

TITLE- ARTIFICIAL INTELLIGENCE IMPLICATIONS IN LAW (EARLIER REGULATING ARTIFICIAL INTELLIGENCE [L-EL-1060])

[ELECTIVE PROPOSAL BY PROF. NIKHIL NAREN, CHEVENING SCHOLAR; ASSISTANT DIRECTOR, CYRIL SHROFF CENTRE FOR AI, LAW, AND REGULATION; ASSISTANT PROFESSOR]

Various technologies are fueling the Industrial Revolution 4.0, and the level of advancements being carried out in the digital space, has undoubtedly increased the associated risks and challenged the limits of the law. This elective explores the dynamic interplay between Artificial Intelligence [hereinafter. “AI”] and the law, offering a critical examination of emerging challenges, legal frameworks, and policy developments. AI today is not just a technical innovation but a societal force reshaping norms, rights, and regulations. As governments, corporations, and individuals increasingly rely on AI, the legal system must evolve to address complex concerns around accountability, regulation, data protection and privacy, intellectual property, and digital marketplaces.

The elective course will further equip the students of law with a multidisciplinary perspective on the implications of ‘intelligent systems’. Through modules grounded in theory and practice, students will critically analyse the legal personhood of AI, global regulatory efforts, data governance, ethical frameworks, antitrust law, and the role of AI in law enforcement and the judiciary. The course will also touch upon sustainable and culturally responsible AI development.

This course will adopt a multidisciplinary and discussion-driven pedagogy that blends theoretical frameworks with real-world case studies. Classes will be conducted through a mix of interactive lectures, guided debates, and short reflective exercises aimed at fostering critical engagement with the subject. Students will be encouraged to interrogate contemporary legal and technological developments through readings, simulations, and policy analysis. Guest sessions with domain experts [wherever feasible] and collaborative group work will further enrich classroom learning and help bridge the gap between academic discourse and practical insight.

KEY TAKEAWAYS FROM THE COURSE:

- Introduce and make the students understand what AI is, and the liability questions that arise with AI systems. With increasing autonomy in machine learning models and decision-making systems, it is important to investigate whether these systems can or should be treated as legal persons, and what principles of culpability and accountability may be applied to their actions.
- Introduce and make the students understand the implications of AI-generated works on intellectual property regimes. Whether AI-generated creations can be protected, and how originality and authorship are redefined in an automated context, are key questions that influence copyright, trade mark, and patent law.
- Introduce and make the students understand the importance of privacy and data protection in AI ecosystems. Data is the food for AI, but its collection, processing, and use raise significant privacy concerns. Students will engage with fair information principles with reference to the General Data Protection Regulation [GDPR] and India’s Digital Personal Data Protection Act [DPDPA], exploring frameworks for ethical and culturally sensitive AI design.

- Introduce and make the students understand AI's impact on competition or antitrust law and digital marketplaces. With algorithmic collusion, market dominance through data aggregation, and merger control challenges, this course will cover the pressing antitrust concerns posed by intelligent systems.

PRE-REQUISITE: NONE

CREDIT-TYPE: LAW

CORE TEXTBOOK:

1. Rodney D. Ryder and Nikhil Naren, *Artificial Intelligence and Law: Challenges Demystified* (2nd edn., Law & Justice Publishing Co.) 2024.

RECOMMENDED BOOKS:

- (1) Jacob Turner, *Robot Rules: Regulating Artificial Intelligence* (Palgrave Macmillan Cham, 2018).
- (2) Ryan Abbott, *Artificial Intelligence and Intellectual Property: An Introduction*, in *Research Handbook on Intellectual Property And Artificial Intelligence* (Edward Elgar, 2022).
- (3) Ryan Abbott, *The Reasonable Robot: Artificial Intelligence and the Law* (Cambridge University Press, 2020).

READING LIST [NOT EXHAUSTIVE]:

- Aimee van Wynsberghe, *Sustainable AI: AI for sustainability and the sustainability of AI* (2021) AI and Ethics, Springer.
- Chara Bakalis and Julia Hornle, 'Chapter 4: The Role of Social Media Companies in the Regulation of Online Hate Speech, The Role of SMCs in the Regulation' (2021) Emerald Publishing Limited.
- Jaron Lanier and E. Glen Weyl, *A Blueprint for a Better Digital Society*, Harvard Business Review (2016).
- Jaron Lanier, *How should we think about Privacy?*, Vol 309 No. 5 Scientific American (2013).
- Kalliopi Terzidou, *The Use of Artificial Intelligence in the Judiciary and its Compliance with the Right to a Fair Trial*, (2022) 31 Journal of Judicial Administration 154.
- Maulen Alimkhanov, *Comparative Analysis of Artificial Intelligence Regulatory Approaches: The United States, European Union, Canada, China, Kazakhstan, Russia*, (June 21, 2024).
- Nikhil Naren, *Unravelling the Enigma: The quest for *sui generis* rights in AI creation*, Law School Policy Review [NLSIU, Bengaluru] (March 2024).
- Renee Keen and others, *Artificial Intelligence (AI) and the Future of Brands: How Will AI Impact Product Selection and the Role of Trademarks for Consumers?*, Emerging Issues Committee Artificial Intelligence and Decisions by Machines Subcommittee' (2019).
- Tarleton Gillespie, *Content moderation, AI, and the question of scale*, Big Data & Society.
- Victor M Palace, *What if Artificial Intelligence Wrote This? Artificial Intelligence and Copyright Law*, (2019) 71 Fla L Rev 217.
- Williamson SM and Prybutok V, *Balancing Privacy and Progress: A Review of Privacy Challenges, Systemic Oversight, and Patient Perceptions in AI-Driven Healthcare*, (2024) 14 Applied Sciences 675.