

DIGITAL TRANSFORMATION

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ARTIFICIAL INTELLIGENCE

The possibility of processing ever-larger volumes of data ever more rapidly has taken the use of Artificial Intelligence (AI) to a new level. Though users are not aware of this, even now many software products contain elements of AI, and the next few years will see an exponential rise in the applications – e.g. in areas such as smart contracts, deep learning and robotics. Here, as in many areas of digital transformation, legislators are struggling to keep abreast of technical developments.

With help from Gleiss Lutz, companies can rest assured that they are putting the structuring and implementation of their AI projects on a sound legal foundation, taking into account all the regulatory, liability and data protection requirements. One important element of the advice provided is the contractual architecture underpinning the use of AI – it is important here to ensure that the rights to the results generated by the use of AI are allocated to the respective parties in keeping with the way project is designed. We also advise on the question of whether Artificial Intelligence as such can be protected as intellectual property and whether the AI-generated results are eligible for protection.

We also provide support on the structuring of [smart contracts](#) and the liability issues around AI, including the question of who is liable in the event that AI violates intellectual property rights. The antitrust issues around the use of AI, e.g. in connection with market surveillance, market analysis and pricing using algorithms and with the automated exchange of competitively sensitive information between smart terminals (“machine-to-machine communication”) form another plank of our advisory offerings.

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