Artificial Intelligence and Robotics in the Eye of Private Law with Special Regards to Intellectual Property and Liability Issues

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Abstract : In the last few years (what is called by many scholars the big data era) artificial intelligence (hereinafter AI) get more and more attention from the public and from the different branches of sciences as well. What previously was a mere science-fiction, now starts to become reality. AI and robotics often walk hand in hand, what changes not only the business and industrial life, but also has a serious impact on the legal system. The main research of the author focuses on these impacts in the field of private law, with special regards to liability and intellectual property issues. Many questions arise in these areas connecting to AI and robotics, where the boundaries are not sufficiently clear, and different needs are articulated by the different stakeholders. Recognizing the urgent need of thinking the Committee on Legal Affairs of the European Parliament adopted a Motion for a European Parliament Resolution A8-0005/2017 (of January 27th, 2017) in order to take some recommendations to the Commission on civil law rules on robotics and AI. This document defines some crucial usage of AI and/or robotics, e.g. the field of autonomous vehicles, the human job replacement in the industry or smart applications and machines. It aims to give recommendations to the safe and beneficial use of AI and robotics. However – as the document says – there are no legal provisions that specifically apply to robotics or AI in IP law, but that existing legal regimes and doctrines can be readily applied to robotics, although some aspects appear to call for specific consideration, calls on the Commission to support a horizontal and technologically neutral approach to intellectual property applicable to the various sectors in which robotics could be employed. AI can generate some content what worth copyright protection, but the question came up: who is the author, and the owner of copyright? The AI itself can't be deemed author because it would mean that it is legally equal with the human persons. But there is the programmer who created the basic code of the AI, or the undertaking who sells the AI as a product, or the user who gives the inputs to the AI in order to create something new. Or AI generated contents are so far from humans, that there isn't any human author, so these contents belong to public domain. The same questions could be asked connecting to patents. The research aims to answer these questions within the current legal framework and tries to enlighten future possibilities to adapt these frames to the socio-economical needs. In this part, the proper license agreements in the multilevel-chain from the programmer to the end-user become very important, because AI is an intellectual property in itself what creates further intellectual property. This could collide with data-protection and property rules as well. The problems are similar in the field of liability. We can use different existing forms of liability in the case when AI or AI led robotics cause damages, but it is unsure that the result complies with economical and developmental interests.

Keywords : artificial intelligence, intellectual property, liability, robotics