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A GNLU CENTRE FOR LAW AND TECHNOLOGY INITIATIVE

Monthly Newsletter - TechTalk

Welcome to the GNLU Centre for Law and Technology Newsletter!

Serving as the conduit to the dynamic intersection of science, technology, and the law, our mission is to provide updates on the latest developments, promote academic excellence, and empower legal professionals to navigate this ever-evolving landscape. Join us in bridging the gap between these crucial fields and shaping the future of legal practice in our interconnected world.

Enclosed in this newsletter are the following highlights:

Updates on law and technology, showcasing the latest developments in this ever-evolving field. Our curated content might just spark your next research topic idea. Stay informed and stay inspired and keep reading!

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HEADLINES

OF THE MONTH

01 EUROPE'S AI ACT SETS GLOBAL BENCHMARK WITH NEW TRANSPARENCY AND ACCOUNTABILITY STANDARDS

The European Union's groundbreaking AI Act, set to take effect next month, represents a significant global benchmark in the regulation of artificial intelligence. Following a political agreement reached in December and endorsed by EU countries, this legislation is the first comprehensive law aimed at addressing the challenges and opportunities posed by AI in both business and everyday life.

The AI Act, introduced by the European Commission in 2021, underscores the EU's commitment to ensuring trust, transparency, and accountability in the deployment of AI technologies. It contrasts sharply with the United States' more lenient, voluntary compliance approach and China's strategy focused on maintaining social stability and state control.

The legislation introduces strict transparency obligations for high-risk AI systems, such as those used in critical infrastructure, education, and employment. However, it adopts a lighter regulatory touch for general-purpose AI models. A key provision of the Act is its restriction on the use of real-time biometric surveillance by governments in public spaces, limiting it to instances involving serious crimes, terrorist prevention, and the search for individuals suspected of major offenses.

This legislative move comes amid growing global concerns about AI's potential to contribute to the spread of misinformation, fake news, and the misuse of copyrighted material, particularly in light of the rapid development and deployment of generative AI systems like Microsoft-backed OpenAI's ChatGPT and Google's Gemini chatbot.

Belgian digitization minister Mathieu Michel highlighted the AI Act as a critical response to a global technological challenge, balancing the need for regulation with the promotion of European innovation. Legal experts, like Patrick van Eecke of Cooley law firm, anticipate that the AI Act will have significant implications beyond the EU, potentially setting new global standards for AI governance.

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02

SCARLETT JOHANSSON TAKES LEGAL ACTION AGAINST OPENAI FOR VOICE MIMICRY IN AI ASSISTANT.

Scarlett Johansson has taken legal action against OpenAI after the company allegedly used a voice resembling hers for a virtual assistant named "Sky." OpenAI's CEO, Sam Altman, had twice requested Johansson's permission to license her voice for the project, but the actress declined both times. Despite her refusal, OpenAI proceeded with the release of a voice assistant that Johansson claims sounds "eerily similar" to her own.

Johansson announced on Monday that she has hired a lawyer and formally requested that OpenAI cease using the voice. In response, OpenAI suspended the release of "Sky" over the weekend. The company defended its actions in a blog post, stating that "Sky's" voice was not intended to imitate Johansson's and that the voice was actually that of another professional actress, using her natural speaking voice. OpenAI further noted that it had collaborated with unnamed directors and producers to develop five AI voices, including Sky, recorded last summer in San Francisco.

This incident has sparked further debate over the ethical use of AI-generated voices, especially when they closely resemble those of celebrities without their consent. Johansson's concerns are part of a broader wave of criticism directed at OpenAI for allegedly using creative works without proper authorization. Over the past year, the company has faced multiple lawsuits, including from the Authors Guild of America and The New York Times, accusing it of copyright violations.

The situation is reminiscent of Johansson's role in the 2013 film "Her," where she voiced a virtual assistant named Samantha, a character that seduces a lonely man played by Joaquin Phoenix. Sam Altman alluded to this connection in a recent social media post, further fuelling the controversy surrounding the use of Johansson's likeness.

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03 MARYLAND ENACTS COMPREHENSIVE ONLINE DATA PRIVACY ACT

On May 9, 2024, Maryland Governor Wes Moore signed the Maryland Online Data Privacy Act of 2024 (MODPA), a robust consumer privacy law that provides Maryland residents with enhanced control over their personal data. The law, set to take effect on October 1, 2025, but not enforceable until April 1, 2026, aims to protect personal data for consumers acting in individual contexts, excluding employment or commercial contexts.

The MODPA applies to businesses operating in Maryland or targeting Maryland residents, specifically those controlling or processing the personal data of 35,000 or more Maryland consumers or 10,000 or more consumers if more than 20% of their revenue is derived from data sales. The law broadly defines personal data as any information linked to an identifiable consumer, excluding de-identified or publicly available data. Sensitive data categories include racial, ethnic, religious, sexual orientation, biometric data, and precise geolocation data.

Consumers are granted significant rights under the MODPA, including the ability to confirm, access, correct, or delete their personal data, opt out of data processing for targeted advertising, and request a list of third parties with whom their data has been shared. The law mandates that data controllers implement reasonable data security measures, provide clear privacy notices, and ensure data processing aligns with disclosed purposes unless consumer consent is obtained.

Notably, the MODPA imposes strict limitations on the collection, processing, and sale of sensitive personal data, particularly for minors under 18 years old. Controllers are required to conduct data protection impact assessments (DPIAs) for activities that pose heightened risks, including algorithm usage.

Exemptions to the law include data regulated by HIPAA, the Gramm-Leach-Bliley Act, and certain nonprofit and employment-related data. Enforcement is exclusively under the Maryland attorney general's authority, with a 60-day right to cure notice period before any action is taken through April 1, 2027.

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04

TIKTOK FILES LEGAL CHALLENGE AGAINST U.S. BAN, CITING CONSTITUTIONAL VIOLATIONS

TikTok and its parent company, ByteDance, have filed a legal challenge against the United States in the Court of Appeals for the District of Columbia Circuit, contesting a recent law that could lead to the app being banned nationwide unless it finds a non-Chinese buyer within a year. The law, signed by President Biden last month, has been criticized by TikTok as unconstitutional and an overreach of government power, infringing on the free speech rights of millions of American users.

TikTok's legal filing argues that the legislation is effectively a ban disguised as a regulation of ownership. The law requires TikTok to divest entirely from ByteDance within 270 days, with a potential three-month extension if a sale is in progress. However, TikTok's lawyers contend that this requirement is impractical, if not impossible, from commercial, technological, and legal standpoints. They describe the law as presenting a "false choice" and assert that complying within the given timeline is unfeasible.

The legal challenge is significant as it questions the U.S. government's justification for the ban, particularly the invocation of "national security" concerns. Lawmakers have long suspected that TikTok could be used by its Chinese parent company to spy on Americans or spread disinformation, but TikTok's lawyers argue that the government has provided no public evidence to substantiate these claims. They assert that national security concerns do not grant the government unlimited authority to override First Amendment rights.

Anupam Chander, a Georgetown University law professor specializing in technology regulations, noted that if TikTok loses this legal battle, the app may be forced to shut down in the U.S. Chander emphasized the tension between TikTok's obligations to its Chinese parent company and its desire to operate under U.S. free speech protections, questioning whether American courts will view these goals as compatible.

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05 U.S. SENATORS PROPOSE AI FUNDING BOOST WHILE DELAYING COMPREHENSIVE REGULATIONS

A bipartisan group of U.S. senators, led by Senate Majority Leader Chuck Schumer, unveiled a legislative plan for artificial intelligence (AI) on Wednesday, emphasizing increased funding for AI research while deferring detailed regulations. The plan, outlined in a 20-page document titled "Driving U.S. Innovation in Artificial Intelligence," proposes an annual expenditure of $32 billion by 2026 to support government and private-sector AI development.

The senators—Schumer, alongside Republicans Mike Rounds and Todd Young, and Democrat Martin Heinrich—suggested creating a federal data privacy law and endorsed legislation to curb the use of deepfakes in election campaigns. However, they deferred responsibility for crafting specific AI regulations to congressional committees and agencies. These regulations would address issues like health and financial discrimination, job displacement, and copyright violations linked to AI technologies.

Schumer acknowledged the challenges of regulating AI due to its rapid evolution, stating that the senators were cautious not to rush into legislation. This cautious approach contrasts sharply with the European Union's proactive stance, which includes laws banning certain high-risk AI applications and mandating transparency in AI systems.

Despite holding high-profile forums with tech leaders such as Elon Musk, Sundar Pichai, and Sam Altman, the senators decided to focus on fostering innovation rather than immediately imposing strict regulations. Schumer indicated that the Senate might consider AI-related proposals individually rather than as a comprehensive legislative package, with hopes of passing some bills by the end of the year.

Critics, including Maya Wiley, president of the Leadership Conference on Civil and Human Rights, expressed concern that the emphasis on innovation overshadowed the potential harms of AI. Wiley called for more rigorous vetting of AI products to ensure they are safe and free from biases, especially those that could adversely impact ethnic and racial groups.

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06 JUDGE SCRUTINIZES BOTH SIDES IN LANDMARK ANTITRUST CASE AGAINST GOOGLE

Judge Amit P. Mehta presided over the first day of closing arguments in the U.S. government's landmark antitrust case against Google, signaling the potential for a ruling that could reshape the technology industry. The Justice Department has accused Google of monopolizing the online search market, while Google contends that it competes fairly.

During the proceedings, Judge Mehta critically examined the arguments from both sides. He challenged the Justice Department's assertion that Google's dominance has diminished the quality of online search, pointing out that search technology has significantly evolved over the past 10 to 15 years, largely due to Google's innovations. This led him to question whether the government could convincingly argue that Google had failed to innovate.

The government also argued that Google's monopoly stifled competition and resulted in weaker privacy protections for users. Judge Mehta, however, raised the possibility of a trade-off between privacy and the quality of search results, highlighting the difficulty in measuring whether Google has sufficiently safeguarded user privacy.

On the other hand, Judge Mehta also pressed Google's defense, particularly its claim that other platforms like Amazon and TikTok serve as competitors in the search market. He questioned whether these platforms are true alternatives to Google's search engine, especially in areas like general information queries. Additionally, the judge expressed skepticism about Google's practice of paying to be the default search engine on platforms like Apple's Safari, asking why such payments were necessary if Google's product was inherently superior.

As Judge Mehta weighs his decision, expected in the coming weeks or months, the outcome of this case will set a significant precedent for future government challenges to the power of tech giants, including Apple, Amazon, and Meta.

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SPOTLIGHTING RESEARCH TOPICS: EMPOWERING RESEARCH PAPER ASPIRATIONS

We understand that embarking on a journey to create impactful research papers can be both exciting and daunting. As you navigate through your academic pursuits, we're here to help illuminate your path and fuel your scholarly ambitions. This section presents a curated selection of broad research paper topics designed to spark your intellectual curiosity and inspire your next paper based on the latest developments of this month. Each topic represents an opportunity for exploration, discovery, and the potential to contribute to the ever-evolving landscape of law and technology. We believe that a well-chosen research topic is the cornerstone of a successful publication, and our aim is to empower you to make informed choices.

- *First Amendment and government regulation of speech*
- *AI regulation and governance*
- *Comprehensive data privacy laws*
- *Balancing national security with individual rights*
- *Digital markets and competition*

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