



UNIVERSITÀ DEGLI STUDI
SUOR ORSOLA
BENINCASA

Dipartimento di scienze giuridiche

Jean Monnet Chair PROTECH

European Protection Law of Individuals
in Relation to New Technologies

www.protech-jeanmonnet.eu

III International Workshop FROM HUMAN BEING TO CYBORG National Cases on Human Embryos and the EU Court of Justice: From artificial procreation to human enhancement in the era of transhumanism

Napoli - 11 novembre 2022

Biblioteca Pagliara, Via Suor Orsola no. 10, Naples

(To reach the Biblioteca Pagliara, from the central building take the elevator in the atrium to the 4th floor, then go up the stairs to the sixth floor, turn left, walk down the corridor to the end and then turn right)

and online on Google Meet here: meet.google.com/gsu-iimu-kdw

a.y. 2021/2022

The event will be broadcast live on Facebook here www.facebook.com/unisob/live

L'Università degli Studi Suor Orsola Benincasa, in qualità di Titolare del Trattamento dati, ai sensi dell'art. 13 del Regolamento UE n. 679/2016 (GDPR), La informa che i dati personali (immagini, voce ed eventuali dati anagrafici) da lei forniti per la partecipazione all'evento online saranno trattati per il perseguimento delle finalità istituzionali proprie dell'Ateneo, conformemente a quanto previsto dall'attuale normativa europea (GDPR) e italiana (D.lgs. 196/2003 e s.m.i.). L'evento sarà diffuso in diretta streaming su tutti i canali web e social dell'Ateneo e ne sarà, altresì, effettuata ripresa audio e video. Pertanto, effettuando l'accesso alla stanza della videoconferenza, Lei parteciperà alla diretta streaming di cui viene effettuata la registrazione con la consapevolezza che la propria immagine verrà visionata in diretta - ovvero in differita, a seguito di registrazione - al momento della pubblicazione e anche successivamente da altri; l'Università potrebbe, infatti, utilizzare immagini e video anche per promuovere le proprie attività istituzionali. L'interessato può esercitare i diritti previsti dagli artt. 15 e ss. GDPR e/o richiedere maggiori informazioni, rivolgendosi al Titolare del trattamento Università degli Studi Suor Orsola Benincasa, scrivendo all'indirizzo privacy@unisob.na.it. L'informativa completa è disponibile sul sito <https://www.unisob.na.it/privacy.htm>

Qualora non voglia procedere al conferimento dei dati anzidetto, non potrà partecipare all'evento in diretta streaming, ma potrà assistere da uditorio all'evento, accedendo dai link inseriti sul sito web e sui canali social dell'Ateneo



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Evento accreditato presso il **Consiglio Nazionale del Notariato** con il riconoscimento di n. 11 crediti formativi professionali
Evento in corso di accreditamento presso il **Consiglio dell'Ordine degli Avvocati di Napoli**

For free registration at the event: https://docs.google.com/forms/d/1j-xjbc4QdwdCbs6ZnSWq7h3yC15MK_msaf5eNlrBoa0/edit

Iscrizione per il **punto bonus - STUDENTI UNISOB:**
<https://www.unisob.na.it/universita/facolta/giurisprudenza/news/avvisi.asp?vr=3&id=23869>



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The JM Chair PROTECH Project

The Jean Monnet Chair in “European Protection Law of Individuals in relation to New Technologies”

(PROTECH) held at the Università degli Studi Suor Orsola Benincasa (Department of Legal Sciences) has three main focus:

- a) Data subjects in digital habitats, with particular regard to Minors and Elderly Persons;
- b) Consumers in digital habitats, with particular regard to Minors and Elderly Persons;
- c) Embryos, unborn children, new forms of life created in laboratory.

Protech objective is to carry out debating activities about several crucial topics in the perspective of European Law creating a multidisciplinary and protective approach able to analyze the current social and economic issues of our society concerning the protection of the individual in relation to new technologies.

The start point is the idea of “technological vulnerability” with regard to the human being. From this point of view, by “vulnerable individuals” we intend all persons who act in a technological environment, with particular regards to who are in a “vulnerable” position for different reason (minor/old age, asymmetry of contractual power or information). We include in this large category human embryos as well: they are a crucial example of exposure to risk of damages because they do not act but they are ab origine created in a technological environment.

The main aim of the Jean Monnet Chair is to contribute to building the knowledge base of a culture of protection, social and economic growth, solidarity, and sustainable development within the Digital Single Market. The Jean Monnet Chair PROTECH is fundamental in order to achieve this goal focusing on the field of legal integration and harmonization for the protection of human being considered a vulnerable subject when he/she operates or is created in a technological environment.



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Activities

The JM chair PROTECH has been created in order to promote a balance between technological innovation and the human beings as “vulnerable persons”, therefore protection of an individual that lives in a technological habitat or by the technological devices that could represent an exposure to risk.

The PROTECH course covered a period of three-years and provided a multi-disciplinary approach. The target groups of PROTECH are the Law students of the University Suor Orsola Benincasa, students from other faculties, LLM and Ph.D. candidates, civil society, institutional representatives, and policymakers. Due to the interdisciplinary profile of the chair, workshops, seminars, and lectures will be organized each year on topics concerning the protection of subjects in the digital environment.

These activities will involve the participation of scholars and experts from different institutions and with different backgrounds. Workshops and seminars are intended to be freely accessible. The contributors will be selected through an annual Call for Paper to be published in advance on the UNISOB website and the specific [Jean Monnet Chair website](#).



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Dedication

*This International Workshop is dedicated to
Prof. Cesare Massimo Bianca,
my Mentor and among the most prominent
scholars of the law of persons in Italy and
Europe.*

*During his long activity as a university lecturer
and researcher, Prof. Bianca has always worked
to protect those
who are in a position of weakness in legal
relations.*

His example is intangible.

Lucilla Gatt



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MORNING SESSION

9:00 – 13:30



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INSTITUTIONAL GREETINGS

9:00 – 9:20

Lucio d'Alessandro – Rector

Tommaso Edoardo Frosini – Director of the Department of Juridical Sciences

Andrea Patroni Griffi – President of Centro Interuniversitario di Ricerca Bioetica (CIRB)

Maurizio Santise – Deputy coordinator of the Ufficio del Massimario of Administrative Justice

Antonio Areniello – President of Fondazione Italiana del Notariato and Vice-president of Consiglio Nazionale del Notariato

Antonio Tafuri – President of Ordine degli Avvocati di Napoli rappresentato da Gaetano Scuotto, Componente Direttivo SSPL, Università degli Studi Suor Orsola Benincasa

INTRODUCTION AND PANELS' COORDINATION

9:20-9:30

Lucilla Gatt – Jean Monnet PROTECH Chair Holder and Director of Research Centre of European Private Law Università degli Studi Suor Orsola Benincasa

*The protection of human beings in artificial environments:
from the origins to the transhuman*



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I PANEL

Creation of the human being in an artificial environment



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It is known that in the last decades the advances in biomedical knowledge have opened up new possibilities for manipulating the initial phase of human life from many points of view: early life, genetic editing, birth and development.

Today it is possible to produce embryos in vitro through medically assisted procreation with various techniques, just as it is possible to freeze the excess embryos, keep them or transfer them to the uterus of the biological or surrogate mother even after a long time.

In recent years, both the gestation of the embryo in an animal uterus and the so-called ectogenesis, i.e. the gestation of the human embryo in an artificial uterus, are being planned.

It is evident that the feasibility and concrete implementation of these practices has raised and continues to raise important issues of legal importance such as the qualification of the human embryo and of the so-called organoids. But even more pressing are the questions about the conditions of development and life of artificially procreated human beings.

Experts, professors and researchers offer their contributions to understanding the different stages of individuals; artificial procreation processes in order to focus on the most critical legal aspects and find a meeting point between technological and scientific advances and the protection of fundamental human rights.

9:30-11:00

CHAIRS

Antonio d'Aloia – Director of the University Center for Bioethics (UCB), Università di Parma
Ilaria Amelia Caggiano – Jean Monnet Chair EUGREEEXT, Università degli Studi Suor Orsola Benincasa

Medical and Biological Area Speakers

Geppino Falco – Head of the laboratory of ‘Staminalità e rigenerazione tissutale’ of Biogem, Università degli Studi di Napoli Federico II

Diseases characterization and treatments finding through in vivo and ex vivo models

Nicola Colacurci – President of the Italian Society of Gynecology and Obstetrics, CIRB Embryo Research Group Member, Università degli Studi della Campania Luigi Vanvitelli

Artificial habitats and the creation of human beings

Luigi Montano – President of the Italian Society of Human Reproduction (SIRU) and Coordinator of the EcoFoodFertility Research Project

Studies on the medium and long-term effects of medically assisted procreation

Sergio Guida – Founder & Team Leader Sustainable Impact LAB

Golem vs. transhuman: the man of the future between biology, new technologies, neuroethics and sustainability



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Legal and Ethical Area Speakers

Luisella Battaglia, Director of Italian Institute of Bioethics, Università degli Studi di Genova

Human Embryos and Artificial Intelligence

Sara Landini – PI of Goineu DGJ project, PI of GoinEuplus DGJ project, Module PI_IS Jean Monnet Chair, Università degli Studi di Firenze

Legal aspects of organoids

Laura Valle – FAMSL Coordinator, Free University of Bozen-Bolzano

Surrogacy contract as an instrument of protection of all individuals involved in the artificial procreation process

Francesca di Lella – CIRB Embryo Research Group Member, Università degli Studi di Napoli Federico II

Reproductive technologies and human embryo identity in vitro: Perspectives

Questions by

Paola Grimaldi, Lecturer in Private Green Law, Università della Campania “Luigi Vanvitelli”

Marco Rizzuti – Lecturer in Bio Law, Università degli Studi di Firenze

Francesca Ferretti – Ph.D. (c) in Bio Law, Università degli Studi di Camerino



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II PANEL

Human enhancement technologies; human-machine interaction and hybridization



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Dialogue between different areas of knowledge opens a debate on a hybrid third dimension in which humans and machines are symbiotic. Developments in artificial intelligence arouse attention and optimism, but also doubts and uncertainties. The goal is to realize the interaction between Artificial Intelligence and Law to achieve a balance between advantages and disadvantages.

Legal and ethical mediation is needed to encourage and regularize technological innovation in the market by setting limits for human-machine hybridization, while also taking sustainability into account.

Multidisciplinary collaboration is implemented to develop a greater awareness of the importance of innovation to improve the conditions of human life, but collaboration between lawyers teams and scientists teams to design AI technologies that are truly human-centered is essential.

Experts, professors, and researchers offer their input to understand current human enhancement technologies and their impact on human life even and especially from a legal perspective.

11:00-12.30

CHAIR

Ugo Ruffolo – Coordinator of the “Artificial Intelligence and Law” Cycle of Seminars, Alma Mater Studiorum Università di Bologna

Artificial Intelligence Area Speakers

Pasquale Arpaia – Director of the Interdepartmental Center for Research in Health Management and Innovation in Healthcare (CIRMIS), Università degli Studi di Napoli Federico II

CIRMIS projects presentations

Andrea Emilio Rizzoli – Director of the Dalle Molle Institute for Artificial Intelligence, IDSIA USI-SUPSI

IDSIA project presentations

Roberto Montanari – RE:LAB Co-founder and Technical Director of the ‘Scienza Nuova’ integrated laboratory of innovative technologies for the social sciences, Università degli Studi Suor Orsola Benincasa

‘Scienza Nuova’ projects and HMI technologies



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Legal and Ethics Area Speakers

Maria Antonia Ciocia – Director of the Economics Department, Università degli Studi della Campania Luigi Vanvitelli

The protection of intellectual creation and blockchain technology

Erica Palmerini – Coordinator of the RoboLAW Project, Scuola Superiore Sant’Anna di Pisa

The market for human enhancement technologies

Andrea Bertolini – Director of EURA Jean Monnet Centre of Excellence, Scuola Superiore Sant’Anna di Pisa

Governing human enhancement through the principles of dignity and equality

Fiorella Battaglia – Principal Investigator of AlnCP, Università del Salento, con Giuseppe Di Vetta – Post-Doc Research Fellow, CAIROS Research Project, Scuola Superiore Sant’Anna di Pisa

Sandbox for BCI devices and cyborg experimentation



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KEYNOTE SPEECH

13:00-13:15



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PIM HASELAGER

SIAC Principal Investigator, Department of Artificial Intelligence at
the Donders Institute for Brain, Cognition and Behaviour, Radboud
University

*AI and neurotechnology: mirroring human
(im)perfections*

13:15-13:30

Question by

Lucio Casalini - Postdoctoral Research Fellow, Università degli Studi
di Camerino and JODI Member

Fabrizio Cesareo - Postdoctoral Researcher Fellow, Università degli
Studi di Milano Bicocca



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Università Suor Orsola Benincasa - Piano Mostre Light lunch & Networking - 13:30-15:00

History

The “Università degli Studi Suor Orsola Benincasa” is the oldest non-state secular university situated on the slopes of Sant’Elmo Hill, overlooking Naples and its Gulf. The athenaeum is an old monastic fortress founded in 1582 by Orsola Benincasa, a Neapolitan mystic to whom is today dedicated the University. This ancient convent covers a surface of 33.000 square meters on which stand eight buildings including two churches, cloisters, and hanging gardens, all the areas are always available for its students who can enjoy the stunning panoramic view.

In 1885 by Royal Decree the Faculty of Magisterium was established, which was equalized in 1901 along with those of Rome and Florence. After a century or so, in 1995 by Reform Decree published in Official Gazette No. 264, the Faculty of Magisterium was reformed through the establishment of the Suor Orsola Benincasa University Institute and the activation of courses of study in Education. This was followed by the activation of courses of study in Humanities and Law. In 2004, by Rectoral Decree published in the Official Gazette No. 157 of July 2004, the University Institute was transformed into the Suor Orsola Benincasa University of Studies. More recently, courses of study in economics, communication and digital humanities have been launched.

With its three-year and master's degree programs, its Schools of Journalism and Cinema and Television, its numerous Master's and Postgraduate Courses, and its Life Long Learning Center, UNISOB is an educational hub that is characterized by multidisciplinary and highly professionalizing teaching activities, projected toward experimentation and the business world.

A lot of state-of-the-art facilities operate in the University.

Among them, the “Scienza Nuova” and the “ReCEPL” Research Centers aim to bring the world of humanistic knowledge closer to the most advanced experiences of scientific and technological development, and which enable students, doctoral students and postdoctoral fellows to work on innovative research projects, with partners of national and international significance.

The University is based in the ancient monastic citadel where there is also a rich Art Museum Complex, managed by the Ente Morale “Ritiro Suor Orsola Benincasa di Napoli.” Part of the Pole is the Museo Storico also known as the Museo dell’Opera Universitaria, located on the so-called Exhibition Floor.

This is an exhibition space created in 2004 from the desire to finally make the art collections preserved by the Ente Morale usable and also to make a contribution to the work of study and research related to the preservation of cultural heritage, one of the main vocations of the University and the Ente itself.

Directions

To get our Piano Mostre: on the third floor,
continue keeping to the left until you reach the flight of stairs.
Follow the stairs to the right up to the second floor.



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AFTERNOON SESSION

15.00 – 18.30



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III PANEL

Technologies to support human beings in vulnerable situations



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The topic covered in this panel discussion offers insights into the positive and/or negative consequences that can result from the use of technologies taking into account the specific condition of the person using them.

Seemingly different situations are examined but which have in common the exposure of the subject agent to a technology over which he or she does not or may not have control and with respect to which he or she is therefore vulnerable.

This happens to everyone who uses a technology to achieve a result more efficiently and quickly than their own capabilities, and this happens in many different contexts (disability, health issues, B2C relationships, decision-making process especially in the judiciary).

Experts, professors and researchers offer their input on how, in all these contexts, it is appropriate to ask about the legal consequences of using such technologies.

15:00-16:20

CHAIRS

Giuseppe Corasaniti – Former member of the Innovation Office of Italian Supreme Court
Giovanna De Minico – Ermes Director,
Università degli Studi di Napoli Federico II

Economics and Engineering Area Speakers

Luigi Maria Sicca – Professor of Business and Public Administration Organization, Università degli Studi Suor Orsola Benincasa di Napoli and Scientific Director puntOorg International Network con **Anna Anita Mollo** (Senior Researcher ReCEPL, Unisob) e **Domenico Napolitano** (Lecturer in Theories and techniques of sound in media, Unisob)

Technology & Disability: Social and legal frameworks of assistance and protection

Martina Galli – Rector's Delegate to Inclusion and Equity, Università degli Studi della Tuscia

VRAILLEIXA project, using AI and VR to support dyslexic students: what limits on vulnerability?

Amedeo Manzo – President of Federazione BCC

BCC's digital approach to protecting individuals and their vulnerabilities

Francesco Flammini – Professor of Trustworthy Autonomous Systems, REXASI-PRO

REliable & eXplAinable Swarm Intelligence for People with Reduced mObility



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Legal and Ethics Area Speakers

Salvatore Orlando – Director of the Juridical Observatory on Digital Innovation- JODI, Sapienza Università di Roma

Data vs. Capta: not only a linguistic choice

Valentina Cuocci – Member of the Coordination Committee of the Summer School Governance in the digital age

Supported Decision Making Agreement (SDM) and private 'support' mechanisms for informed choices

Giovanna Capilli – Director of the Advanced Course in Cybersecurity, Università San Raffaele di Roma

Digital health: new challenges

Luigi Viola and Gianfranco D'Aietti – JurAI Consortium Directive Members

Augmented justice and decision making



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PROTECH OPEN ACCESS SCIENTIFIC RESOURCE

European Journal of Privacy Law & Technologies Protech Section

16:20-16:30

Lucilla Gatt and Ilaria A. Caggiano - EJPLT Directive Committee
M. Cristina Gaeta - Lecturer in Private Law, EJPLT Editorial Committee
Coordinator

European Journal of Privacy Law & Technologies (EJPLT)

The European Journal of Privacy Law and Technology is an academic journal on European law with a special focus on privacy, and, more in details, on the increasingly important relationship between law and innovation, the humanities, and technology.

EJPLT is the result of a collaboration between institutions from three different European countries (Italy, UK, and Spain). More precisely, this Consortium arises from the European project 'Training Activities to Implement the Data Protection Reform' (TAtODPR), a project co-funded by the Rights, Equality and Citizenship Programme of the European Commission (2014-2020) under Grant Agreement n. 769191 of 2017.

Four Universities and one business participated in this European project, providing different perspectives and expertise: Università degli Studi Suor Orsola Benincasa of Naples, Coordinator of the TAtODPR project, Universidad de Seville (USE), Loughborough University (LBORO). University of Derby (DER), RE:Lab I.I.c. (REL).

EUROPEAN JOURNAL
OF PRIVACY LAW
& TECHNOLOGIES

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- Since 2020, the Journal has been co-funded by the European Commission within the Jean Monnet Chair 'European Protection Law of Individuals in relation to New Technologies', Erasmus+ Programme, that has ensured a Journal renewed research focus on the European Protection Law of the individuals in the digital age.
- In 2022 EJPLT has been further implemented thanks to winning the co-funding for the Jean Monnet Chair 'European Green Rights: reshaping fundamental rights for next generations' (EUGREENEXT)", Erasmus+ Programme, which contributed to the expansion of the research topics by also including a specific focus on Green Technologies. A specific section of the Journal dedicated to the JM Eugreenext Chair has been created and presented in the I Workshop in 29.09.2022 at Suor Orsola University.

EJPLT – PROTECH section

The Journal presents a specific section dedicated to the Protech project, further divided into areas of insight regarding arguments as:

- *Privacy law* (Consent to the processing of personal data; Dati sensibili "indiretti"; Geo-localization; Ensuring Data Protection in the Internet of Things Domain; Data in the Healthcare sector).
- *Consumer law* (Compliance evaluation; Vdor Risk Management and Data Protection Agreement negotiation;
Preface – The contradictions of the privacy; Processing personal data and the role of consent).
- *Life law* (The scientific innovations of fetal surgery and artificial womb could innovate also the concept of legal personhood).



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IV PANEL

Future scenarios in the era of transhumanism



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The massive and pervasive use of technologies to enhance physical and cognitive capabilities in order to improve those aspects of the human condition considered undesirable paves the way for the progressive transformation of human beings into cyborgs and, more generally, for transhumanist perspectives.

It is crucial that a vision of “technologies legal and ethical compliance” accompanies technological evolution very closely in order to prevent it from becoming a slave to purely economic logic.

Scenarios are imagined and possible directions are proposed from a perspective of ex ante measurement of the impact of technologies on the fundamental rights of human (and other living) beings.

Representatives of public and private institutions expound their forecast on the development of human beings in their increasingly symbiotic relationship with technologies.

16:30-18:00

CHAIR

Francesco Romeo – Coordinator of CREA Project, Università degli Studi di Napoli Federico II

Institutions Area Speakers

Caterina Flick – Manager in charge of the Legal Affairs Office, Agency for Digital Italy (AgID)

Digital identity

Aldo Iannotti della Valle – Ph.D., former Legal Expert in the Italian Prime Minister Mario Draghi's Office

Public policies for strategic investment in relation to new technologies

Roberto Paura – President Italian Institute for the Future

Emerging megatrends toward a fully-disembodied future



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Legal and Ethics Area Speakers

ReCEPL Project - Tool for assessing and measuring the trustworthiness and risk of technologies impact on fundamental human rights

Lucilla Gatt e Ilaria Amelia Caggiano – Coordinators

Papers Presentations

a) BCI devices and their legal compliance: a prototype tool for its evaluation and measurement (*ReCEPL Team Members: M. Cristina Gaeta, Anna Anita Mollo*)

b) BCI devices and their capacity to express human will having legal value: a model of risk-based classification (*ReCEPL Team Members: Emiliano Troisi, Livia Aulino, Luigi Izzo, Davide Silvio D'Aloia*)



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KEYNOTE SPEECH

18:00-18:15



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RAFFAELLA SADUN

Charles E. Wilson Professor of Business Administration, Harvard Business School, President of the Scientific Committee Fondo per la Repubblica Digitale (former Advisor of the Italian Prime Minister Mario Draghi)

The role of Fondo per la Repubblica Digitale

18:15-18:30

Question by

Andrea Del Forno – Ph.D. (c) Università degli Studi di Siena
Francesco Ribezzo – Ph.D. (c) Università degli Studi di Bari Aldo Moro
Lavinia Vizzoni – Appointed Lecturer Department of Political Sciences,
University of Pisa



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Scientific Organization

Maria Cristina Gaeta

Jean Monnet Chair PROTECH Staff Member

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with the collaboration of

- ReCEPL Researchers: Paola Grimaldi, Livia Aulino, Luigi Izzo.
- ReCEPL interns: Benedetta Auricchio, Antonio Capone, Chiara Di Vaio, Martina Montebuglio



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