UPDATE ON FREE SOFTWARE BEFORE THE COURTS

Avv. Marco Ciurcina
ciurcina@studiolegale.it

Barcelona, 04 November 2011

Avv. Marco Ciurcina
ciurcina@studiolegale.it

Avv. Marco Ciurcina
ciurcina@studiolegale.it

TIED SALES

CONSUMER PROTECTION

Avv. Marco Ciurcina
ciurcina@studiolegale.it

ITALIAN SUPREME COURT

PIERACCIOLI v. HEWLETT-PACKARD ITALIANA S.R.L.

appealing

DECISION N. 2526/2010 OF THE TRIBUNAL OF FLORENCE,

appealing

DECISION N. 5384/2007 OF

FIRST INSTANCE JUDGE OF FLORENCE

ITALIAN SUPREME COURT

***IF YOU DO NOT AGREE* TO THE TERMS OF THIS AGREEMENT, YOU SHOULD NOT COPY OR USE THE SOFTWARE AND SHOULD PROMPTLY *CONTACT THE MANUFACTURER* *TO OBTAIN INFORMATION* ON RETURNING THE PRODUCT OR THE PRODUCTS AND *ON THE CONDITIONS OF REIMBURSEMENT* IN ACCORDANCE WITH THE PROVISIONS LAID DOWN BY THE MANUFACTURER.**

MICROSOFT

HP ***USER***

FRENCH SUPREME COURT

DECISION N. 903/2011

UFC-QUE CHOISIR V. DARTY

RIGHT TO INFORMATION

NO PROIBITION OF TIED SALES

Avv. Marco Ciurcina
ciurcina@studiolegale.it

DIRECTIVE 2005/29/EC

OF 11 MAY 2005

CONCERNING UNFAIR

BUSINESS-TO-CONSUMER

COMMERCIAL PRACTICES

Avv. Marco Ciurcina
ciurcina@studiolegale.it

AMENDMENTS

TO CONSUMER LAW

Avv. Marco Ciurcina
ciurcina@studiolegale.it

NOT ONLY CONSUMER LAW

ANTITRUST PERSPECTIVE

Avv. Marco Ciurcina
ciurcina@studiolegale.it

PUBLIC PROCUREMENT

CONSIGLIO DI STATO

appealing

T.A.R. LAZIO ASSOLI v. MINISTRY OF WORK

DECISION 2809/2007

COMPARATIVE EVALUATION

ART. 68 D. LGS. 82/05

Avv. Marco Ciurcina
ciurcina@studiolegale.it

T.A.R. BOLZANO

ASSOLI v. BOLZANO PROVINCE

EXCEPTION FOR EXCLUSIVE RIGHTS

Avv. Marco Ciurcina
ciurcina@studiolegale.it

Italian Constitutional Court

N. 122/2010:

The concepts of Free Software and software whose code can be inspected do not refer to a particular technology, brand or product, but they rather express a legal feature

Avv. Marco Ciurcina
ciurcina@studiolegale.it

CONSEIL D'ÈTAT

DECISION OF 30 SEPTEMBER 2011

THE CONTRACT AT ISSUE DID NOT CONSIST IN THE PROVISION OF SOFTWARE BUT IN ADAPTATION, INSTALLATION AND MAINTENANCE OF SOFTWARE LILIE THAT PICARDY WAS ABLE TO OBTAIN FREELY AND WITHOUT CHARGE

Thank You

ciurcina@studiolegale.it