

Legal, Ethical and Regulatory Perspectives on Artificial Intelligence (AI): The Opening of the SMU School of Law's Centre for AI and Data Governance

1. September 24, 2018 marked the opening of Singapore Management University (SMU) School of Law's Centre for AI & Data Governance (CAIDG). The opening occurred at the end of a day-long Singapore AI workshop jointly organised by CAIDG and the Berkman Klein Center at Harvard University.
2. CAIDG Director Associate Professor Goh Yihan, Dean of the SMU School of Law said that CAIDG will participate in the Singapore AI eco-system and work to establish Singapore as a global thought leader regarding the relevant legal, ethical and regulatory fields. CAIDG will work closely with industry and other academic partners to develop deep expertise in AI and data governance. It will also work towards solutions for government, industry and civil society, as well as develop legal frameworks through legal and ethical research.
3. During the workshop, faculty discussed their projects under the three streams of AI and Society, AI and Industry, and AI and Commercialisation.
4. Under the first stream of AI & Society, faculty will explore issues concerning trustworthy AI, such as the circumstances where trust in AI can or should arise. Other projects include: an empirical examination of consumer attitudes in Singapore towards AI, as informed by ethical theory; and the implications that cross-border contracts carried for data protection concerns.
5. CAIDG Deputy Director Professor Mark Findlay also introduced a project which would analyse the impact of AI on the labour force. This project will focus as much on human and social dimensions, as on the way AI alternatives might help improve profit for corporations. Professor Findlay noted that "the introduction of AI into the labour force needs to deal with market dysfunction. If we have areas of the labour force not adequately supplemented by human capital, then obviously AI is an alternative ... which we would want to explore,

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such as AI and eldercare; what we need to avoid ... is bringing AI into areas where markets are *not* dysfunctional.”

6. Under the second stream of AI & Industry, faculty will explore the implications of autonomous vehicles. Another major project will focus on dispute resolution in the justice sector, and as between consumers and businesses. For the former, online dispute resolution has challenged the traditional definitions between different kinds of dispute resolution processes, and research in this area would involve issues relating to procedural justice, substantive justice, and access to justice. Research in the latter area will discuss dispute resolution systems designed by businesses, such as eBay. Finally, another project under this second stream will examine AI in the banking industry and capital markets.
7. The third stream of AI & Commercialisation will address issues regarding intellectual property (IP) law, including: whether there is a need for IP exclusivity for AI-created products; and the role of AI in the context of creation. For instance, it is not clear that current IP theories which form the basis of IP rights would similarly apply to AI creations. This stream will also explore the challenges raised by AI for international trade.
8. Additionally, Mr Yeong Zee Kin, Assistant Chief Executive (Data Innovation and Protection Group) of the Infocomm Media Development Authority of Singapore (IMDA), also presented a model framework, developed by the Singapore Government, to be used in employing AI and data. Mr Yeong explained that the Government hoped to create space for companies and consumers to experiment and discover how to use AI. “Our first wave of strategy is to set the tone, create an institution and framework to help this discussion and bring together tech providers, companies wishing to use AI, and people representing consumer interests.”
9. Thereafter, participants had a lively discussion on AI, with various sessions focusing on the topics of autonomous vehicles, IP, and government procurement, respectively. On the topic of autonomous vehicles, it was noted that while the shift towards automation was well underway, liability and risk allocation still remained to be addressed by governments and the law, and the usual liabilities based on tort principles might no longer apply. On the topic of IP, although AI has increasingly been appearing in patent applications, participants noted there are issues with how it would fit with the current IP system. On the topic of government

procurement, it was argued that government procurement of AI could set standards and lead development in the private sector.

10. The evening ended with a dialogue on the ethical, governance, and consumer protection implications of the commercial deployment of AI, with a panel comprising: Senior Minister of State for Communications and Information and Senior Minister of State for Transport Dr Janil Puthuchery; Dr Urs Gasser, Executive Director of the Berkman Klein Center; and Ms Malavika Jayaram of Digital Asia Hub; with Mr Yeong as moderator.
11. There were a number of takeaways. First, as the government acts as both regulator and user, its role in AI was multi-faceted and had to be carefully considered. Second, there is a need for trust by the people in the government, at the same time that there is a need for continual updates in the relevant regulatory frameworks. Third, where AI is concerned, ethical fundamentals were unchanged, and schools would continue to establish values in that regard. Finally, the need for continuous learning could not be over-emphasised in the age of AI. It requires a balance between the rapid pace of technological change and the maintenance of stability (which was a core function of the law).
12. Minister Puthuchery emphasised that the Government has a “significant appetite for risk” regarding the adoption of AI in Singapore, but it is still studying the legislative framework to be put in place. “Each ministry has committed to developing AI, and there are opportunities in both public and private sectors. But we also need to manage risks, and have been putting in place structures to address these before getting into the large thrust of investments.”
13. Professor Goh ended the evening by stating that in a period strongly influenced by technological disruptions, the research insights generated by CAIDG will inform teaching at the SMU School of Law. “As a young law school, our vision is that of a more interconnected world that is attained by the study and practice of law. [CAIDG is positioned] to bridge not only the reality ... between, for example, east and west, academia and practice, but also the metaphorical ... building bridges across the past and the future, across disciplines ... We look forward to fostering collaborations in this important space.”