Dr. Francesca Rotolo

Publications

Monograph

• F. Rotolo, *Generative AI's "Creative" Process in the Era of Privatisation of Knowledge*, Brill | Nijhoff, forthcoming. ***Journal Articles***

• F. Rotolo, "Rethinking Property Rights in the Age of Climate Change: Lessons from the Japanese Commons and the Italian Approach", *Asian Eastern Law Review (Rivista di Diritto dell'Asia Orientale)*, 2025, forthcoming.

• F. Rotolo, "Le *digital wars* tra istanze di sicurezza nazionale e gigantismo delle piattaforme: che fine hanno fatto gli utenti?" [Digital Wars between National Security Concerns and Platform Gigantism: What Has Become of Users?], *Il Foro italiano*, 6/2025.

• F. Rotolo, "Le discriminazioni indirette nella ricerca scientifico-farmacologica e il difficile esercizio del diritto di accesso alle cure: quale ruolo per la proprietà intellettuale?" [Indirect Discrimination in Pharmacological Research and the Difficult Exercise of the Right of Access to Care: What Role for Intellectual Property?], *Familia*, 2023.

• F. Rotolo, "Il diritto alla cura degli anziani tra vulnerabilità, logiche di mercato e brevettabilità della salute: la necessità di un ripensamento della proprietà intellettuale in chiave sostenibile" [The Right to Care for Older People
between Vulnerability, Market Logic and the Patentability of Health: The Need to Rethink Intellectual Property Sustainably], *Jus Civile*, 4/2023.

• F. Rotolo, "Riflessioni a margine di una recente pronuncia della Cassazione: un'occasione persa per ridefinire gli interessi in gioco in materia di banche dati e software" [Remarks on a Recent Ruling of the Court of Cassation: A Missed Opportunity to Redefine the Interests at Stake in Databases and Software], *Diritto di Internet*, 2/2023.

• F. Rotolo, "Creatività vs. originalità: la qualificazione di «opera dell'ingegno» nell'era dell'intelligenza artificiale" [Creativity vs. Originality: The Qualification of 'Work of Ingenuity' in the Age of Artificial Intelligence], *Rassegna di Diritto della Moda e delle Arti*, 2/2022.

• F. Rotolo, "Diritto alla vita privata e tutela della proprietà intellettuale: un bilanciamento ponderato tra gli interessi in gioco" [The Right to Respect for Private Life and the Necessary Balance with Intellectual Property Rights], *Rivista di Diritto dei Media*, 1/2019.

• F. Rotolo, "La tutela della persona tra libertà di informazione e diritto alla vita privata" [The Protection of the Person between Freedom of Information and the Right to Private Life], *La Nuova Giurisprudenza Civile Commentata*, 9/2017.

Book Chapters

• F. Rotolo, "Diritto d'autore e intelligenza artificiale: il controllo dei contenuti online tramite sistemi di *automatic filtering*" [Copyright and Artificial Intelligence: Controlling Online Content through Automatic Filtering Systems], in C. Camardi (ed.), *La via europea per l'intelligenza artificiale. Atti del Convegno del Progetto Dottorale di Alta Formazione in Scienze Giuridiche – Ca' Foscari Venezia, 25–26 novembre 2021*, CEDAM, 2023.

• G.M. Riccio, F. Rotolo, "La tutela in Italia delle opere dell'ingegno create dall'intelligenza artificiale: la necessità di un'analisi in chiave prospettica" [The Protection of AI-Generated Works in Italy: The Need for a Forward-Looking Analysis], in B. Pasa (ed.), *Design e innovazione digitale. Dialogo interdisciplinare per un ripensamento delle tutele*[Design and Digital Innovation: An Interdisciplinary Dialogue for Reshaping Legal Protections], Comparative Art Law – Diritto comparato dell'arte, ESI, 2021.

• F. Rotolo, Commentaries on Articles 31, 32 and 80 GDPR, in G.M. Riccio, G. Scorza, E. Belisario (eds.), *GDPR e normativa privacy. Commentario*, IPSOA, 2018; 2nd ed., 2022.

Conference Proceedings

• F. Rotolo, "Intellectual Property Law and Distributive Justice: A New (?) Path for Copyright Law?", in *Proceedings of the 2025 ATRIP Annual Congress "Exploring the Interface Between Intellectual Property and Justice: Theory and Practice in a Dynamic Reality"*, forthcoming.
• B. Pasa, F. Rotolo, "AI-Generated Images, Creativity, and the Law: Balancing Copyright and Artistic Freedom", in *Proceedings of the Conference Ethics and Aesthetics of Artificial Images (EA-AI 2025)*, forthcoming.
• F. Rotolo, "The Unbearable (and Unsustainable) Social Impact of AI-Generated 'Cultural Monism' and EU Digital Legislation", in *Proceedings of the SIRD Conference*, forthcoming.
• F. Rotolo, "AI-Generated 'Cultural Monism' in the Era of Knowledge Capitalism: The Systematic Risk Raised by GenAI Systems as Systemic Risk and the Uncertain Role of Copyright Law", in *Proceedings of the 2024 EPIP Annual Conference*, 2024.
• T. Scantamburlo, P. Falcarin, C. Gallese, F. Rotolo et al., "Software Systems Compliance with the AI Act: Lessons Learned from an International Challenge", in *Proceedings of the RAIE Workshop, ACM ICSE 2024*, ACM, 2024, DOI: 10.1145/3643691.3648589.

Case Notes and Commentaries

• F. Rotolo, Commentary on "La risoluzione del Parlamento europeo del 10 marzo 2026 sul diritto d'autore e l'intelligenza artificiale generativa. Opportunità e sfide (2025/2058(INI))", *Persona e Mercato* – OGID update section, 1/2026.
• F. Rotolo, Commentary on *Getty Images (US) Inc & Ors v Stability AI Ltd* [2025] EWHC 2863 (Ch), *Persona e Mercato* – OGID update section, 4/2025.
• F. Rotolo, Commentary on the U.S. Copyright Office Report "Copyright and Artificial Intelligence – Part 3: Generative AI Training", *Persona e Mercato* – OGID update section, 2/2025.
• F. Rotolo, Commentary on the U.S. Copyright Office Report "Copyright and Artificial Intelligence – Part 2: Copyrightability", *Persona e Mercato* – OGID update section, 1/2025.
• F. Rotolo, Commentary on the Assosoftware "Codice di condotta per il trattamento dei dati personali effettuato dalle imprese di sviluppo e produzione di software gestionale", *Persona e Mercato* – OGID update section, 4/2024.

Conference Presentations

• "The Lay* Listener. A Qualified Observer for Assessing Cultural Diversity in AI Music?", EPIP 2026 Annual Conference "Intellectual Property and Innovation Policy in the New Global Economy", Politecnico di Torino, Turin (9–11 September 2026).
• "The Constitutional Dimensions of Intellectual Property Law in Light of Cultural Diversity: A Comparison between Article I of the U.S. Constitution and Article 17 of the EU Charter of Fundamental Rights", ATRIP 2026 Annual Congress "Intellectual Property and Politics: From Power Relations to Realpolitik", University of São Paulo Law School (1 July 2026).
• "Care Work for Vulnerable Elderly People in a Comparative Perspective: The Role of the Family Caregiver in Italy, France and Spain", Age-It General Meeting, Naples (29–31 October 2025).
• "Care Work in France and Spain: Family Caregivers for Vulnerable Older People in a Comparative Law Perspective", conference "Silver Society, Law, and Rights: Between Work and Care", Bocconi University, Milan (9 October 2025).
• "Intellectual Property Law and Distributive Justice: A New Path Toward a More Sustainable Copyright Law?", ATRIP 2025 Annual Congress "Exploring the Interface Between Intellectual Property and Justice: Theory and Practice in a Dynamic Reality", University of Copenhagen (24 June 2025).

• "e-Health and Digital Healthcare: Addressing the Techno-Vulnerability of the Elderly, Access Issues, and the Need for Intersectional Analysis", international workshop "Sustainable Mobility and Accessibility: Gender Issues and Ageing Population. Emerging Trends and Policy Challenges" (Age-It programme), Department of Economics and Finance, University of Bari "Aldo Moro" (11 October 2024).
• "The Unbearable (and Unsustainable) Social Impact of AI-Generated 'Cultural Monism' in the Era of Knowledge Capitalism", SIRD National Conference "Ambiente, economia e società: la misura della sostenibilità nelle diverse culture giuridiche" (13 September 2024).
• "AI-Generated 'Cultural Monism' in the Era of Knowledge Capitalism: The Systematic Risk Raised by GenAI Systems as Systemic Risk and the Uncertain Role of Copyright Law", EPIP 2024 Annual Conference "Intellectual Property and the Future of the Data Economy" (12 September 2024).• "The 'Techno-Vulnerability' of Elderly People in the Elder Care Sector", Age-It General Meeting "Ageing Well in an Ageing Society" (20 May 2024).
• Presentation at the XXXIX Meeting of Italian Doctoral Programmes in Private Law ("Coordinamento dei Dottorati di Ricerca in Diritto Privato"), University of Siena (2 February 2024).
• "Discrimination against Women (and the Elderly) in Pharmacological Research and the Need to Rethink Intellectual Property Sustainably", *Rencontres des Écoles doctorales de Venise et Paris Nanterre* (12–14 October 2023).
• Speaker, session "ChatGPT, OpenAI and Privacy", 2023 Privacy Symposium Conference (20 April 2023).
• Presentations at the kick-off meeting (11–12 June 2018) and interim review (23 October 2019) of the EU Horizon 2020 project PoSeID-on (Digital Security, Grant No. 786713).

Invited Talks, Seminars and Book Presentations

• Organiser and speaker, *Lectio magistralis* by Prof. Jane C. Ginsburg (Columbia Law School), "Veri falsi: la tutela giuridica delle persone dinanzi ai *deepfake*", Ca' Foscari University of Venice (to be held on 17 November 2026).
• Speaker, "musAIc – An Interdisciplinary Analysis of GenAI's Systemic Risk to Cultural Pluralism in the Music Sector", Visiting Scholar Forum, Columbia Law School, New York (21 April 2026).
• Speaker, "The Role of IP Law in Mitigating Knowledge Capitalism's Impacts on the Freedom of the Arts and Sciences and Cultural Pluralism", IP Reading Group, CREATe Centre, University of Glasgow (27 May 2025).
• Seminar "L'approccio basato sul rischio nel GDPR e nell'AI Act" [The Risk-Based Approach in the GDPR and the AI Act], Progetto Dottorale di Alta Formazione in Scienze Giuridiche, Ca' Foscari University of Venice (10 April 2024).
• Seminar "Intellectual Property Law and Generative AI", Department of Environmental Sciences, Informatics and Statistics, Ca' Foscari University of Venice, at the invitation of Prof. Agostino Cortesi (8 June 2023).
• Speaker, panel discussion "ChatGPT: Artificial Intelligence Software and Impacts on Data Protection", with Guido Scorza (Board Member, Italian Data Protection Authority – *Garante per la protezione dei dati personali*), organised by the DPO Innovation association (12 June 2023).
• Speaker, workshop "Copyright and New Technologies", The Spark Creative Hub, Naples (25 May 2022).
• Speaker, workshop "Privacy in Artificial Intelligence and Big Data. Business Applications and Social Implications", PrivacyConnect Rome by OneTrust (21 April 2022).
• Discussant at book presentations:
– D. Kennedy, *Violenza maschile, sexy dressing e eroticizzazione del dominio*, M.R. Marella, G. Marini (eds.), Interferenze, Editoriale Scientifica, 2022 (23 May 2024).

– S. Garattini, *Brevettare la salute? Una medicina senza mercato*, Il Mulino, 2022 (8 February 2024).
– G. Zaccaria, *Postdiritto. Nuove fonti, nuove categorie*, Il Mulino, 2022 (23 February 2023).
– R. Senigaglia, C. Irti, A. Bernes (eds.), *Privacy and Data Protection in Software Services*, Springer, 2022 (18 October 2022).
– C. Irti, *Consenso "negoziato" e circolazione dei dati personali*, Giappichelli, 2021 (17 June 2022)

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