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A GNLU CENTRE FOR LAW AND TECHNOLOGY INITIATIVE

Monthly Newsletter - TechTalk



Gujarat National Law University



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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CALIFORNIA RELEASES DRAFT REGULATIONS FOR AUTONOMOUS TRUCK OPERATIONS

In order to facilitate the introduction of autonomous trucks into long-distance delivery, the California Department of Motor Vehicles (DMV) has proposed draft laws to control the operation of autonomous vehicles on roads. For both light- and heavy-duty autonomous trucks, the proposed architecture requires safety drivers to be present throughout early operations. Public comments on the draft are being accepted by the DMV through 14th October.

These rules are being implemented in the midst of increased scrutiny for autonomous driving technology as a result of many occurrences involving self-driving cars. The new regulations, if they are passed, might be very advantageous to entrepreneurs in the autonomous trucking industry that depend on this technology to grow their companies.

On the other hand, traditional trucking jobs are also threatened by the regulations. The newly proposed regulations are being presented in a circumstance where businesses such as Waymo, a division of Alphabet, and Cruise, a division of General Motors, have encountered regulatory obstacles following incidents involving their autonomous vehicles. Autonomous trucks have advanced despite these obstacles; Waabi and other businesses have successfully implemented them on scheduled routes for the delivery of freight in Texas.

Responses to the DMV draft have been conflicting. The measures are fiercely opposed by the Teamsters union, which claims they jeopardize public safety and employment. The Autonomous Vehicle Industry Association, on the other hand, has applauded the draft as a vital step toward enhancing supply chain resilience and road safety in California. The proposed rules were made public not long after the California Assembly approved two legislation that required human drivers in autonomous vehicles and required automakers to report accidents. Governor Gavin Newsom must yet approve these bills.

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US-CANADA TRADE DISPUTE DISCUSSIONS WERE PROMPTED BY THE PROPOSED DIGITAL SERVICES TAX

The United States and Canada have initiated trade dispute discussions because of the U.S.'s argument that Canada's recently implemented digital services tax (DST) infringes the terms of the U.S.-Mexico-Canada Agreement (USMCA). The tax has been dubbed "discriminatory" by the Biden administration, which claims it unfairly singles out major US tech companies like Apple, Google, Amazon, and Meta.

In order to address the matter, the U.S. Trade Representative (USTR) declared that negotiations will take place with Canada. The United States may request a resolution panel under the USMCA in order to escalate the dispute if an agreement cannot be reached in 75 days. This might ultimately result in additional taxes on Canadian products.

An anonymous Canadian official dismissed the request, characterizing it as a typical exchange between the two nations. The Canadian ministries of trade minister Mary Ng and finance minister Chrystia Freeland have not yet responded. International discussions over the imposition of taxes on multinational computer companies have come to a standstill. The United States has previously opposed to comparable digital taxes imposed by other governments, including France, India, and the United Kingdom. According to American corporations, unilateral DSTs have a disproportionate impact.

The necessity for a comprehensive, international solution was stressed by U.S. Trade Representative Katherine Tai. In order to solve the issue, Tai stated, "The U.S. opposes unilateral digital service taxes that discriminate against our companies." The U.S. will also continue to promote global tax reform negotiations through the OECD and G20. As both nations negotiate the changing digital economy, the results of these discussions may have an effect on commercial relations between the United States and Canada.

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03

TELEGRAM CEO ARRESTED IN FRANCE AMID INVESTIGATION INTO CHILD PORNOGRAPHY AND DRUG TRAFFICKING ON APP

As part of a thorough investigation into alleged crimes connected to the platform, including child pornography, drug trafficking, and fraudulent operations, Pavel Durov, the founder of the well-known messaging service Telegram, was detained in France on August 26. Durov is a Russian native. He was arrested by French authorities at Le Bourget airport, which is close to Paris. Emmanuel Macron, the president of France, stressed that the arrest was a result of an ongoing legal investigation and had no political motivation.

According to the Paris prosecutor's office, Durov's arrest is related to an investigation that was started in July and is centered on allegations that he was involved in a number of crimes, including money laundering, enabling illicit transactions on Telegram, and giving criminals access to encryption services. Durov, who is a citizen of both France and the United Arab Emirates, will probably remain in custody until Wednesday while the inquiry is underway.

Global responses have been triggered by the arrest. Elon Musk criticized the action, saying it violates Europe's right to free speech, while Russian officials urged France to guarantee Durov's legal rights are upheld. As of yet, the Kremlin has not received formal charges and has responded cautiously.

With almost a billion users and a strong following in Russia and Ukraine, Telegram stood up for its CEO, saying that the network complies with legal requirements and that it is "absurd" to hold either the company or Durov accountable for any abuses. Durov, also known as, "Russia's Mark Zuckerberg," departed Russia in 2014 after declining requests from the government to close opposition groups on VK, his former social media platform. His latest apprehension presents important concerns regarding Telegram's future and its use in international digital communication.

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04

CALIFORNIA'S CONTROVERSIAL AI SAFETY BILL PASSES LEGISLATURE

SB 1047, a contentious AI safety measure, was passed by the California senate and is currently awaiting a final process vote before going to Governor Gavin Newsom's desk. He has until September 30 to veto the bill or sign it into law. The law requires advanced AI models that cost more than \$100 million or that require a significant amount of processing power to undergo safety testing. In addition, it allows the state attorney general the right to prosecute noncompliant developers, particularly in cases where public systems like the electricity grid are in danger. Developers are also required to incorporate "kill switches" to turn off AI systems in the event that they malfunction.

Tech giants like Google, OpenAI, and Meta have voiced strong opposition to the law, claiming it will hinder innovation and force AI startups out of California. Representative Nancy Pelosi and other Democratic members of Congress have also voiced concerns. Proponents of the legislation, like as Elon Musk, the CEO of Tesla, contend that it is essential to protect public safety as AI develops. Democratic state senator Scott Wiener, who is the bill's author and represents San Francisco, a hub for AI startups, maintains that proactive regulation is essential to keep AI from getting out of control.

The law is opposed by many, even though other people support it. Martin Casado, a venture capitalist at Andreessen Horowitz, has called for Newsom to veto the bill because of its widespread, bipartisan opposition. Anthropic, an AI startup funded by Amazon, has responded with more moderation, admitting that while the bill's advantages probably exceed its drawbacks, several of its features are still unclear. Governor Newsom's choice now determines the outcome and will influence California's future laws pertaining to artificial intelligence.

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SOUTH KOREA REQUESTED FOR SUPPORT FROM TELEGRAM AND SOCIAL MEDIA GIANTS TO COMBAT CYBER-SEX CRIMES

South Korean authorities are urging social media platforms like Telegram, X, Facebook, Instagram, and YouTube to cooperate in removing sexually explicit deepfake content. This move follows media reports highlighting the presence of such material in Telegram chatrooms, prompting public and political outrage. To address the issue, a 24-hour hotline will be established for victims, and regulatory personnel monitoring digital sex crimes will be doubled from 70.

The Korea Communications Standards Commission (KCSC) plans to form a consultative body to enhance communication with social media firms to facilitate the removal of deepfake content. The Korean National Police Agency will also launch a seven-month crackdown on online sex crimes.

Ryu Hee-lim, chairman of KCSC, emphasized that creating, distributing, or possessing deepfake sex crime videos is a grave offense that violates individual dignity and rights. While Telegram claims to actively moderate harmful content using AI tools and user reports, other companies have not responded to media requests for comment. Criticism of Telegram has intensified with the recent arrest of its founder, Pavel Durov, in connection to a French investigation into child pornography, drug trafficking, and fraud.

Deepfake sex crime cases in South Korea have surged, rising from 156 cases in 2021 to 297 this year. Most perpetrators are teenagers, and victims include women, female students, and female soldiers. This year, over 6,400 requests have been made to the KCSC to remove explicit deepfake content, compared to nearly 7,200 cases last year where assistance was provided in taking down the material.

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META WINS APPEAL AGAINST ANTI-VACCINE GROUP OVER CENSORSHIP CLAIMS

The 9th U.S. Circuit Court of Appeals in Pasadena, California, ruled in favor of Meta Platforms, dismissing an appeal by Children's Health Defense (CHD), an anti-vaccine group founded by Robert F. Kennedy Jr. The case revolved around CHD's allegations that Meta violated its constitutional rights by censoring its Facebook posts, which spread misinformation about vaccine efficacy and safety. The group had sued Meta in 2020, claiming that flagging its posts as "vaccine misinformation" and banning its ability to advertise violated the First Amendment.

Circuit Judge Eric Miller, appointed by former President Donald Trump, wrote that Meta is a "purely private" company with its own First Amendment right to control the content on its platform. He noted that Meta believes vaccines are safe and effective and is not obligated to promote contrary views, even if they align with government positions. The court found no evidence that Meta was coerced by federal officials into censoring CHD's content.

The appeals court also dismissed CHD's claims against the Poynter Institute and Science Feedback, both of which help Meta fact-check and evaluate the accuracy of Facebook content.

While the court sided with Meta, Circuit Judge Daniel Collins, also a Trump appointee, dissented on some grounds, agreeing that CHD's free speech claims could warrant an injunction, although other claims such as seeking monetary damages were rightly dismissed.

CHD expressed disappointment with the ruling and is considering further legal options. Kim Mack Rosenberg, CHD's general counsel, remarked that the First Amendment feels "hollow" when only the prevailing narrative is protected.

Meta has yet to comment on the ruling. The group's accounts were removed from Facebook and Instagram in August 2022.

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NEPAL LIFTS TIKTOK BAN AFTER AGREEMENT ON CONTENT REGULATION AND CRIME PREVENTION

Nepal lifted its nine-month ban on the Chinese-owned video-sharing app TikTok on Thursday after the company agreed to cooperate with local authorities to address concerns over TikTok-related crimes and better regulate its content. The decision to restore the app's availability came during a cabinet meeting and was confirmed by a government source who requested anonymity.

TikTok expressed satisfaction with the decision. The ban, initially imposed in November by Nepal's previous government, was based on concerns over the app's misuse and its potential to disturb "social harmony and goodwill" in the country. Before the ban, over 1,600 TikTok-related cybercrime cases were registered in Nepal over four years. These issues prompted the government to take action, as the app was linked to inappropriate content and even suicides

Following the ban, street protests sporadically erupted across Nepal, as many users claimed that the platform provided them with an important source of income and served as a space for free speech. At the time of the ban, TikTok had about 2.2 million users in the country, according to the Internet Service Providers' Association of Nepal.

In response to Nepal's concerns, TikTok agreed to create a focal unit to assist the Cyber Bureau of Nepal Police in monitoring and addressing TikTok-related crimes. This unit will operate around the clock to help the police quickly identify offenders and block harmful content. Dipak Raj Awasti, a spokesman for the bureau, emphasized that prompt and real-time identification of users is essential to discouraging the misuse of the platform and preventing crimes related to the app.

Several other countries have implemented partial or complete bans on TikTok, often citing national security and privacy concerns as the primary reasons. However, in Nepal's case, the ban was centered on protecting social harmony and preventing cybercrime.

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U.S. APPEALS COURT REVIVES LAWSUIT AGAINST TIKTOK OVER "BLACKOUT CHALLENGE" DEATH

A U.S. appeals court has revived a lawsuit against TikTok brought by the mother of a 10-year-old girl who died after participating in a viral "blackout challenge" on the platform. The case, involving the death of Nylah Anderson, challenges TikTok's responsibility for the content its algorithm recommended to users.

The Philadelphia-based 3rd U.S. Circuit Court of Appeals ruled on Tuesday that Section 230 of the Communications Decency Act, which typically shields internet companies from liability for user-generated content, does not protect TikTok from claims that its algorithm recommended the harmful challenge. Judge Patty Shwartz, writing for the three-judge panel, explained that Section 230 only applies to content provided by third parties, not to the platform's own recommendations.

This ruling marks a departure from previous court decisions, which generally held that Section 230 protects platforms from liability for failing to prevent harmful content. However, Judge Shwartz pointed to a recent U.S. Supreme Court ruling, which stated that social media algorithms reflect "editorial judgments" and therefore constitute the platform's own speech. By curating and promoting specific content, TikTok is engaging in first-party speech, which is not protected under Section 230.

The ruling reverses a lower court's decision that had dismissed the lawsuit on Section 230 grounds. Tawainna Anderson, the mother of the deceased girl, sued TikTok and its parent company ByteDance after her daughter died in 2021 attempting the challenge with a purse strap.

Jeffrey Goodman, the mother's lawyer, celebrated the decision, stating that "Big Tech just lost its 'get-out-of-jail-free card.'" U.S. Circuit Judge Paul Matey partially concurred with the ruling, criticizing TikTok for prioritizing profits and promoting harmful content to children while noting that it cannot claim immunity not provided by Congress.

TikTok has not commented on the ruling.

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Anthropic, the startup known for its AI chatbot Claude, is facing a second-class action lawsuit alleging copyright infringement. Filed on August 19 in a federal court in California, the lawsuit involves three authors—Andrea Bartz, Charles Graeber, and Kirk Wallace Johnson—who accuse Anthropic of illegally using copyrighted books to train its AI models. According to the plaintiffs, Anthropic, backed by Amazon, has constructed its multimillion-dollar business by downloading pirated versions of books and incorporating them into its Claude family of large language models (LLMs).

The lawsuit claims that Anthropic's business model relies on "large-scale theft" of copyrighted works. It argues that the company has unlawfully obtained and copied books from illegal sources, then used these copies to enhance its AI models. This practice, the plaintiffs contend, violates copyright law, which prohibits the downloading and copying of copyrighted material without authorization.

As AI technologies like Claude, ChatGPT, and Gemini become more prevalent, there is increasing legal scrutiny over whether training these models on extensive datasets of copyrighted material infringes on intellectual property rights. The central issue in these lawsuits is whether the use of such datasets falls under copyright infringement or if it is permissible under fair use provisions. The outcome of these legal battles will likely have significant implications for the AI industry and its approach to handling copyrighted content.

These legal challenges highlight the broader debate on the intersection of artificial intelligence and intellectual property law, as developers of AI models navigate the complexities of using large-scale data for training purposes while adhering to copyright regulations.

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- *Copyright infringement by AI*
- *Regulation of autonomous vehicles*
- *Impact of digital services taxes on trade relations*
- *Global digital taxation frameworks*
- *Combating cyber-sex crimes*
- *Platform responsibility for illegal content*

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