your knowledge o...
- 2. Characterization Is...
 - Introductory video to t...
 - Read the learning mate...
 - Slides for the lecture
 - Video lecture on digital ...
 - Share your opinion!
 - Test your knowledge o...
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 - Share your opinion!
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 - Final Quiz on Unit 4
- Conclusion of the cou...
 - Survey
- Materiali summer sch...
 - Forum gradimento stu...
 - Forum risposta a quesit...

Forum risposta a quesito Summer School

Make forum posts: 1

Search forums

Subscribe to forum

Grade users

Display replies in nested form

Settings

Share your opinion!
Monday, 30 May 2022, 4:08 PM

In this section, you will be asked to share your opinion, by posting a reply to the forum and contributing to the discussion.

Please discuss if the rules provided in the Rome I Regulation are appropriate in the context of DLT systems given the problems raised in this regard and explain the reasons. In case you conclude that the rules of the Rome I Regulation are not suitable for DLTs, try to formulate new solutions.

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Re: Share your opinion!
by [User] - Sunday, 24 July 2022, 5:53 PM

In my opinion the Rome I rules are appropriate in the context of the DLTs system. As part of the collateralized DLT transaction, tokens record the forms of collateral provided and exchanged. If a dispute arises, would be applied the law of the situs of the securities. So either the lex incorporations or the law of the country where the centralized storage system is located, you could refer to article 4 (2) of Rome 1. Sometimes the law of the token situs corresponds to the law of the system agreed by the parties. Thanks to this correspondence it could be said that the rules of the Rome 1 are appropriate as Article 3 of the Rules of Procedure, a criteria of the will of the parties, would apply.

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Re: Share your opinion!
by [User] - Thursday, 28 July 2022, 12:35 PM

The Rome I Regulation specifies which law should be applied during a dispute concerning contractual obligations in the European Union. In the Article 4(1)(a) the contract of transfer of goods in exchange of cryptocurrency is considered as a contract of sale of goods, so it has its own regulation, for this reason I think that it can be considered appropriate in the context of DLT systems. In practice it tries to deal with the problems raised in this field, like for example if we talk about the issue of characterisation, the Rome I rules specify the contractual and non contractual obligations, describing the relationship between participants of DLT system as 'freely assumed by one party towards another'.

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Metodo di monitoraggio della qualità

- Alla fine del corso, agli studenti verrà chiesto di rispondere a un questionario di miglioramento



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Grazie per l'attenzione