

Regulating Artificial Intelligence - Key Issues and Choices

- ▶ I. Definition of AI
- ▶ II. AI legal issues copyright & liability
- ▶ III. Summary



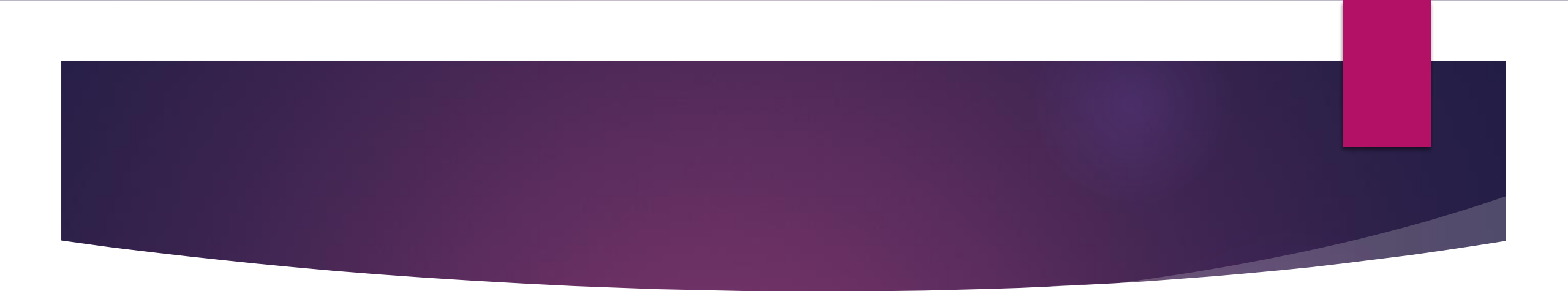
DEFINITION

- ▶ **'artificial intelligence system' (AI system)** means **software** that is developed with **one or more of the techniques and approaches listed in Annex I** and can, for a given set of human-defined objectives, generate outputs such as **content, predictions, recommendations**, or **decisions** influencing the environments they interact with
- ▶ **Annex 1 techniques and approaches:**
 - ▶ (a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;
 - ▶ (b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;
 - ▶ (c) Statistical approaches, Bayesian estimation, search and optimization methods.

The following Artificial Intelligence practices shall be prohibited:

- A)** the placing on the market, putting into service or use of an AI system that deploys subliminal techniques beyond a person's consciousness in order to materially distort a person's behaviour in a manner that causes or is likely to cause that person or another person physical or psychological harm;

- B)** the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;



C) the placing on the market, putting into service or use of AI systems by public authorities or on their behalf for the evaluation or classification of the trustworthiness of natural persons over a certain period of time based on their social behaviour or known or predicted personal or personality characteristics, with the social score leading to either or both of the following:

- ▶ (i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;
- ▶ (ii) detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;



D) the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

- ▶ (i) the targeted search for specific potential victims of crime, including missing children;
- ▶ (ii) the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of a terrorist attack;
- ▶ (iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA 62 and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State

Deep fake

- ▶ Article 52 (3) Users of an AI system that generates or manipulates image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and would falsely appear to a person to be authentic or truthful ('deep fake'), shall disclose that the content has been artificially generated or manipulated.
- ▶ However, the first subparagraph shall not apply where the use is authorised by law to detect, prevent, investigate and prosecute criminal offences or it is necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU, and subject to appropriate safeguards for the rights and freedoms of third parties.

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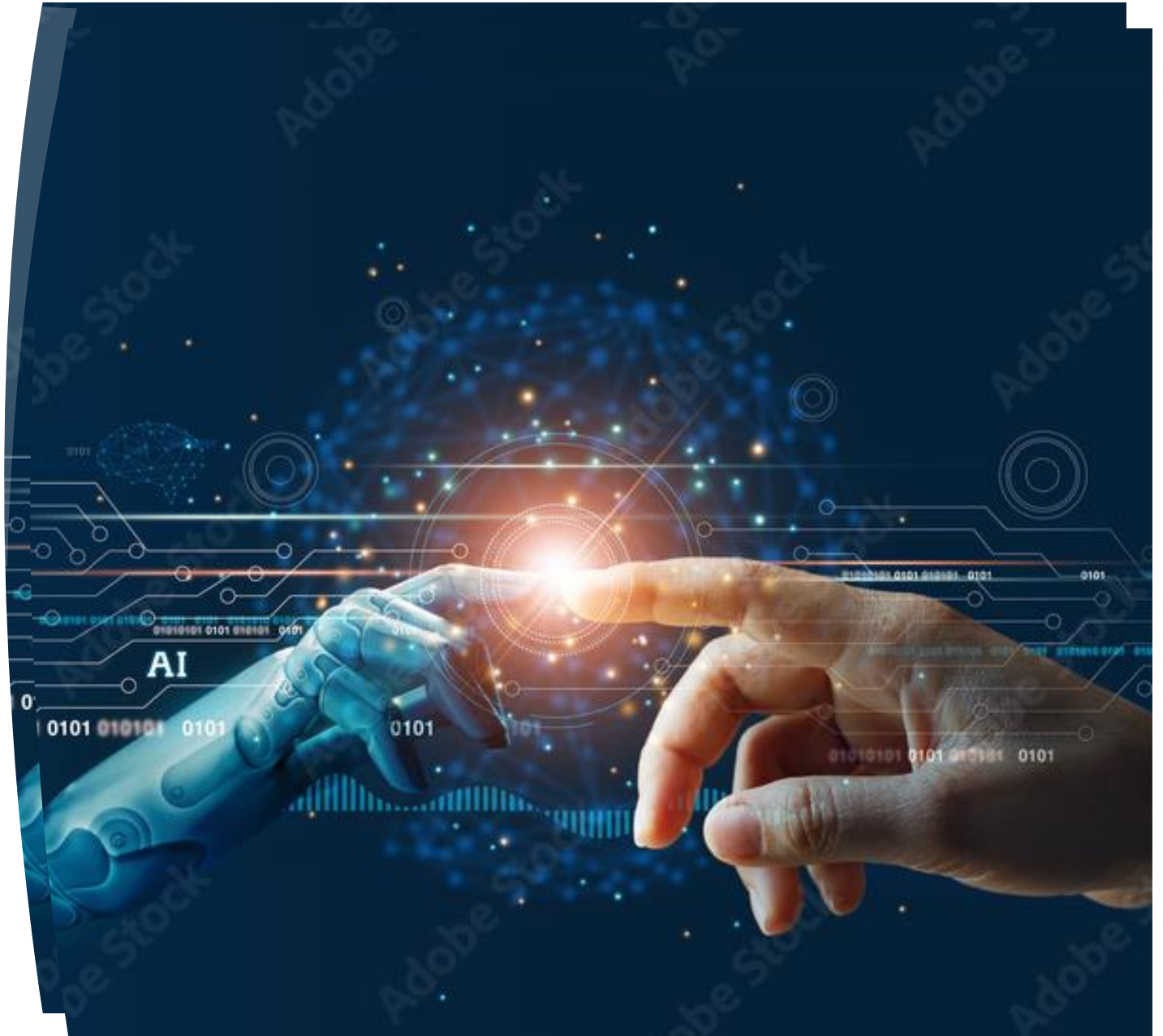
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