

ANDREA TOSATO

University of Nottingham, School of Law
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University of Pennsylvania, Law School
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ACADEMIC POSITIONS

University of Pennsylvania Law School, Philadelphia, USA.

Visiting Associate Professor (2021 – present)

Lecturer (2019 – 2021)

Courses Taught: Contracts, Secured Transactions Law, Blockchain and the Law, International Business Transactions

University of Nottingham School of Law, Nottingham, United Kingdom.

Associate Professor (2019 – present)

Assistant Professor (2013 – 2018)

Courses Taught: Contract law, Commercial law, Secured Transactions Law, Intellectual Property law, International Sale of Goods, Conflicts of Laws, Law of the European Union

University of Pennsylvania Law School, Philadelphia, USA.

Visiting Research Scholar (September 2018 – May 2019)

University of Chicago Law School, Chicago, USA.

Visiting Research Fellow (July 2017 – September 2017)

King's College London Dickson Poon School of Law, London, United Kingdom.

Visiting Research Fellow (January 2013 – August 2013)

PUBLICATIONS – Peer Reviewed Journals, Law Review Articles and Essays

Non-Cashflow-Monetizations, 103 B.U. LAW REVIEW (*forthcoming*) (with Christian Odinet) (invited contribution)

The Private Law of Stablecoins, 54 ARIZONA STATE L.J. (*forthcoming*) (with Kara Bruce and Christian Odinet)

- Awarded the **Grant Gilmore Award** of the American College of Commercial Finance Lawyers in recognition of “superior writing in the field of commercial finance law”

Access to Medicines and the Failure of Export Licenses, 91 FORDHAM L.R. (*forthcoming*) (with Ezinne M. Igboqwe)

Stablecoins in Bankruptcy, 42 THE BANKRUPTCY LAW LETTER 1 (2022) (with Kara Bruce and Christian Odinet)

Commercial Law Intersections, 72 HASTINGS L.J. 999 (2021) (peer-reviewed) (with Giuliano G. Castellano)

- Cited by the World Bank:
 - o *Distributed Ledger Technology and Secured Transactions Frameworks: A Primer* (2020) (<https://bit.ly/DLTNote3>)
 - o *Coordinating Prudential Regulation and Secured Transactions Frameworks: A Primer* (2020) (<https://bit.ly/3kHJx0I>)
- Featured in the Duke University School of Law FinReg Blog, 30 June 2020 (<https://sites.law.duke.edu/thefinregblog/2020/06/30/commercial-law-intersections-coordination-failures-and-the-quest-for-legal-coherence>)

Secured Transactions and IP licenses: comparative observations and reform suggestions, 81 LAW & CONTEMP. PROBS. 155 (2018)

- Cited by the World Bank, *Collateral Registry, Secured Transactions Law and Practice* (2020) (<https://bit.ly/352keSA>)

- Featured in the Oxford Business Law Blog, 13 June 2018 (<https://www.law.ox.ac.uk/business-law-blog/blog/2018/06/secured-transactions-law-twenty-first-century>)

Intellectual Property License Contracts: Reflections on a prospective UNCITRAL Project, 86 U. CIN. L. REV. 1251 (2018)

Commercial agency and the duty to act in good faith, 36 OXFORD JOURNAL OF LEGAL STUDIES 661 (2016) (peer-reviewed)

An exploration of the European dimension of the Commercial Agents Regulations, 39 LLOYD'S MARITIME AND COMMERCIAL LAW QUARTERLY 544 (2013) (peer-reviewed)

- Cited by the European Court of Justice, *The Software Incubator (Self-employed commercial agents - Concepts of 'sale' and 'goods' - Supply of computer software) Opinion of Advocate General Tanchev*, [2020] EUECJ C-410/19_O (17 December 2020)

The protection of traditional foods in the EU: Traditional Specialities Guaranteed, 19 EUROPEAN LAW JOURNAL 545 (2013) (peer-reviewed)

Security interests over intellectual property, 6 JOURNAL OF INTELLECTUAL PROPERTY LAW & PRACTICE 93 (2011) (peer-reviewed)

The UNCITRAL Annex on security rights in IP: a work in progress, 4 JOURNAL OF INTELLECTUAL PROPERTY LAW & PRACTICE 743 (2009) (peer-reviewed)

PUBLICATIONS – Book Chapters and Book Reviews

Personal Property Security Law: International Ambitions and Local Realities, in INTERNATIONAL BUSINESS LAW 283 (Lucio Ghia ed. 2019) (with Giuliano G. Castellano)

- Featured in the Oxford Business Law Blog, 5 June 2020 (<https://www.law.ox.ac.uk/business-law-blog/blog/2020/06/unlocking-secured-credit-international-ambitions-and-domestic>)

Security interests over intellectual property rights in Italy: critical analysis and reform proposals, in INTERNATIONAL AND COMPARATIVE SECURED TRANSACTIONS LAW 259 (Spyridon Bazinas and Orkun Akseli eds. 2017)

Joseph McMahon & Michael Cardwell, Research Handbook on EU Agriculture Law: Book Review, 54 Common Market Law Review 969 (2017)

Jens Hartig Danielsen, EU Agricultural Law: Book Review, 51 Common Market Law Review 1307 (2014)

Amendments to the Italian Code for Industrial Property, GRUR International 1111 (2010)

WORKS IN PROGRESS

Predatory Crypto in Real Estate (with R. Wilson Freyermuth and Christopher Odinet) (providing a critical analysis of the legal implications stemming from the use of blockchain technology and NFTs in real estate conveyancing and financing)

Smart Remedies for Smart Contracts (with David Hoffman) (mapping the remedial framework for breach of contract in transactions involving smart contracts)

Purchase Money Security Interests and General Intangibles (analysing the UCC-9 regime for purchase money security interests involving general intangibles – such as digital assets and IP rights – as collateral)

PUBLICATIONS – Italian Law Commentaries and Case Notes

Commentary to Articles 103-106, 111, 167 Italian Copyright law; Articles 138-140 Industrial Property Code, in COMMENTARIO BREVE ALLE LEGGI SU PROPRIETÀ INTELLETTUALE E CONCORRENZA (Luigi C. Ubertazzi, ed. 2019)

Commentary to Articles 103-106, 111, 167 Italian Copyright law; Articles 138-140 Industrial Property Code, in COMMENTARIO BREVE ALLE LEGGI SU PROPRIETÀ INTELLETTUALE E CONCORRENZA (Luigi C. Ubertazzi ed. 2016)

Commentary to Articles 103-106, 111, 167 Italian Copyright law; Articles 138-140 Industrial Property Code, in COMMENTARIO BREVE ALLE LEGGI SU PROPRIETÀ INTELLETTUALE E CONCORRENZA (Luigi C. Ubertazzi ed. 2012)

Garanzie “reali” e diritti IP: per un censimento dei materiali [A historical analysis of statutory provisions regulating the taking of security in IP rights in Italy], IL DIRITTO D’AUTORE 557 (2009) (peer reviewed)

Case Notes:

- *Trib. Milano, ord. 10 December 2008, (2009) AIDA 1305*
- *Trib. Roma, 16 September 2008, (2009) AIDA 1306-1312*
- *Trib. Roma, 14 June 2007, (2008) AIDA 1224*
- *Trib. Roma, 23 January 2008, (2008) AIDA 1244*
- *Trib. Milano, 24 April 2008, (2008) AIDA 1247*
- *Trib. Milano, 10 December 2006, (2007) AIDA 1240*
- *App. Torino, 13th January 2006, (2007) AIDA 750-754*
- *Cass. 13th June 2006, (2007) AIDA 686-693*
- *Cass. 19th September 2005, (2007) AIDA 656-664*
- *CJEU C-169/05, (2007) AIDA 585-592*
- *Trib. Roma, 3 October 2006, (2006) AIDA 1175-1177*
- *Trib. Roma, 10 July 2006, (2006) AIDA 1168-1174*
- *Trib. Bari, 13 June 2006, (2006) AIDA 1166-1167*
- *Trib. Roma, 20 December 2005, (2006) AIDA 1146-1151*
- *Trib. Milano, 3 December 2004, (2006) AIDA 1144-1145*

EDUCATION

University of Pavia, Pavia, Italy.

Ph.D. in Commercial Law – Intellectual Property Law (April 2010)

University of Cambridge, Cambridge, UK.

LLM in International Commercial Law (Merit) (June 2008)

University of Pavia, Pavia, Italy.

Law degree, 110/110 *cum laude* (April 2006)

ACADEMIC AND PROFESSIONAL SERVICE

Uniform Law Commission

- Permanent Editorial Board for the Uniform Commercial Code (March 2022 – present)
 - Associate Research Director (co-appointment with Professor Carla Reyes)
- Enactment Committee for the 2022 Uniform Commercial Code Amendments (August 2022 – present)
- UCC and Emerging Technologies Committee (Joint Committee with the American Law Institute) (June 2019 – July 2022)
 - Member of the Digital Assets Working Group
 - Member of the Governing Law Working Group
 - Member of the Documents of Title Working Group

American Bar Association Business Law Section – Uniform Commercial Code

- Co-Chair, Sub-Committee for UCC and Emerging Technologies (September 2022 – present)
- Vice Chair, Sub-Committee for UCC Article 2 and 7 (March 2022 – present)
- Member of the Task Force on Tokenized Payment Instruments (August 2022 – present)

Italian Ministry of Foreign Affairs

- Advisor for International Commercial Law affairs (2008 – present)
- Delegate to the United National Commission on Trade Laws (UNCITRAL) (2008 – 2017), representing the Italian government in the negotiations for:
 - The UNCITRAL Model Law on Secured Transactions: Guide to Enactment (2017);
 - UNCITRAL Model Law on Secured Transactions (2016);
 - UNCITRAL Guide on the Implementation of a Security Rights Registry (2013);
 - UNCITRAL Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property (2010)

UNIDROIT

- Member of the Drafting Committee for the Working Group developing the Unidroit Principles on Digital Assets (April 2022 – present)
- Member of the Working Group developing the Unidroit Model Law on Warehouse Receipts (April 2022 – present)

Kozolchyk National Law Center

- Content director for International Development Bank funded project to facilitate the use of IP rights as collateral in Jamaica (January 2021 – present)
- Content director for the IFC-World Bank report on the impact of blockchain technology on secured transactions law reform (January 2018 – March 2020)
- Content director for the Unidroit Report on the best practices for electronic collateral registries (June 2019 – September 2019)

AWARDS – SCHOLARSHIPS

University of Nottingham. Nominated for LLM lecturer of the year award (December 2017)

University of Nottingham. Nominated for the University of Nottingham Student Union Teaching Award (February 2017)

University of Nottingham. LLM lecturer of the year award (March 2016)

University of Pavia. Italian Government Ph.D. scholarship (September 2006 – April 2010)

PRESENTATIONS AND INVITED TALKS

Association of American Law Schools, San Diego. ‘Digital Assets, Virtual Currencies, & UCC Reform’ (2023)

The Federal Reserve Bank of New York, New York. ‘The Private Law of Stablecoins’ (2022)

Baruch College, New York City. ‘The emerging private law framework for digital assets’ (2022)

UNIDROIT, Rome. ‘Enforcement and Digital Assets: Rights of Secured Creditors’ (2022)

Brooklyn Law School, New York City. ‘Commercial Law Harmonization: Past as Prologue’ (2022)

American Bar Association, Business Law Section 2022 Spring Meeting, Atlanta. College of Commercial Finance Lawyers. ‘UCC and Emerging Technologies’ (2022)

American College of Commercial Finance Lawyers. ‘UCC and Emerging Technologies’ (2021)

University of Wien. Vienna. ‘ULC/ALI Project on Digital Assets: Comparative observations’ (2021)

UNIDROIT. Rome. ‘Model Law on Warehouse Receipts: Contractual Issues’ (2020)

UNIDROIT. Rome. ‘Distributed Ledger Technology and international sales of commodities’ (2019)

Universidad Carlo III Madrid, II Conference on International Coordination of Secured Transactions Law Reforms. ‘Distributed ledger technology as the bridge between general secured transactions registers and assets specific registration systems?’ (2018)

American Bar Association, Business Law Section 2017 Meeting, New Orleans. ‘Making the Intangible Untouchable: Creating, Perfecting and Enforcing Security Interests in Intangibles in Cross-Border Transactions’ (2017)

UNCITRAL, Fourth International Colloquium on Secured Transactions, Vienna. ‘International principles of contract law for IP licences’ (2017)

University of Leeds, Secured Transaction Law Reform Conference. ‘Priority rules for the taking of security over IP rights in English law: the case for reform’ (2017)

Secured Transaction Law Reform Conference, London. ‘Taking security over IP’ (2015)

Italian Ministry of Foreign Affairs. ‘The Italian legal framework for personal property security: the case for reform’ (2014)

University of Glasgow, Yearly Intellectual Property Conference. ‘Security interests over IP rights under English, Scottish and International Law’ (2011)

International Chamber of Commerce of Istanbul. ‘Taking security over IP rights under the UNCITRAL legislative guide on Security Interests’ (2010)

Yeditepe University, Istanbul. ‘The legal nature of IP rights: past, present and future’ (2010)

TEACHING EXPERIENCE

University of Bournemouth. Lecturer in Commercial law, IP law and International law (2011 – 2013)

University of Pavia. Lecturer in Trademarks law and Roman law (2010 – 2011)

University of Florence. Lecturer in Copyright Law and European Union law (2008 – 2011)

LANGUAGES

Italian, English and French. Fluent

Spanish and German. Competent

REFERENCES

United States of America

Professor David Hoffman, William A. Schnader Professor of Law, Deputy Dean, University of Pennsylvania

Professor Charles W. Mooney Jr., Charles A. Heimbold, Jr. Professor of Law, Emeritus, University of Pennsylvania

Professor Christopher Odinet,
Michael & Brenda Sandler Fellow in
Corporate Law, University of Iowa

Professor Edward Janger, David M.
Barse Professor of Law, Brooklyn Law
School

Professor Neil B. Cohen, 1901
Distinguished Research Professor of
Law, Brooklyn Law School

Professor William H. Henning,
Executive Professor of Law, Texas
A&M University, School of Law

United Kingdom

Professor Howard Bennett, Hind
Professor of Commercial Law,
University of Nottingham

Professor Louise Gullifer, Rouse Ball
Professor of English Law, University of
Cambridge

International Organizations

Professor Ignacio Tirado, Secretary
General of The International Institute
for the Unification of Private Law
(Unidroit)