

## 9/3/2018 AI and Law

Intersection of AI and law = 0

there is NO law currently on AI & law.

Only protection of datasets.

### But... there is copyright

- = protects *works*; e.g. music databases
- are you allowed to scrape data?
  - no.
  - the company owns the data
  - but the rights can be transferred
- then why does a company ask your permission that you own the data?
  - they ask because the company becomes *liable*
  - you are not liable, unless you know the data is unrightful or harmful, and you do not DO anything about it
- how do you know what you can do with the data?
  - it is specified in the *user agreement*

### And there is GDPR

- 25 May 2018,
- if not compliant, maximum fine of €20 million, or 4% of global total turnover
  - if revenue €18.660, then €0
- which companies?
  - all companies that at some time provide data in Europe. Websites for example have a global user base.
  - if data is *used in Europe*, then you are liable in Europe.
- not for persons, only for organisations.
- Why can EU decides for the US?
  - it's to avoid cheating (e.g. like taxes in Ireland)
  - do you have to adhere to the most strict set of all rules? or only for the users of that country?
- concerns *personal data*
  - can be any information
- minimize data
  - you are not allowed to ask data that you do not use or need
- right to amendment
  - the person can ask to access the data and correct it
  - you can enter false data (allowed under GDPR)

- but limited to the terms of use of the provide (only if they can show damage)
- right to be forgotten
  - reasonable measure to erase your data
  - not possible to erase everything, but the *architecture*
  - what if your data has been told by the company? law only says you have to take reasonable measures.
- rules to restrict access and transfer
  - transfer to 3rd countries / special contracts are needed
- if you have data, you have to declare this to the privacycommission.be
  - they will ask you nothing, but if there is a problem, you have to pay

## Licenses

- no license
  - you have access but you do not have the right to use it!
  - you may not do anything!
  - dangerous! they can sue you.
- MIT / Apache
  - if you use it, you have to name it in the source code
  - if someone else makes money, you cannot do anything
- GNU
  - viral;
  - you have to mention the library. Also, if you use GNU protected code, you put it in your private project. Then ANYONE may come to you and ask access to ALL your code. Not the data.
  - If you don't modify it, and compile it, you don't have to disclose your code, but you have to prove it that you didn't modify it.
  -

<http> **An idea can not be protected.**

- But once you have a design, it can be protected.

## Use case: Startup

### Scenario

- Belgian startup, two guys, got a crawler
- use OVH server in France
- use crowd funder to get facial dataset
- Experiment with TensorFlow
- move their servers to Amazon US
- put it on a blockchain

### What can go wrong?

- start a company, otherwise they are personally liable for everything!

- register with Privacy commission
- Get a license, not GNU - Do not use a GNU crawler
- GDPR
  - Collect only data they will need
  - Get permission from the users through company that does crowdfunder/sourcing; tell what you use your data for
  - If the company does not do it, you are liable.
  - you experiment a bit. what do you risk? nothing if you are okay with GDPR. You may train killer robots on facebook data. You may not kill them.
- For moving to US
  - you have to get permission of users (could be asked in user terms, you are free to set them)
  - comply with the rules of the new commission
  - transfer rights should be specified in the user terms
- Moving to the block chain: a lot of problems
  - you have the right to amend the data: YOU CANNOT!

IoT big problem:

- you can identify people based upon accelerometer
- nobody knows what will happen
- probably you can use the techs, *but* you have to prove that you did every reasonable step to protect.
- e.g. unique id per session not per user!
- will lead to concentration of power: small companies cannot have the manpower to follow up tech

No idea as a startup

## IP

- you both own 50% of the shares
- if no contract, the co-founder can run away with everything.
- shelving: if you work 1y, you get 10% of the shares.

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## NDA

- can you protect that an investor won't run away with an idea?
- not advised.

rowSwitch