Panelists

Amelia Hukoveh
Senior Corporate Counsel | SAP America, Inc.

Amelia Hukoveh is an attorney with expertise in global data privacy and cybersecurity law, policy and compliance, with a special emphasis on cloud services. She currently leads a legal team that supports SAP’s North American business across a vast product portfolio, including emerging technologies.

Mark Brennan
Partner | TMT | Hogan Lovells

Mark Brennan leads an integrated technology practice that spans communications, privacy, and consumer protection issues. He advises on Internet of Things, artificial intelligence, and other cutting-edge challenges and is also well-known for his victories on TCPA issues.

Randy Segal
Partner | Space and New Technologies | Hogan Lovells

With a focus on satellite, wireless, drone, and technology transactions, Randy provides commercially practical solutions in industries where technological change and innovation is ever-present. Her practice often involves multi-level chess games, where every move needs to be considered from a multitude of angles to be successful, including changing regulatory and legal landscapes involving innovation, including artificial intelligence.

Hemant Pathak
Assistant General Counsel | Microsoft

As lead counsel for Microsoft's multi-billion dollar U.S. Sales, Marketing, and Operations group and its senior leadership, Hemant is responsible for the legal team's delivery of pragmatic guidance, business-focused insights, and creative solutions to legal and regulatory deal-related issues.
Agenda

1. What is AI?
2. New product case study: AI application for visually impaired
3. How advanced machine-learning is affecting our industries
4. Key AI legal issues
5. Spotlight on ethics in AI
6. Further reading
Artificial Intelligence is technology that can perceive, learn, reason, assist in decision-making, and act to help us solve problems.

Vision | Language | Speech | Search | Knowledge
Examples of technologies

- Artificial Intelligence
- Machine Learning
- Business Intelligence
- Deep Learning
- Robotic Process Automation
- Predictive Analytics
- Bots
**Automation** refers to computer systems programmed to perform specific repetitive tasks.

**Cognitive Services** refers to application program interfaces (APIs) that use natural methods of communication.

**Machine Learning** refers to a computer system that has the ability to learn how to do specific tasks and/or use past data to make future decisions or predictions without being explicitly programmed how to do so.

**Artificial Intelligence** enables computer systems to perform the types of tasks that require human intelligence.

- Mechanizing repetitive tasks.
- Log, store, and produce reports.
- Systems see, hear, speak, understand, and interpret needs by using natural methods of communication.
- System that monitors transactions.
- Scans transactions for patterns.
- Improve over time from analysis of the “training data”.
- Deep learning is a type of Machine Learning.
- Obtain knowledge by finding patterns in raw data.
- System that analyzes huge volumes of conversations from data pools and leverages algorithms to determine behavior.
- Contextual analysis and building generalizations to inform decisions.
- Algorithms can be optimized, but can fail like human knowledge.
Talking Camera App for Visually Impaired

- Real time text
- People
- Scenes
- Handwriting
- Documents
- Products
- Currency
- Light
How Advanced Machine Learning is Affecting our Industries
Examples of affected industries

- Healthtech and Life Sciences
- Drones and Space
- Smart Devices
- Education
- FinTech
- Autonomous Vehicles
- Smart Homes
Key AI Legal Issues
Privacy and Cybersecurity

- Large volumes of data collection translate to significant challenges for individual privacy and data security
- Fair Information Practice Principles (FIPPs)
- U.S. no comprehensive data privacy law but patchwork of sector specific protections, such as Health Insurance Portability and Accountability Act (HIPAA) and Fair Credit Reporting Act (FCRA)
- European Union General Data Protection Regulation (GDPR)
- Application of AI (and its algorithms) likely to require creativity and careful construction throughout design process
- Cybersecurity: threats to AI data from attackers or negligent handling are many and varied
- AI can help make decisions based on historical data, which may yield results that are socially unacceptable.
- Data from real life is messy and reflects biases.
- European GDPR Article 35.
How do existing product liability concepts apply?

- Appropriate safety and product standards
- Where existing laws did not envision the technology in question
- Appropriate testing level of protect?

New issues introduced by AI

- What happens when AI makes independent decisions?
- What types of injuries were foreseeable for example when AI continues to learn and evolve?
- Who would be liable under what theories (e.g., programmer designer? Manufacturer? Strict liability? Negligence? What about the consumer who home programmed product?
- Evidentiary issues: how does AI product testify/perjure self?
Ownership: Patents and copyrights (who is the inventor? Who is the author?)

Copyrightable when created by AI?

Discerning what is invented through a complex algorithm

Trade secret ownership and misappropriation (when independently developed through independent AI algorithm)
Spotlight on Ethics in AI
Values AI needs to respect

- Fairness
- Reliability and Safety
- Privacy and Security
- Inclusiveness
- Accountability
- Transparency
Link to book download:

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