



# UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2018/2019		
MASTER'S DEGREE (MSC)	LAW		
SUBJECT	COMPARATIVE PRIVATE LAW		
TYPE OF EDUCATIONAL ACTIVITY	B		
AMBIT	20007-Comparatistico		
CODE	18352		
SCIENTIFIC SECTOR(S)	IUS/02		
HEAD PROFESSOR(S)	SMORTO GUIDO	Professore Ordinario	Univ. di PALERMO
	GIAIMO GIUSEPPE	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)			
CREDITS	9		
INDIVIDUAL STUDY (Hrs)	153		
COURSE ACTIVITY (Hrs)	72		
PROPAEDEUTICAL SUBJECTS	04035 - ELEMENTS OF PRIVATE LAW 02432 - CONSTITUTIONAL LAW - INTEGRATED COURSE		
MUTUALIZATION			
YEAR	2		
TERM (SEMESTER)	1° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<b>GIAIMO GIUSEPPE</b> Monday 13:00 14:00 in remoto, attraverso la piattaforma Teams, su appuntamento da concordare mediante posta elettronica. Tuesday 13:00 14:00 in remoto, attraverso la piattaforma Teams, su appuntamento da concordare mediante posta elettronica. Wednesday 13:00 14:00 in remoto, attraverso la piattaforma Teams, su appuntamento da concordare mediante posta elettronica. Friday 13:00 14:00 in remoto, attraverso la piattaforma Teams, su appuntamento da concordare mediante posta elettronica.  <b>SMORTO GUIDO</b> Wednesday 12:00 13:00		

**DOCENTE:** Prof. GIUSEPPE GIAIMO- *Lettere A-L*

<b>PREREQUISITES</b>	Basic knowledge of historical, institutional, economic and legal foundations of Italian Law, with particular reference to private and constitutional law.
<b>LEARNING OUTCOMES</b>	<ul style="list-style-type: none"> <li>- Knowledge and ability to understand: enhancing knowledge of comparative law (in English);</li> <li>- Capacity to apply acquired knowledge and understanding: helping the student to understand law from a different perspective than their domestic law and in a foreign language;</li> <li>- Ability of judgement: putting the student in a condition to independently assess the outcome of Comparative Law in a global perspective.</li> <li>- Ability to Communicate: provide students with the knowledge of the contemporary comparative law debate;</li> <li>- Learning ability: learning to deal with both the study of law in a transnational perspective and the legal categories of the common law.</li> </ul>
<b>ASSESSMENT METHODS</b>	<p>Oral examination aimed at ascertaining the level of knowledge of the subject matters.</p> <p>The evaluation will unfold as follows:</p> <p>Excellent (30 - 30 cum laude): good knowledge of the topics, excellent property of language, excellent capacity of analysis ; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Very good (26 - 29): good knowledge of the topics, good properties of language, good analytical capacity; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Good (24 - 25): Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Satisfactory (21 - 23): the student does not show that complete command of the main teaching topics, although showing to know the basic knowledge; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Sufficient (18 - 20): The threshold of sufficiency will be achieved when the student shows knowledge and understanding of the topics at least in general terms and has minimum application competencies for the resolution of concrete cases; below this threshold, the examination will be considered insufficient.</p>
<b>EDUCATIONAL OBJECTIVES</b>	Putting the student in a condition to have access to different legal systems and be able to manage them so as to operate as a professional (judge, lawyer, civil servant) in a foreign country.
<b>TEACHING METHODS</b>	Lectures directly given by the holder of the chair
<b>SUGGESTED BIBLIOGRAPHY</b>	<ul style="list-style-type: none"> <li>- G. Criscuoli, M. Serio, Nuova introduzione allo studio del diritto inglese. Le fonti, Giuffrè, 2016.</li> <li>- M. Serio, Gli albori della comparazione giuridica nella "critica di una scienza delle legislazioni comparate" (1857) di Emerico Amari, <i>Annuario di Diritto Comparato e di Studi legislativi</i>, 2012, 412 – 449 (contributo dottrinale disponibile online nel portale della didattica al link dedicato: "Materiali didattici").</li> </ul>

## SYLLABUS

Hrs	Frontal teaching
4	Method and aims of comparative law
3	Comparative Law and Domestic law
4	Legal Formants: a dynamic approach to comparative law
6	Legal systems in comparative law: features
10	The common Law and civil Law traditions: a comparison
3	Judicial reasoning in the Italian and English Law
7	Sources of English law
8	Rule of law
2	Scottish Law Autonomy
3	Public and private law
5	Doctrine of precedent
3	The recourse to legal categories in the English Private law experience
4	Structure of the courts and tribunal system
10	Common law and equity

**DOCENTE:** Prof. GUIDO SMORTO- *Lettere M-Z*

<b>PREREQUISITES</b>	Basic knowledge of historical, institutional, economic and legal foundations of Italian Law, with particular reference to private and constitutional law.
<b>LEARNING OUTCOMES</b>	<ul style="list-style-type: none"> <li>- Knowledge and ability to understand: enhancing knowledge of comparative law (in English);</li> <li>- Capacity to apply acquired knowledge and understanding: helping the student to understand law from a different perspective than their domestic law and in a foreign language;</li> <li>- Ability of judgement: putting the student in a condition to independently assess the outcome of Comparative Law in a global perspective.</li> <li>- Ability to Communicate: provide students with the knowledge of the contemporary comparative law debate;</li> <li>- Learning ability: learning to deal with both the study of law in a transnational perspective and the legal categories of the common law.</li> </ul>
<b>ASSESSMENT METHODS</b>	<p>Oral examination aimed at ascertaining the level of knowledge of the subject matters.</p> <p>The evaluation will unfold as follows:</p> <p>Excellent (30 - 30 cum laude): good knowledge of the topics, excellent property of language, excellent capacity of analysis ; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Very good (26 - 29): good knowledge of the topics, good properties of language, good analytical capacity; the student is able to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Good (24 - 25): Basic knowledge of the main topics, good property of language, the student shows limited ability' to apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Satisfactory (21 - 23): the student does not show that complete command of the main teaching topics, although showing to know the basic knowledge; he/she shows satisfactory property of language albeit with a poor ability' to adequately apply theoretical knowledge to real cases which are proposed to be analysed;</p> <p>Sufficient (18 - 20): The threshold of sufficiency will be achieved when the student shows knowledge and understanding of the topics at least in the general terms and has minimum application competencies for the resolution of concrete cases. Below this threshold, the examination will be considered insufficient.</p>
<b>EDUCATIONAL OBJECTIVES</b>	Putting the student in a condition to have access to different legal systems and be able to manage them so as to operate as a professional (judge, lawyer, civil servant) in a foreign country.
<b>TEACHING METHODS</b>	Lectures directly given by the holder of the chair
<b>SUGGESTED BIBLIOGRAPHY</b>	<p>1) G. Criscuoli, M. Serio, Nuova introduzione allo studio del diritto inglese. Le fonti, Giuffrè, 2016: pp. 1-50, 77-87, 267-387;</p> <p>2) G. Pascuzzi (a cura), Il diritto dell'era digitale, Il Mulino, 2016 (esclusi i capitoli II, III, IV, V, VII, IX, X, XI, XVI, XVII)</p> <p>o (in alternativa al G. Pascuzzi):</p> <p>A. Quarta - G. Smorto, Diritto privato dei mercati digitali, Le Monnier Università', 2020.</p>

## SYLLABUS

Hrs	Frontal teaching
4	The common law family
2	The sources of common law
4	The judicial decision
2	Repertories and books of authority
4	Legal scholarship and case law
4	Legislation
6	Law and digital technologies
2	Privacy and computer privacy
10	E-commerce
2	Copyright in the digital era
4	Digital technologies and legal rules
4	La responsabilità civile degli Internet service provider
2	Cloud computing
2	Wireless community network
4	Social network
4	De-nationalization and de-materialization
8	Contract and technology
2	Security
2	Regulation and online alternative dispute resolution

