



Program

Ciao!

Welcome to the FIU College of Law's 26th biannual symposium, *Made in Italy*.

Today, you will explore the historical influences that established the "Made in Italy" brand and learn about the overarching legal schemes that govern product development, quality control, intellectual property rights, global export, and more. Symposium discussion will focus on three industries hallmark of the Made in Italy brand: food, wine, and design. You will savor the flavors of Made in Italy via *espresso*, *pasta di gragnano*, and finish the day tasting *Denominazione di Origine Controllata* wines.

In addition to the dialogue today, symposium participants have prepared papers on their respective panel topics, which *FIU Law Review* is excited to publish in the coming months.

We are glad you could join us today, and we hope you enjoy exploring Italian culture and law through *Made in Italy*.

Grazie,

A handwritten signature in black ink, appearing to read "S. Morgado", with a stylized, cursive script.

Sarah Morgado
Editor-in-Chief, *FIU Law Review*

MADE IN ITALY: THE LAW OF FOOD, WINE, AND DESIGN

Welcome to *FIU Law Review*'s Spring 2020 Symposium

Food, drink, and design are not just aesthetic expressions of culture and nature. They are also products of law. Legal rules structure every step of the creation and distribution process. Health and safety regulations govern how products are made. Geographic indicators and labeling rules determine how products may be advertised. Copyright and patent laws designate who can profit from them. Yet, the law goes beyond even that. It contains the rules of property which affect where products are developed. It organizes the labor conditions under which they are produced. It implements policies that promote certain types of production and discourage others. Fiscal subsidies, technical assistance, and access to credit are all key factors of the production process. And, they are all embedded in the legal regime.

This one-day symposium will focus on the laws that support Italy's most valued and globally exported products. The "Made in Italy" branding depends on a complex legal regime permeating all aspects of development, production, and global export. It also stands behind representations of excellence and quality. Speakers will address a variety of "Made in Italy" products and the formal and informal rules that define, support and – in some cases – undermine them. The labor relations behind olive oil production, the geographic indicators that signal unique wine flavors and tastes, the property regime that enables certain types of agricultural production, secured lending laws tailored to cheese and prosciutto production, the regulation of grains in the making of quality pasta, and a few others. The symposium at the FIU College of Law is scheduled on February 21, 2020, during the week of the South Beach Wine and Food Festival. The papers presented will be subsequently published in the *FIU Law Review* in a special symposium edition.

Presented by:
FIU LAW

SCHEDULE OF EVENTS

Made in Italy: The Law of Food, Wine, and Design

Friday, February 21, 2020

REGISTRATION

8:00 AM – 9:00 AM

Registration and Continental Breakfast

WELCOME & INTRODUCTION

9:00 AM – 9:15 AM

Antony Page, Dean, *Florida International University College of Law*
Jorge Esquirol, *Florida International University College of Law*

FIRST PANEL: ITALIAN COFFEE & HEALTHY FOODS

9:15 AM – 10:30 AM

Bianca Gardella Tedeschi, *Università del Piemonte Orientale “A. Avogadro”*
Helena Alviar García, *Sciences Po Law School, Paris*
Lorenzo Bairati, *Università di Scienze Gastronomiche di Pollenzo*

Moderator: Cyra Choudhury, *Florida International University College of Law*

ESPRESSO BREAK

10:30 AM – 11:00 AM

featuring Lavazza™ Italy's Favorite Coffee

SECOND PANEL: PASTA & TOMATO SAUCE

11:00 AM – 12:30 PM

Fernanda Nicola, *American University Washington College of Law*

Gino Scaccia, *Università degli Studi di Teramo*

Tomaso Ferrando, *University of Antwerp, Belgium*

Maria Rosaria Marella, *Università degli Studi di Perugia*

Moderator: Ileana Porras, *University of Miami School of Law*

SPAGHETTI LUNCH

12:30 PM – 2:00 PM

featuring

Spaghetti di Gragnano con crema di San Marzano e Basilico

Casarecce di Gragnano con Ragù bianco di Carne

Insalatina con rucola, pomodorini, mozzarelline, pesto e

Croutons

THIRD PANEL: ARCHITECTURE, FASHION, & DESIGN

2:00 PM – 3:45 PM

Giovanni Marini, *Università degli Studi di Perugia*

Barbara Pozzo, *Università degli Studi dell'Insubria, Como*

Janewa Osei-Tutu, *Florida International University College of Law*

Moderator: Eloisa Rodriguez-Dod, *Florida International University College of Law*

FASHIONABLE PAUSE

3:45 PM – 4:15 PM

FOURTH PANEL: BRUSCHETTA & WINE
4:15 PM – 5:30 PM

Jorge Esquirol, *Florida International University College of Law*
Michele Graziadei, *Università degli Studi di Torino*
Tommaso Pavone, *Princeton University*

Moderator: Helena Alviar García, *Sciences Po Law School, Paris*

WINE & CHEESE RECEPTION
5:30 PM – 6:30 PM

featuring

Denominazione di Origine Controllata wines

*Parmigiano Reggiano, Pecorino Toscano,
Pecorino al Tartufo, and Asiago cheeses;
Prosciutto di Parma, Speck, Mortadella, and
Soppressata cured meats; and
Piccole Bruschette Classiche, Foccacia e Grissini*

WELCOME

ANTONY PAGE



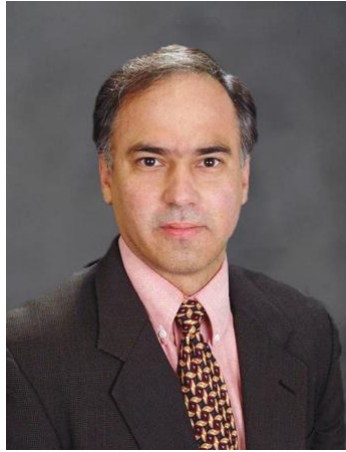
Dean

Florida International University College of Law

Antony Page was named the third dean of the FIU College of Law in May 2018. An expert in corporate law, he teaches a wide range of courses including Contracts, Sales, Closely Held Business Organizations, Publicly Traded Corporations, Mergers & Acquisitions, International Law, and International Securities Regulation. His scholarly works have been published in high-impact journals such as the Michigan Law Review, Emory Law Journal, Stanford Social Innovation Review, and Boston University Law Review, and have been cited by numerous courts, including the U.S. Supreme Court. Prior to joining FIU Law, Dean Page served as Vice Dean and Professor of Law at the Indiana University Robert H. McKinney School of Law.

Dean Page earned his J.D. with distinction from Stanford Law School, where he was elected to Order of the Coif. He also earned an M.B.A. from Simon Fraser University in Vancouver and a B.Comm from McGill University in Montreal. Following law school, he clerked for the Honorable H.L. Hupp of the U.S. District Court for the Central District of California, and for the Honorable A.L. Alarcon of the U.S. Court of Appeals for the Ninth Circuit. His international professional experience includes private practice in the London and Los Angeles offices of New York-based law firm Sullivan & Cromwell, and service in the Canadian Department of Foreign Affairs as Second Secretary & Vice Consul in Thailand, Laos, and Burma; Trade Commissioner in the Asia-Pacific South Division; and Assistant Trade Commissioner in the European Union Trade and Economic Relations Division.

JORGE L. ESQUIROL



Professor of Law

Florida International University College of Law

Graduate of the Harvard Law School J.D. 1989 and doctorate in law, the S.J.D. 2001. Finance major summa cum laude from Georgetown University 1986. Professor Esquirol is a founding faculty member of the FIU College of Law 2002. Previously, he was on the faculty at Northeastern University School of Law from 1997-2002 and earlier was the Director of Academic Affairs at the Harvard Law School Graduate Program from 1992-1997. He was the Fulbright Distinguished Chair in Law for the 2015-16 academic year at the University of Trento, Italy. He has also been a visiting research professor at the Watson Institute at Brown University, visiting professor at the University of Miami School of Law and the University of Denver College of Law, a resident scholar at the Université de Paris X (Nanterre), France, and a visiting researcher at the Constitutional Court of Colombia. He clerked for the United States District Court for the Southern District of Florida in Miami and was an associate attorney at the Wall Street firm of Shearman and Sterling. Professor Esquirol is fluent in Spanish, French, Italian, and Portuguese. He is the author of numerous publications in the areas of law-and-development, comparative law, property, and commercial law, including a recent book “Ruling the Law: Legitimacy and Failure in Latin American Legal Systems” (Cambridge University Press 2019). He frequently lectures abroad. At FIU, he teaches commercial law, comparative law, and international trade law.

FIRST PANEL: ITALIAN COFFEE & HEALTHY FOODS

BIANCA GARDELLA TEDESCHI



Professor

Università del Piemonte Orientale “A. Avogadro”

Professor Bianca Gardella Tedeschi is an Associate Professor of private comparative law at the Università del Piemonte Orientale. Professor Tedeschi received her bachelor of laws, with honors, from Università degli Studi di Genova and a master of laws from Harvard Law School. She also received a degree from the Faculté Internationale de Droit Comparé. Professor Tedeschi’s main fields of interest include contract law, tort law, comparative law, European law, and feminist jurisprudence. Her research is currently focused on the harmonization of European private law, which aims at finding and analyzing how the movement towards integration of European private law is working, and women in the workplace.

Presentation Summary:

Contract Law in the Agri-Food Chain

Contract Law in the Agrifood chain in Italy is regulated by law 27/2012 art. 62. The law regulates B2B contracts with the specific aim of protecting producers. The law introduces a sort of “commercial ethic” into the agrifood chain, as it defines unfair business practices in this specific field. In 2019, the UE approved directive UE 2019/633 that prohibits in every Member State unfair business practices that are harmful to producers. The paper will assess how the law and the directive have been implemented and how effective they can be for producers.

HELENA ALVIAR GARCIA



Professor
Sciences Po Law School, Paris

Helena Alviar Garcia obtained her SJD in Economic Law and Gender, and LL. M., at Harvard University and her law degree at the Universidad de los Andes. Professor Alviar García was a full professor at Universidad de Los Andes, where she served as the dean from 2011 through 2016. Professor Alviar Garcia joined Sciences Po Law School in September 2019.

An expert in law and development, property law, social and economic rights, feminism and transitional justice, she has been invited to participate in global networks regarding these issues and has edited and co-edited volumes with academics from Europe and the United States. Author of books, book chapters, published academic papers and essays including: *Authoritarian Constitutionalism: Critique and Appraisal*, co-edited with Günter Frankenberg (2019); *The Distributive Politics of Impunity and Anti-Impunity: Lessons from Four Decades of Colombian Peace Negotiations* (co-authored with Karen Engle), in *Anti-Impunity and the Human Rights Agenda* (2016), *Distribution of resources led by courts: a few words of caution in Social and Economic Rights in Theory and Practice* (2014), *Feminismo y crítica jurídica. El análisis distributivo como alternativa crítica al legalismo liberal*, co-authored with Isabel Jaramillo (2012).

Presentation Summary:

The Legal Architecture of Coffee

Coffee is essential to Italian culinary experience and lifestyle. In an article published by the Eataly online magazine, Italian coffee culture is described in the following way: “The day is defined by coffee rituals: a cappuccino with breakfast, a caffè macchiato—or two—as an afternoon pick-me-up, and espresso after dinner. And like any culture, that of Italian coffee comes with seemingly mysterious laws. Order a latte, and you’ll receive a glass of milk (which is exactly what you ordered). Ask for a to-go cup or order a cappuccino after 11 a.m., and risk an instant tourist label.” Despite its relevance, coffee is not produced in Italy. This essay will be dedicated to Colombian coffee, one of the many countries that export this product to Italy. Although described as the result of privileged geographical and weather conditions and the care of coffee growers, Colombian coffee is the product of a set of laws, regulatory privileges, institutional arrangements, and public resources. As a consequence, the text will explore the legal architecture that makes Café de Colombia what it is.

LORENZO BAIRATI



***Associate Professor of Comparative Private Law and
Convenor of the Undergraduate Degree Program in
Gastronomic Culture and Sciences
Universita di Scienze Gastronomiche di Pollenzo***

Born in Turin, Italy, Lorenzo Bairati received his law degree from the University of Turin in 2004 with a thesis on legal transplants of European private law in Latin America. He focused his studies on the method of comparative law, with special attention paid to the processes of harmonization, uniformity, and unification of legal systems within supranational organizations. Lorenzo Bairati participated in several national and international projects focusing on the complexity of legal sources and the multiplicity of levels of government in the European Union. From 2013 to 2017, Lorenzo Bairati was a researcher at the University of Gastronomic Sciences in Pollenzo (Italy) teaching courses on Food Law and European Union Law while also developing collaborative projects with other research institutions whose work focused on comparative and global food law. Since 2017, Lorenzo Bairati is an Associate Professor of Comparative Private Law. His current research and publication projects include food global governance, international food trade law and food consumer protection.

Presentation Summary:

Tradition, Authenticity, and Provenance in European Food Governance and Beyond

In the communication of foodstuffs, there is an overuse of the notion of quality. Consumers are highly attracted to this concept even if its features and boundaries remain absolutely vague. Quality encompasses such terms as authenticity, tradition, diversity, territory, craftsmanship and naturalness, but these factors are, in turn, ambiguous in and of themselves, and often contradicted by the latest evolution of food production and distribution. This essay analyzes the relevance of these features in Europe from a legal perspective, as opposed to the homologation of tastes and cultures produced by the globalization of food systems. The reference to them in marketing and their reconstruction through PDOs and PGIs, as regulated by EU Regulation 1151/2011, is addressed in order to reflect the ongoing debate on food quality and its international protection. Consumer expectations will be considered as a seminal parameter in assessing the European state of the art in food quality preservation, especially from the Italian perspective. Concluding remarks will analyze the international debate on the “Italian Sounding” phenomenon, stress the conflicting positions (mainly expressed by the EU and the US), and propose insights to consider this controversy from a new perspective.

SECOND PANEL: PASTA & TOMATO SAUCE

FERNANDA NICOLA



Professor of Law

American University Washington College of Law

Director

International Organizations, Law and Development

Fernanda G. Nicola is a Professor of Law at the Washington College of Law, American University and she is the Director of the Program on International Organizations Law and Development. Her research and teaching interests are in European Union and Comparative Law, Local Government Law, and Tort Law. She received her Ph.D. from Trento University and her SJD degree from Harvard Law School where she was the recipient of the Mancini Prize in European Law, and the Justice Welfare and Economics fellowship at the Weatherhead Center for International Affairs. Professor Nicola is a member of the American Society of Comparative Law (ASCL) and the International Academy of Comparative Law (IACL). She was a Fernand Braudel Senior Fellow at the European University Institute (EUI) in Florence and a Visiting Professor at LUISS in Rome. She is a Permanent Visiting Professor at iCourts, the Danish National Research Foundation's Center of Excellence for International Courts. In 2017, she published with her historian colleague Bill Davies, *EU Law Stories: Critical and Comparative Histories of European Jurisprudence*.

Presentation Summary:

Professor Fernanda Nicola and Professor Gino Scaccia co-authored the following work.

The Magic of Pasta al Dente: The Italian Struggle over Durum Wheat before the European Court of Justice

See Presentation Summary under Gino Scaccia.

GINO SCACCIA



Full Professor of Public Law
Università degli Studi di Teramo

Gino Scaccia is a Full Professor of Public Law at the Department of Law of Teramo University and an adjunct Professor of Constitutional Law at the Department of Law of LUISS Guido Carli University in Rome. Since 1996, for over fifteen years, he has been working for the Constitutional Court, as an advisor to Justices and the President. He has carried out research and teaching activities in prestigious foreign Universities, in particular in Germany, the United States of America, France, Spain and Poland. Author of more than 120 publications, he has been the Head of Cabinet of the Ministry of Infrastructures and Transport and a member of the National School of Administration management committee.

Presentation Summary:

Professor Fernanda Nicola and Professor Gino Scaccia co-authored the following work.

The Magic of Pasta al Dente: The Italian Struggle over Durum Wheat before the European Court of Justice

By the late 1980s, the liberalization of pasta in Europe, through a ruling of the European Court of Justice (ECJ) in Case 407/85 *Drei Glocken v. USL Centro-Sud* [1988], lowered the quality of the Italian pasta di grano duro. The case referred by a Bolzano judge to the ECJ in Luxembourg challenged an Italian law that prohibited the marketing of traditional durum wheat pasta as opposed to the soft or mixed grain paste already marketed with the plural version. In this historic judgment, Advocate General Federico Mancini sided with the Italian government against the European Commission. Yet Mancini's opinion did not successfully influence the Court that liberalized the use of the term pasta for both durum and soft wheat. Today, Mancini's opinion remains a quintessential example of the "Italian style". This entails balanced conceptualism, pragmatism, some folklore, and an impeccable form. At the time, scholars and judges alike criticized Mancini's reasoning for being too political and folkloristic in defending the benefits of durum wheat pasta as priceless to the Italian lifestyle. Thirty years after the ECJ ruling, worldwide gourmet consumers are well aware of the high quality of durum wheat pasta. In 2013, Gragnano D.O.P. pasta, one of the most famous durum wheat pasta, acquired additional protection through a geographical indicator. Looking back, Mancini's opinion appears well reasoned and avant-garde, especially when anticipating the impact of pasta liberalization on consumer health and development policy in Southern Italy, one of the most successful crop productions of the Mezzogiorno. But mostly, Mancini was right to insist that pasta al dente is inevitably one of the most salient traits of the Italian lifestyle.

TOMASO FERRANDO



Research Professor
University of Antwerp Law School

Since October 2019, Dr. Tomaso Ferrando is a Research Professor at the University of Antwerp Law School (Belgium). Previously, he was a Lecturer in Law at the University of Bristol Law School and Assistant Professor at the University of Warwick School of Law (United Kingdom). He obtained his Ph. D. in Law from Sciences Po Law School in 2015 and has been an Italian barrister since 2011. He has been a Resident Fellow at the Institute for Global Law and Policy (Harvard Law School), Universidade de São Paulo (Commerce Law Department) and University of Cape Town (Public Law Department), and has taught law and food at the Universities of Sciences Po (Paris), Turin (Italy) and Externado de Colombia (Colombia). Dr. Ferrando's work focuses on the link between law and food regimes, with specific attention to the interconnection between the international dimension (trade, investments and the human right to food) and the local dynamics. He has written about food waste, the broken aspects of competition law and the idea of food systems as a commons. He is also legal counsel for the Special Rapporteur on the Right to Food Hilal Elver and is a member of the legal committee of the Global Legal Action Network (GLAN), a pro-bono organization engaged in addressing corporate accountability transnationally.

Presentation Summary:

Gangmastering passata: multi-territoriality of the food system and the legal construction of cheap labour behind the globalized Italian tomato

Italy is the second producer of tomatoes in the world after the United States, and it is often considered the homeland of this food. Yet, the Italian tomato is much more than Italian. If one considers the people, geography, regulations, and history behind the 'golden pome' (pomo-d'oro in Italian), there is no other conclusion that it is inherently local and global. In the last years, the Italian tomato Italian sector has been under scrutiny for the reliance on exploited labour, egregious living conditions and the role of organized crime in trading human beings like any other commodity (gangmastering, or 'caporalato'). By embedding the Italian industrial tomato into a critical and multi-territorial legal approach to the food system, my contribution aims to offer a different perspective on the illegal action of labour intermediation as one of the most discussed issues surrounding the production of Italian tomatoes. Rather than presenting exploitation and caporalato as exceptions, the paper analyses them through the lenses of trade law, competition law and migration law as more appropriate lenses to understand the role of cheap labour in the construction of the global Italian tomato. If that is the case, legal interventions cannot be local and specific, but must be systemic, multi-layered and, therefore, based on dialogue and solidarity among workers, lawyers, activists and academics across the whole tomato chain.

MARIA ROSARIA MARELLA



Professor of Law
Università degli Studi di Perugia

Professor Maria Rosaria Marella is a professor of private law at the Università degli Studi di Perugia, where she heads the Ph.D. Program in Legal Science and the legal clinic on “Health, Environment and Territory”. Her research covers all areas of civil law and questions of method and policy, legal comparison and European law with a specific focus on feminist theories and critical thinking. Professor Marella was awarded twice the Canadian Faculty Research Program Award and studied for periods of time at the McGill University Faculty of Law in Montreal, and the Faculty of Law at the University of Toronto. She is editor in chief of the “Rivista critica del diritto privato” and member of the steering committee of several law journals. In 2006, Professor Marella was appointed by the Italian

Parliament ‘Giudice Aggregato della Corte Costituzionale.’ She was a member of the “LGBT Rights and Freedom” Study and Counseling Commission at the Presidency of the Council of Ministers - Department for Equal Opportunities. In 2010, she was appointed by the Umbria Regional Council President of the Commission for Regional Statute Guarantee.

Presentation Summary:

Safe and Healthy: How EU Food Law Has Disrupted an Imaginary

This essay analyzes the impact of EU law’s certification marks such as “Protected Designation of Origin” (PDO), “Protected Geographical Indication” (PGI), and “Traditional Specialty Guaranteed” (TSG) on the production of food within subsistence economies in Italy. It challenges the creation of certification marks as the right and only way to preserve Italian traditional good food. I argue that, on the contrary, it produces the effect of marginalizing and eventually putting out-of-business the small producers that do not have access to the certification marks circuit nor want to yield to the mass production of food. EU law imposes specific food quality and safety standards based on production and packaging methods that rightly aim to protect the health of consumers, but they require investments that producers in subsistence economies cannot afford. This makes the food that they produce illegal and squeezes them out of the market. Additionally, the EU strategy of preserving traditional foods and food production methods through certification marks creates an elitist supply, destined for an audience of wealthy and educated consumers, while the rest of the market is flooded with standardized and poor industrial food. In this framework, the food production from subsistence economies has no more space on the market. Considering that this type of production is at the origin of the Italian good food tradition well known throughout the world, the results of the EU strategy must be critically reconsidered. A video clip will illustrate this reality through the telltale of some of these small producers.

THIRD PANEL: ARCHITECTURE, FASHION, & DESIGN

GIOVANNI MARINI



Professor of Law
Università degli Studi di Perugia

Professor Giovanni Marini is a Professor of Law at the University of Perugia, where he teaches comparative private law, European private law, and North American law. In addition to his role as a professor, Professor Marini serves as the Director of the Department of Law at the University of Perugia and Coordinator for the steering committee of the International

Ph. D. program in Law, “Public Law and Construction of Legal Traditions.” Professor Marini’s past experience includes researching “European Integration in the light of American Federalism” at the European University Institute in Florence, Italy. He was also a part of scholar exchanges with Florida International University in Miami, Florida and Universidad de Los Andes in Bogota, Colombia.

Presentation Summary:

Italian Style: on Law, Architecture, and Design “Made in Italy”

Italian design, including interior design, urban design, fashion design, and architectural design is recognized as being a worldwide trendsetter. Italy today still exerts a vast influence worldwide. There were different trends in the 20s: a classical and a new one (“Rationalist”). After WWII, Italy had a true avant-garde moment. “When intellectuals lost their battle in 1948 and with it any chance to change land law and re-organize society, architects turned their attention to the object, the object conveyed meaning and showed direction.” In the 60s and 70s, Italian interior design reached its pinnacle (“Bel Design and Linea Italiana”). In MoMA New York, Emilio Ambasz organized an exhibit: Italy, The New Domestic Landscape Achievements and Problems of Italian Design. In 1968, it developed an interesting trend (“radical design”) which was opposed to the product design and mainstream “buon gusto.” The MoMA exhibit was also the end of Italian polycentric design, which focuses mainly on furniture (Italian) design. Modern interior design has changed the meaning of style and elegance, and many interior designers use Italian or Italian-inspired style in their work. The essay will analyze the birth and developments of the Italian style and its relationship to architectural trends in the globalization process, and with the ongoing transformation of capitalism and the economic system.

BARBARA POZZO



Professor of Comparative Law
Università degli Studi dell'Insubria, Como

Professor Barbara Pozzo is a Professor of Comparative Law at the Faculty of Law of the University of Insubria in Como (Italy) since 2001. In this position, Professor Pozzo teaches Comparative Legal Systems, Comparative Law and Language and Legal Translation. She is the Coordinator of two initiatives: “Law and Cinema” and “Law and Literature” as methodologies to approach comparative law for students of other faculties (in particular: for the students of “Cultural and Linguistic Mediation”). Professor Pozzo also is the Director of the Ph. D. Program in Comparative Law at the University of Milan, where she previously served as the Director of the Master Program in Environmental Law.

Presentation Summary:

Fashion Made in Italy: Tradition, Protection, and a Look into a Sustainable Future

The essay focuses on fashion and will cover five distinct areas. First, the measures that the Italian government has launched in recent years to protect “traditional Italian brands.” Second, the various initiatives of certification and labeling in order to protect “made in Italy” fashion products. Third, the “made in Italy” label and the enormous problem of counterfeiting. Fourth, the use of Blockchain as a strategy for the protection of “made in Italy” products. Fifth, how sustainability is or should become a part of the “made in Italy” paradigm.

JANEWA OSEI-TUTU



Associate Professor of Law
Florida International University College of Law

Affiliate Faculty
African and African Diaspora Studies Program

Professor Janewa Osei-Tutu is an Associate Professor of Law at Florida International University College of Law. She holds an LL.M., with distinction, in International and Comparative Law from McGill University, one of the premier academic institutions in Canada. Drawing on her academic and practical experiences, Professor Osei-Tutu's scholarship focuses on the relationship between trade-related intellectual property, human development, human rights, and culture. She joined academia after several years of intellectual property (IP) practice as Legal Counsel to the Patent & Trademark Office, and the IP Policy Directorate at Industry Canada (USPTO equivalent). Osei-Tutu's legal experience includes commercial law practice with leading law firms in Canada and Ghana. She also clerked as an Associate Legal Officer for Trial Chamber II at the United Nations International Criminal Tribunal for Rwanda in Tanzania.

Presentation Summary:

Culturally Identifiable Fashion: what role for GI's?

Geographical indications (GI's) are a specialized form of intellectual property right. A GI is used when some quality, characteristic, or reputation of a good is attributable to its geographic origin. To the extent that geographic location and culture overlap, GI's could be described as a form of cultural protection. Italy, which is known for both its food and fashion, has GI's for a range of items, such as extra virgin olive oils, pastas, and wines. But, what is the role of GI's when it comes to other aspects of culture, such as fashion? For example, the famous Italian designer, Valentino, received both praise and criticism for footwear modeled on royal sandals from Ghana. To what extent can GI's be used as a form of cultural protection that extends beyond food and wines to protect culturally identifiable fashion items?

FOURTH PANEL: BRUSCHETTA & WINE

JORGE L. ESQUIROL



Professor of Law

Florida International University College of Law

Professor Jorge L. Esquirol is a founding faculty member of the FIU College of Law. His scholarship focuses on comparative law and legal development in Latin America. His forthcoming book is titled “Ruling the Law: Legitimacy and Failure in Latin American Legal Systems” (Cambridge University Press 2019). Prof. Esquirol frequently teaches in Italy. He was the Fulbright Distinguished Chair in Law at the University of Trento for the 2015-16 academic year. In 2018 and again this year, he is a visiting professor at the Università

del Piemonte Orientale, teaching a comparative commercial law course in Italian on secured transactions in Italy and the U.S. Prof. Esquirol is the faculty organizer of this FIU Law Review Symposium on “Made in Italy: The Law of Food, Wine, and Design.”

Presentation Summary:

Securing Credit for Made in Italy Products: The Case of Prosciutto and Cheese

Credit is key to business development. Access to credit and low-cost credit may mean the difference between profits and losses, sustainability and bankruptcy. These are the types of comparative advantages that national legal rules can either enable or curtail. Italian law has traditionally been quite restrictive of using non-registered assets—such as business equipment and inventory—as collateral for loans and financing. Certain premier Made in Italy products, however, benefit from special legislation that allows their stocks, warehoused during the aging process, to serve as loan guarantees. Prosciutto, cheeses, and more recently grappa are part of that list. These differential laws direct a subsidy of sorts to these products. This essay will examine the Italian model of secured transactions law and consider its effects in promoting specific products, industries, and creditors.

MICHELE GRAZIADEI



Full Professor of Comparative Law
Università degli Studi di Torino

Professor Michele Graziadei is a Full Professor of Comparative Private Law at the Università di Torino and, among other things, President of the Italian Society for Research in Comparative Law and a Titular Member of the International Academy of Comparative Law. His wide-ranging interests include legal theory, legal anthropology, law and language, legal cultures and the making of transnational law. More specifically, he is an authority on the issue of legal transplants, on which he published a seminal chapter in the second edition of the Oxford Handbook of Comparative Law (Oxford University Press) in 2019.

Presentation Summary:

Mozzarella di Bufala: The Legal Construction of an Iconic Cheese

Mozzarella di bufala has been rightly described as the “White Whale of American cheesemaking.” The attempt to make this cheese in the US has been mostly unsuccessful so far. The dream to produce mozzarella di bufala in the United States “has destroyed businesses from Vermont to Los Angeles.” Yet this fantastic cheese is regularly consumed on the tables of thousands of Italians each day. This essay will show how the production of mozzarella di bufala DOP in Italy is regulated by a thick set of laws and regulations, which contributed to the emerging of mozzarella di bufala as an iconic food, deservedly mentioned as “one of the miracles of Italian cuisine.” These rules result from the coordinated efforts of a group of producers that managed to overcome some of the constraints associated with the small scale dimensions of their farms and that were thus able to develop a viable strategy for a niche product that would eventually pay off. The paper examines as well some of the tensions and problems associated with these developments.

TOMMASO PAVONE



Ph. D. Candidate
Princeton University

Professor Tommaso Pavone is a Ph.D. candidate in the Department of Politics at Princeton University, specializing in comparative politics, law and society, and political sociology, with a regional focus on the European Union (EU). He is a 2018-2019 Graduate Fellow at the Princeton Institute for International and Regional Studies (PIIRS), as well as a Graduate Associate in the Program in Law and Public Affairs (LAPA) and the European Union (EU) Program. At Princeton, Professor Pavone also served as the editorial

assistant at World Politics and as the founder/coordinator of the Department of Politics' Qualitative Research Seminar. Professor Pavone's research analyzes how judges and lawyers promote institutional change within and across national borders, particularly in Europe.

Presentation Summary:

Like Oil Floating on Water: EU Law and the “Great Tree Massacre” of Puglia’s Olive Groves

This article analyzes how the application of the European Union (EU) law can clash with longstanding local practice to catalyze contentious politics and entrench non-compliance. It does so via an in-depth case study of the socio-legal crisis following the 2013 outbreak of *Xylella fastidiosa*, a plant pathogen that restricts water flow in the plant it infects, amidst the olive groves of Puglia, Italy. The *Xylella* case prompted interventions by the European Commission and the European Court of Justice to preclude the pathogen's diffusion by applying EU environmental regulations and mandating the eradication of thousands of centenarian olive trees. In a local context plagued by political gridlock and where olive groves symbolize agricultural life and community identity, these legal measures quickly ignited a farmers' revolt blaming Europe for waging a “great tree massacre.” Given longstanding deficits in EU legal training within Puglia's legal community, lawyers and judges failed to constructively mediate the resulting clash between EU legal obligations and local knowledge. Instead, they joined the farmers' Euroskeptic revolt by trafficking in conspiracy theories and mobilizing to obstruct compliance. Ultimately it was not just millions of olive trees that desiccated into chalky skeletal remains: This case study reveals that without on-the-ground “interpretive mediators” mobilizing pro-EU frames in times of crisis, the politicization of EU law can desiccate compliance efforts and foster the perception that EU law is as distant from lived experience as oil floating on water.

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