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FROM THE HOUSE OF ORIGIN LAW LABS

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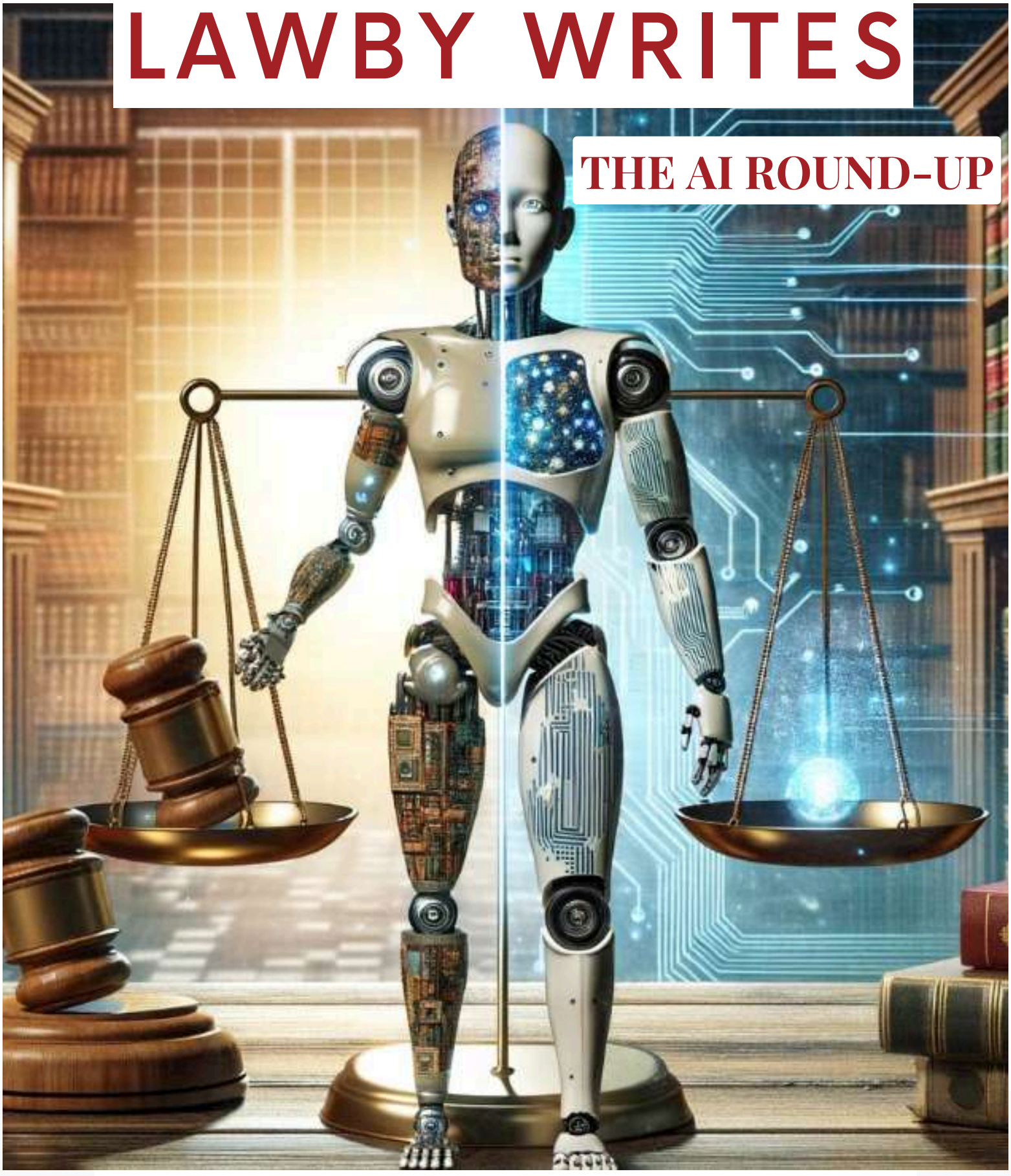
LAWBY WRITES

THE AI ROUND-UP



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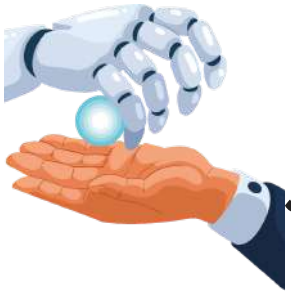
EDITORIAL



JOB TITLE: LEGAL CONSULTANT
SELECTED CANDIDATE: AI

Arun Sugavaneshvar
Founder

Humans are better known for inventions and discoveries. Humans are not known for efficiency. Every time I hear someone tell me AI will increase the quality of human life and will improve the incomes of every home, I am subconsciously suppressing the urge to tell them, “Wisdom has been chasing you, but you have always been faster”. The problem stems from the fact that a zero-sum game cannot be predicated as a win-win.

Let me explain it in simple words as follows: - If AI works better for a law firm or does the work of two lawyers for a much lesser cost it would make sense to use AI and not invest on lawyers or just do with the bare minimum number of lawyers necessary.

AI is good at automating repetitive tasks and mimic patterns used by humans to improve outputs. Litigation will be least hit amongst the basic tasks of lawyers. If anyone has the assumption that law is an extremely skilled service that cannot be replicated by machines, I urge you to introspect the many times you or your firm use contract templates from previous works to customize for your current client. AI does not take vacations, take sick leaves, get mental stress or moonlight. Seems like the dream employee.

“*AI will not replace lawyers, but lawyers who use AI will*”, says Jelena Sevo, Chief Strategy Officer, RELX. The operative part here has been replaced by AI. Lawyers need to necessarily learn to use AI to be of value to employers or potential clients.
Elon Musk, in an interview, quoted “*There will come a point where no job is needed but you can have a job for personal satisfaction.*”

The Writer’s Guild in Hollywood protested against the use of AI in the writing of scripts and screenplays. Swiggy uses an AI bot to respond to consumer grievances. Chat GPT-4 from Open AI, Gemini from Google, Llama from Meta- the race of big tech companies to create the best AI is heating up. SUPACE is the AI powered portal used in the Supreme court of India for increasing efficiency of legal researchers and Judges. Nishith Desai Associates have designed NaiDA, an in-house developed AI bot specifically for lawyers which is said to be built on GPT-4 model from Open AI. AI is learning faster than expected and make no mistake it will be adopted at full scale.

Not to be a doomsday predicter or a naysayer. The future is as unpredictable as before, or is it with the help of AI? Who knows, a minimum labour code from the Great Indian Parliament is around the corner. Until then, let’s go for a ch**AI** break.

LEGAL CRISPS

Artificial Intelligence Act - A New Age Law

-Anoushka Samyuktha. A

Recently, the European Parliament approved the Artificial Intelligence Act, which promises to ensure safety and compliance of AI with fundamental rights. It also claims to boost innovation and technology. There were 523 Members of the European Parliament who voted in favour of the Act and just 46 members who were against it. That in itself seems quite progressive and welcoming to new age advancements. While keeping in mind the advancements, the safety of these technologies is closely monitored.

The new Act bans certain AI applications that act as a threat to the fundamental rights of citizens, such as Biometric Categorization Systems, which use sensitive characters and facial images available from CCTV footages to create a database. This is a pure violation because one does not even know that their privacy is being invaded, unlike the other apps that have namesake click-wrap agreements (most of us don't read them anyway). It mentions the prohibition of the real-time biometric identification system, which is usually used to target a missing person, identify any possible terrorist attacks, etc. Unauthorised use of these AI technologies is deemed to be a criminal offense.

Therefore, the Act prohibits or regulates high-risk AI technologies that have the tendency to jeopardise the safety of citizens. The Act is said to enter into force 20 days after its publication in the official Journal of the EU and will be gradually implemented within two years. This Act has the potential to become something revolutionary in the legal domain globally, as it is vital for governments to adapt to the rapid growth in AI technologies.

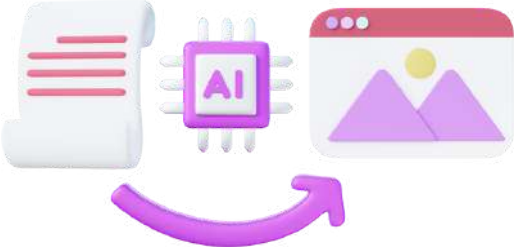
AI and Fair Use

-Seethala B

In December 2023, The New York Times filed a lawsuit against OpenAI and Microsoft, claiming they violated copyright by using Times articles to train A.I. models like ChatGPT without permission. The case raises questions about whether this use infringes on The Times' copyrights and reputation.

Large Language Models (LLMs) like ChatGPT are complex A.I. systems trained on various data, including copyrighted material, to understand and produce human-like language. This legal dispute highlights the complex legal issues surrounding the use of copyrighted content for A.I. development, especially when used for commercial purposes.

The case also analyse the Doctrine of Fair Use, which allows limited use of copyrighted material without permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. Fair use is crucial in cases involving A.I., where copyrighted materials may be used for training. The transformative nature of A.I. technologies in repurposing copyrighted materials raises questions about fair use, particularly its impact on the market for original works.



Artificial Intelligence in Agriculture

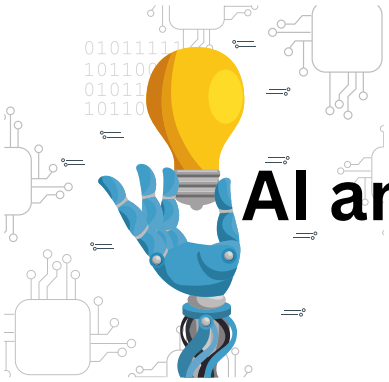
-LAWBY26

Has AI left out any field? The one sector that AI was least expected to delve into was agriculture because of its core being “natural,” and how can “Artificial” intelligence be used? By analysing genetic data, AI techniques such as machine learning can expedite crop breeding programmes, resulting in the creation of new crop varieties that possess advantageous characteristics like resistance to drought and pests, as well as increased yields. Automated vehicles and machines propelled by AI are capable of performing planting, pruning, harvesting, and separating with precision and efficiency. This kind of technology is in the growing phase and is not cost-effective. An average farmer in the rural parts of India can definitely not afford it, and this clearly gives an upper hand to the urban, self-sufficient commercial farmer.

Around 16% of the country’s GDP is contributed by the agriculture sector. As such a major contributor, how is the law helping them? The price policy of the government and the Price Support Schemes for the agricultural commodities will bring in a certain level of uniformity in the market value.

There are still multiple legal implications necessities such as taxes if AI is used, ethical and social considerations for the use of AI, and newer agricultural laws that include AI regulations etc. As artificial intelligence progresses and its utilisation in the agricultural sector expands, it is probable that distinct legislation pertaining to AI in agriculture may arise to tackle the distinctive issues and prospects within this domain.

CASE CHRONICLE



The DABUS case: AI and Intellectual Property Rights

-Sowmiya R K

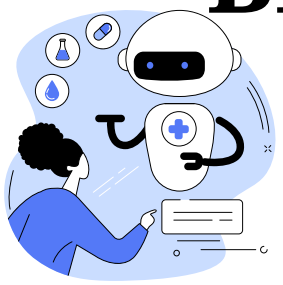
In 2019, Dr. Stephen Thaler filed patent applications that listed an artificial intelligence called "DABUS" as the sole inventor for two novel inventions it had generated. This unprecedented move put DABUS directly at odds with intellectual property laws that define an "inventor" as an individual human being.

Patent offices around the world, including the U.S. Patent and Trademark Office (USPTO), rejected the applications because current laws and regulations do not permit an AI system to be formally recognized as an inventor eligible for patent rights. The USPTO also stated "The plain reading of the statute is that it denies patent protection where there is no natural person who qualifies as an inventor." Courts subsequently upheld this stance after Dr. Thaler appealed.

While the DABUS case specifically examined AI inventorship for patents, it exposed a broader intellectual property problem. Just as current frameworks do not recognize AI systems as legal inventors, they also do not allow AI to be legitimate authors eligible for copyright and other IP protections.
While this case specifically dealt with patent inventorship, similar legal principles would apply to copyright - existing frameworks simply do not recognize AI systems as potential authors or inventors deserving of intellectual property rights.

The DABUS case highlighted the outdated legal definitions in need of updating for the new realities of machine inventors and authors made possible by advancing AI capabilities. Unless IP laws evolve, we could see increasing conflicts over ownership of AI-generated inventions and creative works.

BEYOND THE OBVIOUS



AI and Digital Heath

- Kamali A N

AI is ambivalent. It provides massive opportunities and potential risks in every field around the world, and India is no exception to this. In the wake of AI, the concept of digital healthcare has gained an influx of interest and global investment. “Digital health” is a broad idea that involves a partnership between digital technologies and healthcare businesses to enhance healthcare efficiency and provide personalized care to patients. Businesses are embracing digital transformation to provide value to customers, utilizing technologies like M-Health, digital pathology, telemedicine, wearables, big data analytics, virtual reality, e-medical records, and blockchain. The digitalization of healthcare involves two components: the use of technology to deliver services and the digitalization of medical data. Technological advancements, including telemedicine, e-medical care, and robot-assisted surgery, have increased the focus on AI in healthcare service delivery.

Data security is crucial for safeguarding the confidentiality of health-related data shared between patients and medical professionals. AI and its application in healthcare face several legal issues due to a lack of specific laws, and the question of accountability for errors in technology remains. The IT Act of 2000, the Intermediaries Guidelines of 2011, and the Data Protection Rules of 2011 aim to ensure data security and protection standards, but they are not established due to their strict compliance requirements. India’s DPDP Act of 2023 aims to safeguard privacy and establish a data accountability framework for handling personal data in the country.

The MOHFW proposed the establishment of the NeHA to enhance the Integrated Health Information System. India is in the early stages of developing regulations for AI in healthcare, with the MeitY releasing a draft national strategy on AI in 2020, recommending ethical guidelines, a regulatory framework, and AI safety and efficacy research. The NHA is developing a framework for AI use in PM-JAY, the world’s largest public health insurance scheme, outlining standards for AI-powered healthcare products and services.

Electronic Health Records: Let the Data Speak

-Nithyaparvathy R G

Limited resources, a rise in patient demand, and chronic sickness are all putting pressure on healthcare institutions. There has been an increase in data on all healthcare systems. Harnessing data gathered for electronic health records (EHRs) is a crucial component of AI-based health research. AI can help create new clinical practice models for the administration of healthcare by studying trends in clinical practice seen in electronic health data. AI is anticipated to streamline and expedite pharmaceutical development in the future.

By employing robots and models of genetic targets, medications, organs, diseases and their course, pharmacokinetics, safety, and efficacy, artificial intelligence (AI) can transform the labour-intensive process of drug development into one that is capital- and data-intensive.

Both the developer and the provider of healthcare service may be held liable under a number of tort law concepts if AI is used in the delivery of healthcare services. Developers may be accountable for AI flaws that put users in unreasonable danger under doctrine of strict liability. Developers might be held accountable for design flaws if their AI is poorly done or is excessively dangerous for users.

MEET THE TEAM

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