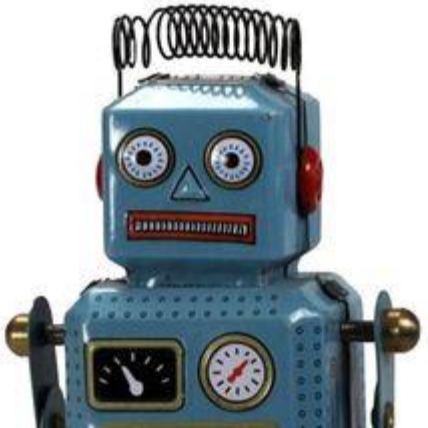
INTRODUCTION TO U.S. ROBOTICS LAW



HTTP://ROBOTS.LAW.MIAMI.EDU/2016/

WHAT IS A ROBOT, ANYWAY?

WHAT IS A ROBOT, ANYWAY?

1. There is no clear definition of a robot.
2. However, many argue that no definition is needed.
3. Robotics law should focus on problems, not categories.

ONE POSSIBLE DEFINITION

1. Richards and Smart: "A robot is a constructed system that displays both physical and mental agency, but is not alive in the biological sense." Link: http://ssrn.com/abstract=2263363
2. This definition leaves out automated software 'bots' and telepresence machines, which I argue should be part of robotics policy.

DO ROBOTS PRESENT NEW PROBLEMS?

Robots raise common and well-covered legal issues, such as threats to physical safety, fraud, privacy, data security, and the exploitation of the vulnerable.

SOME PROBLEMS ARE NEW

1. When robots look like humans, we treat them as though they are more than just machines.
2. They have deep access into our personal lives.
3. They have emergent properties. We do not always know how they are going to act.

Verizon 10:15 PM 11%

Back Leibe More


Still got a headache from last night. Geeky girls know how to have fun!
Right now I'm relaxing a bit and playing castle clash on my phone.

Lol i dont know that game


Have you heard about that game?

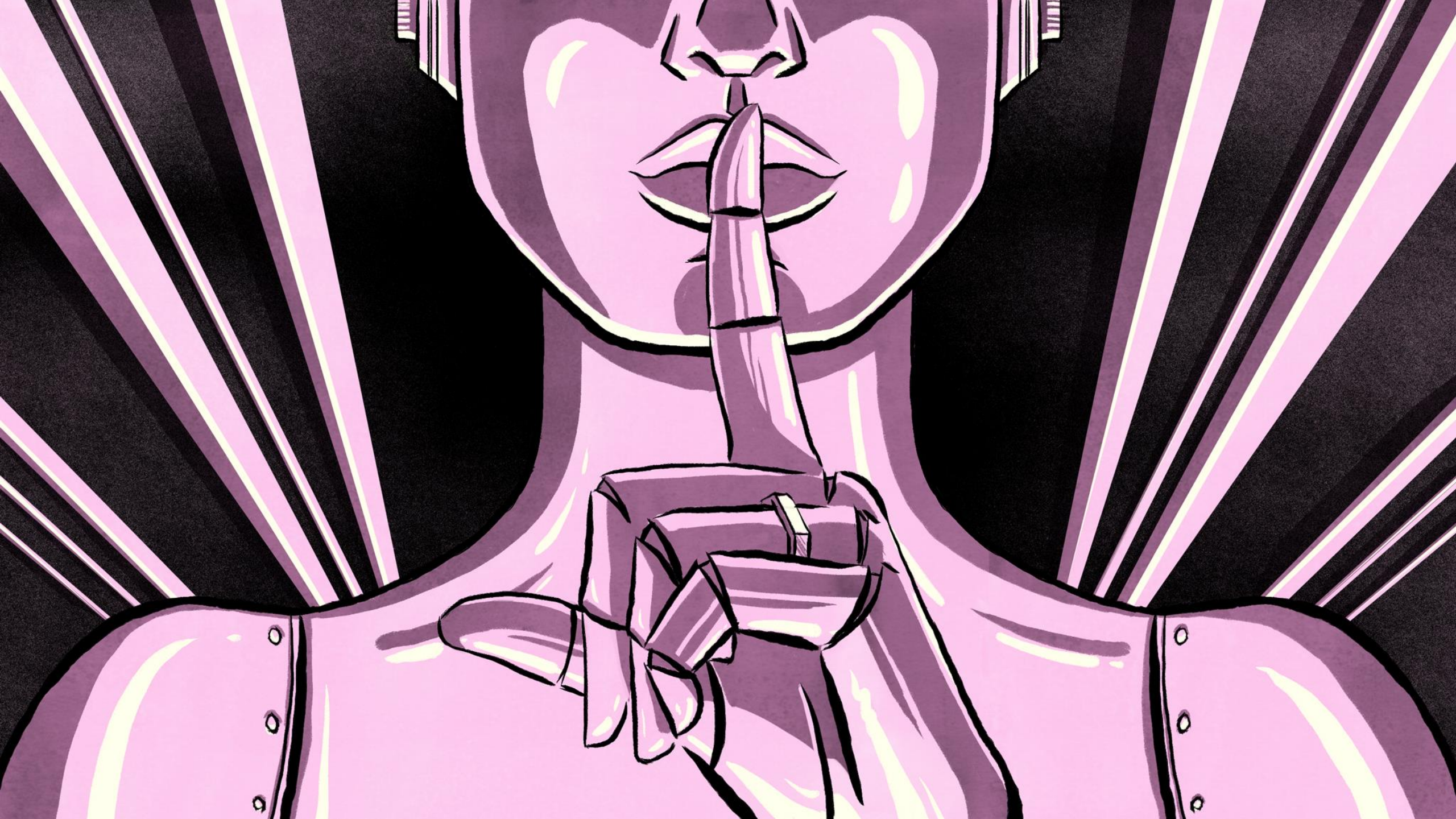
Nope


http://www.tinderverified.com/castleclash


Play me with me and you may get my phone number ;)

Lol please tell me you're not advertising

Message Send



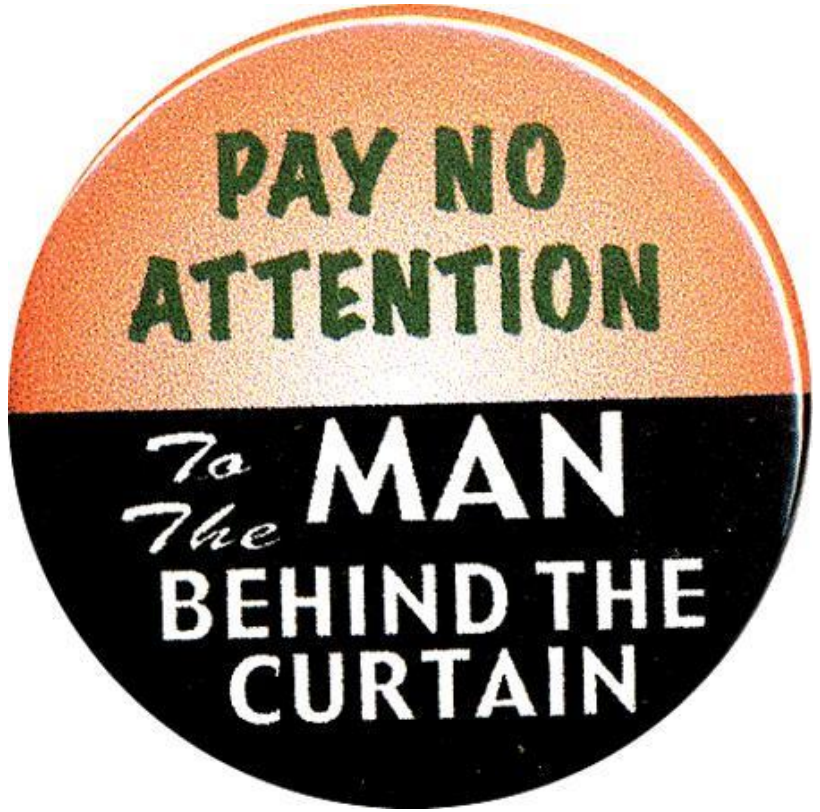
ROBOTS ARE HERE.

ANTHROPOMORPHISM

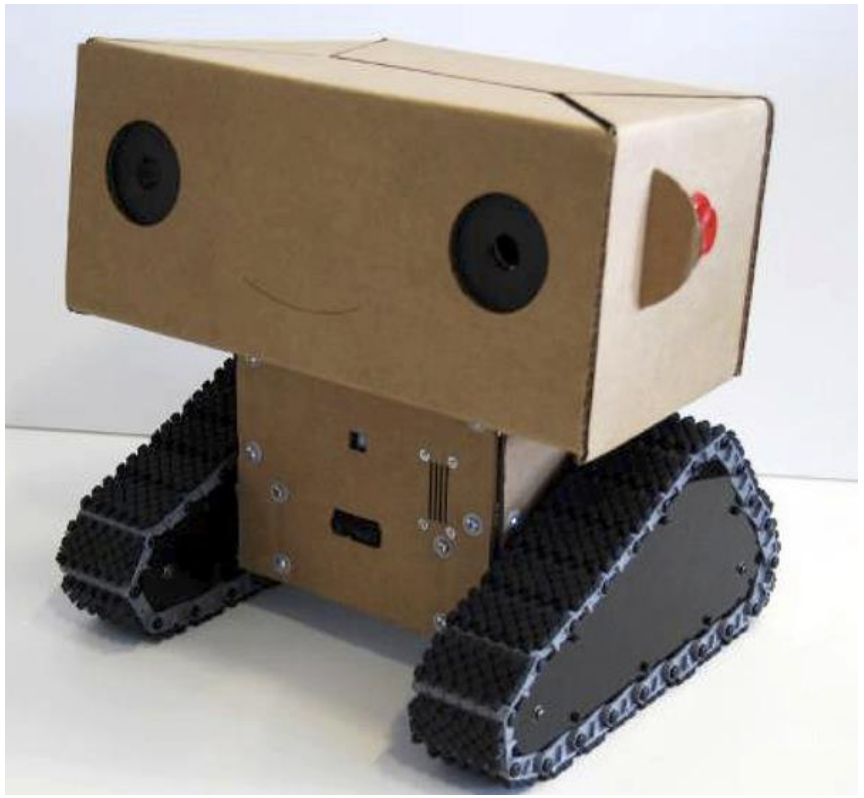
Leaves us vulnerable to:

1. Manipulation
2. Dependence and emotional attachment

SCAMBOTS AND DECEPTICONS

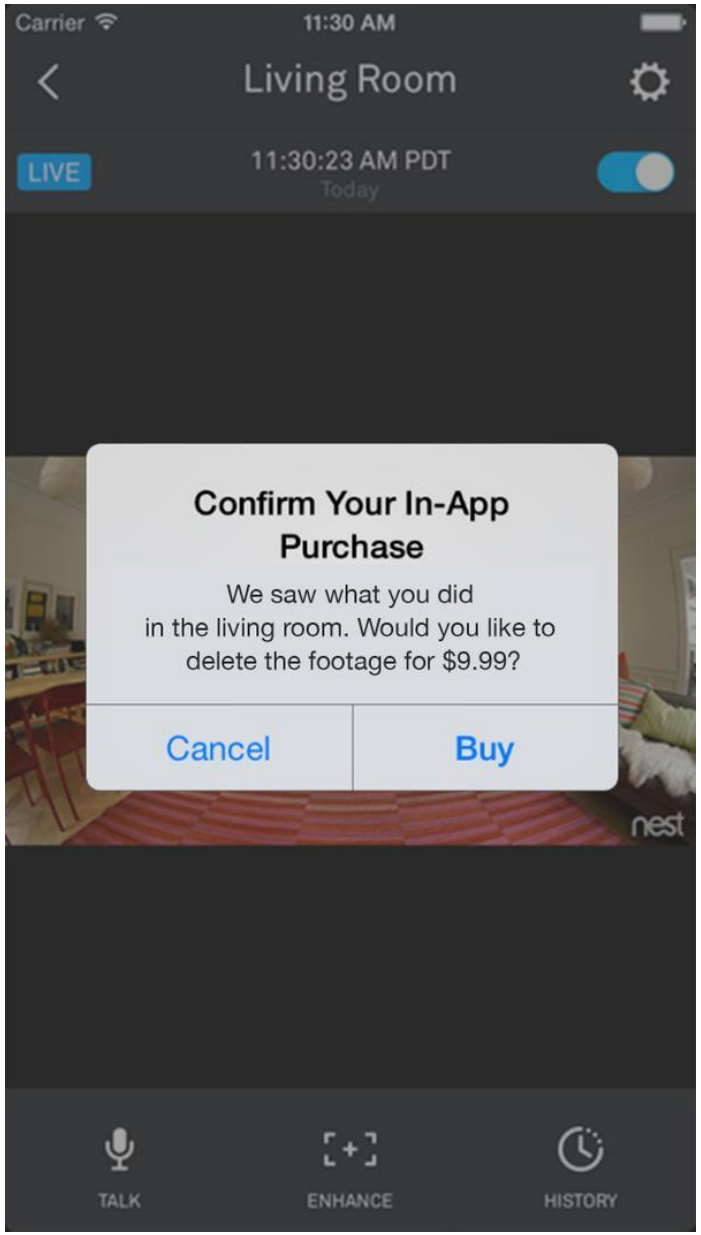


SPYBOTS



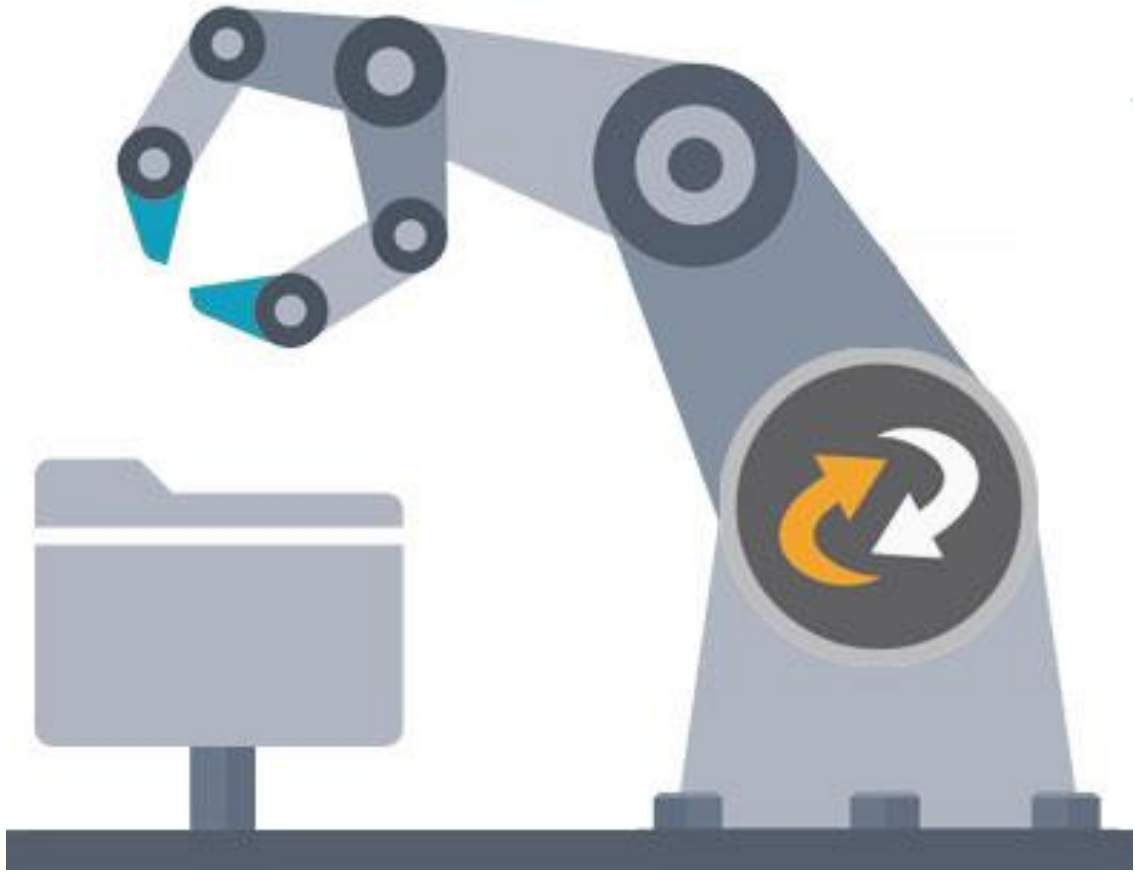
NUDGEBOTS


●●●○○ AT&T
9:41 AM
50 %
Messages
Philips Shaver
Contact
Today 8:32 AM
Hey! It's me, your shaver. It's been two weeks since you shaved... I miss you. Do you really want to grow a beard? Are you sure you'll look OK? Let me know, or I'll tweet about your non-shaving streak tomorrow!


Carrier
11:30 AM
Living Room
LIVE
11:30:23 AM PDT
Today
Confirm Your In-App Purchase
We saw what you did in the living room. Would you like to delete the footage for $9.99?
Cancel
Buy
nest
TALK
ENHANCE
HISTORY

AUTOMATION

1. Physical harm
2. Due process
3. Privacy and data security
4. Logistics



AUTOBOTS

ALGORITHMS AND ARTIFICIAL INTELLIGENCE

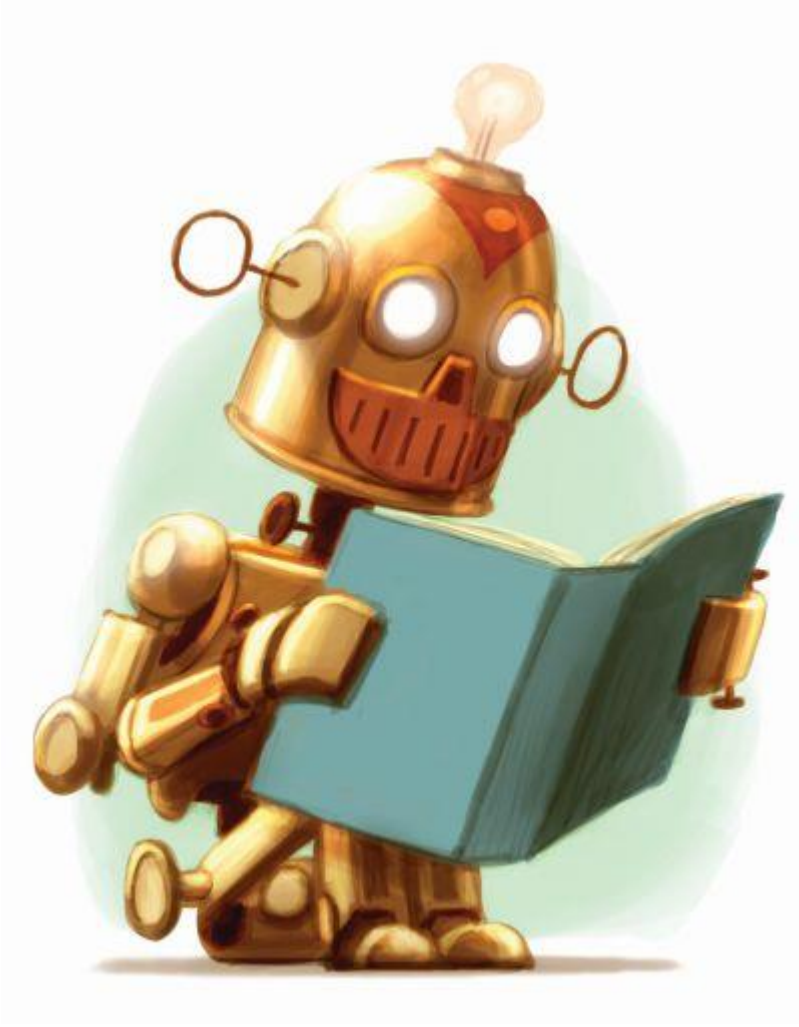
1. Harmful discrimination
2. Transparency and trust
3. It is too early to focus too much on “the singularity”

WEAPONS

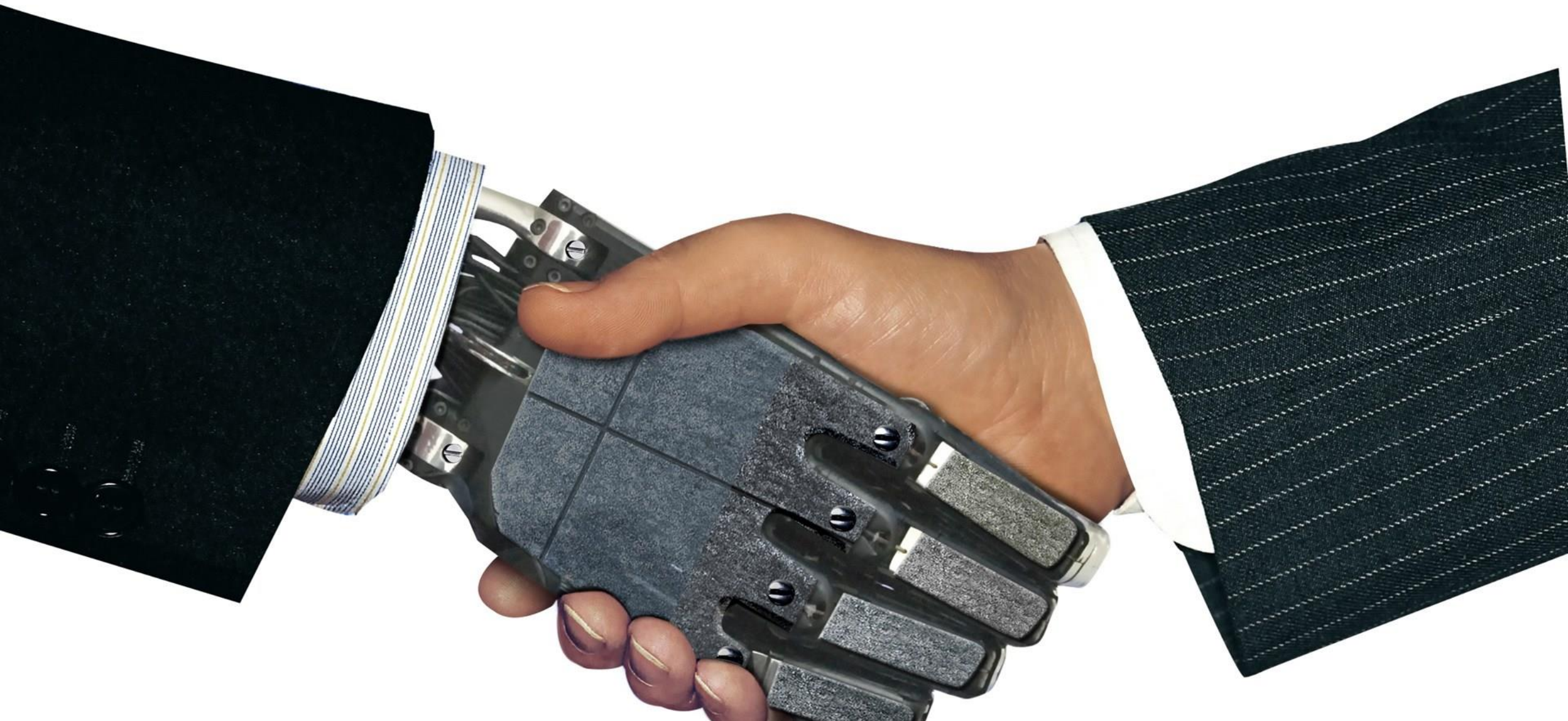
CAMPAIGN TO STOP
KILLER ROBOTS

LABOR AND EMPLOYMENT

STRUCTURE OF U.S. ROBOTICS LAW

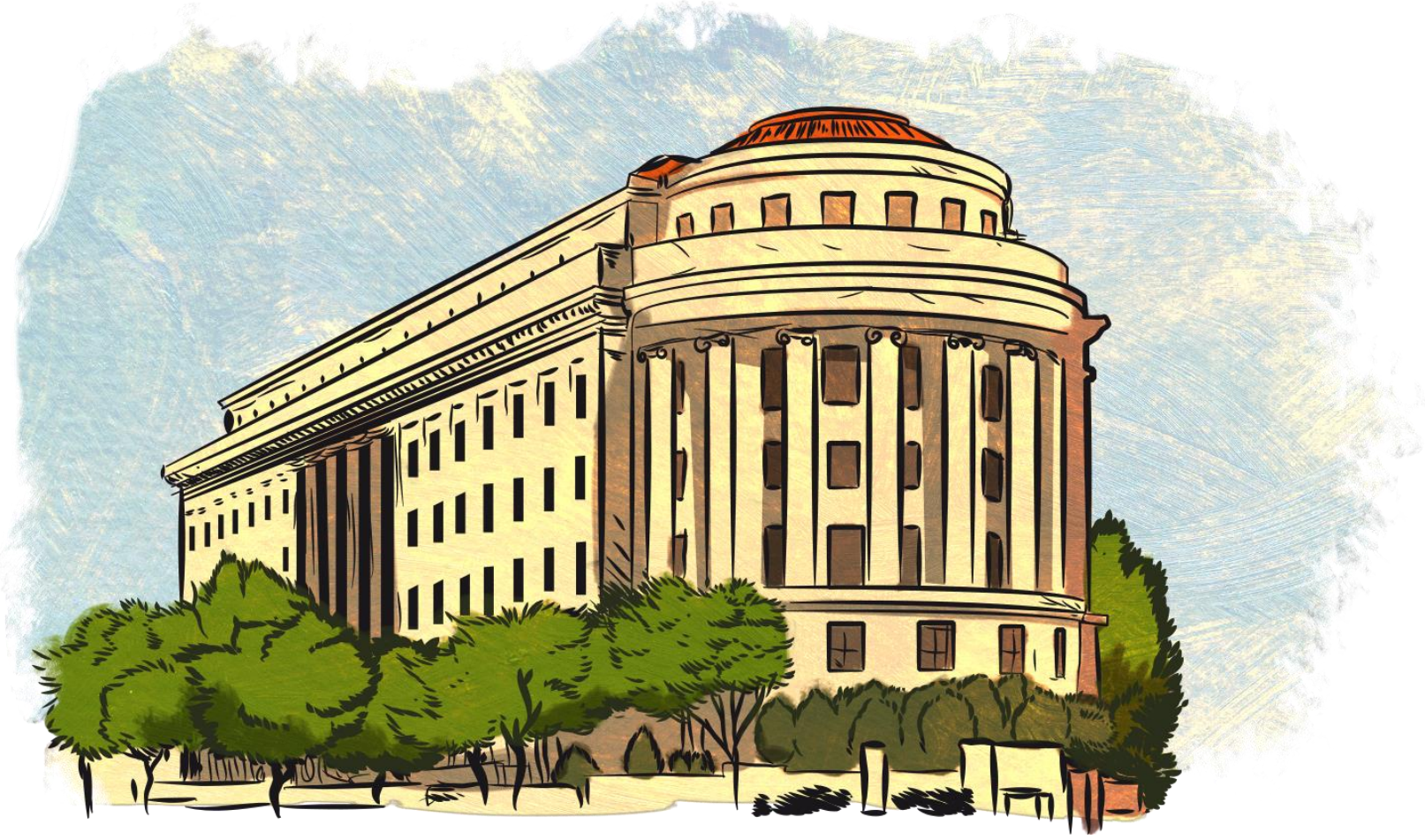


PRIVATE LAW (TORTS & CONTRACTS)



PUBLIC LAW

CONSUMER PROTECTION: FEDERAL TRADE COMMISSION

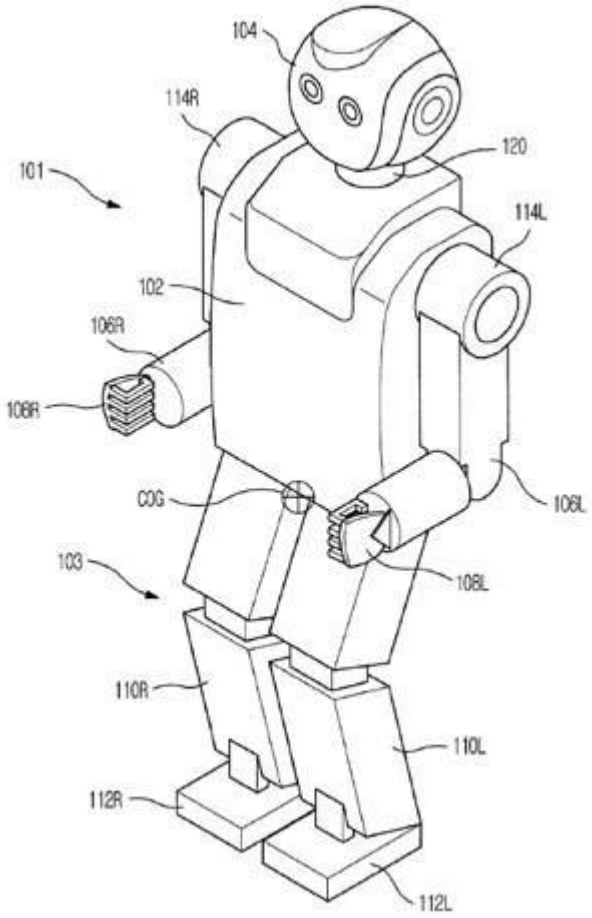


AUTOMATED LAW ENFORCEMENT: STATE LAW

DRONES: THE FEDERAL AVIATION ADMINISTRATION

AUTOMATED CARS: NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

INTELLECTUAL PROPERTY: UNITED STATES PATENT AND TRADEMARK OFFICE

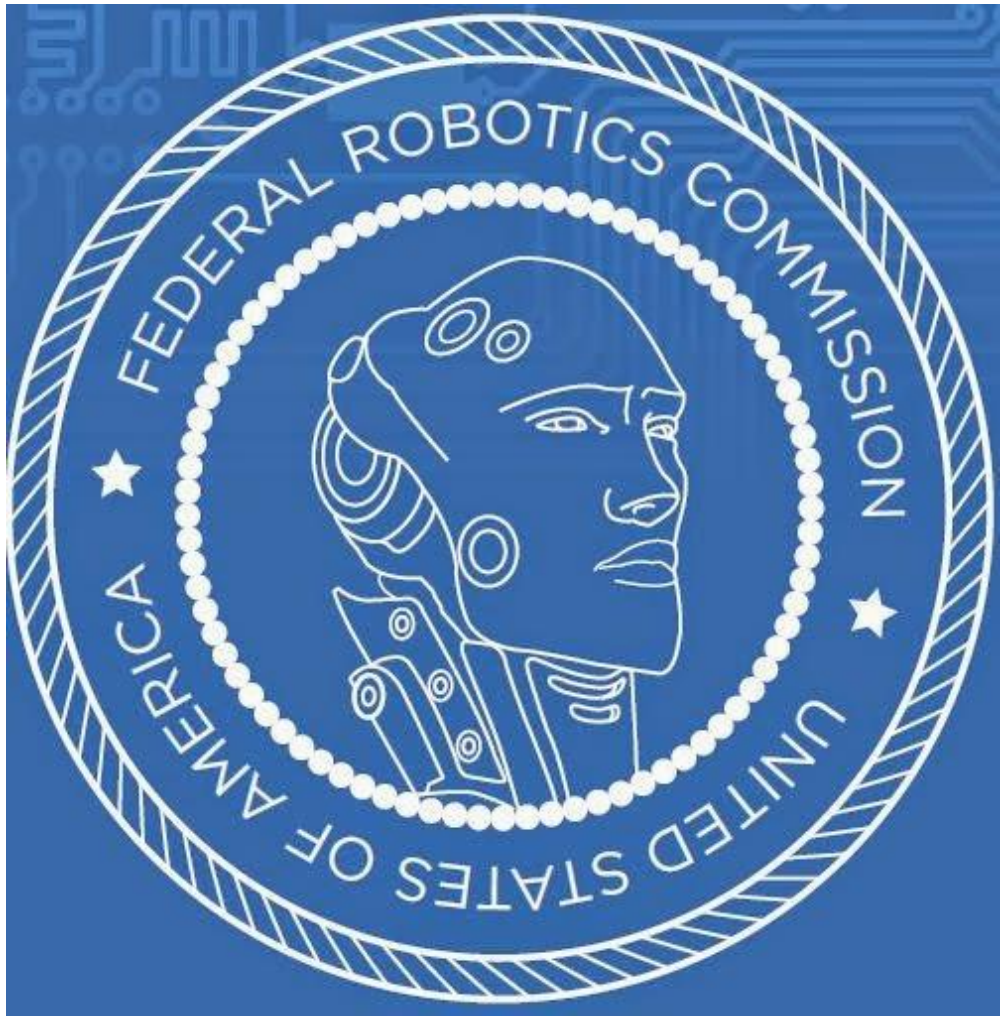


IMPLANTS: FOOD AND DRUG ADMINISTRATION

NATIONAL SECURITY: DEPARTMENT OF HOMELAND SECURITY

NON-GOVERNMENTAL STANDARDS ORGANIZATIONS

DO WE NEED A SEPARATE ROBOTICS COMMISSION?



CASE STUDY IN CONSUMER ROBOTICS

From the article:

Woodrow Hartzog, *Unfair and Deceptive Robots*, 74 Maryland Law Review 785 (2015), http://ssrn.com/abstract=2602452

THE FTC SHOULD CONFRONT ROBOTICS

1. The FTC has the authority
2. The FTC is in the best position

SECTION 5 OF THE FTC ACT

"(1) Unfair methods of competition in or affecting commerce, and **unfair or deceptive acts or practices** in or affecting commerce, are hereby declared unlawful.

(2) The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations…from using unfair methods of competition in or affecting commerce and **unfair or deceptive acts or practices** in or affecting commerce."

DECEPTION

A practice is deceptive if:

1. There is a representation, omission or practice that is likely to mislead consumers
2. who are acting "reasonably under the circumstances," and
3. it would be material to the decision to buy or use the product.

UNFAIRNESS

A practice is unfair if:

1. It causes or is likely to cause substantial injury to consumers
2. which is not reasonably avoidable by consumers themselves and
3. not outweighed by countervailing benefits to consumers or competition.

THE FTC HAS BROAD REGULATORY AUTHORITY

THE FTC HAS A DIVERSE TOOLKIT

1. Mandated disclosures
2. Design requirements
3. Data protection

ESTABLISHED BODY OF LAW

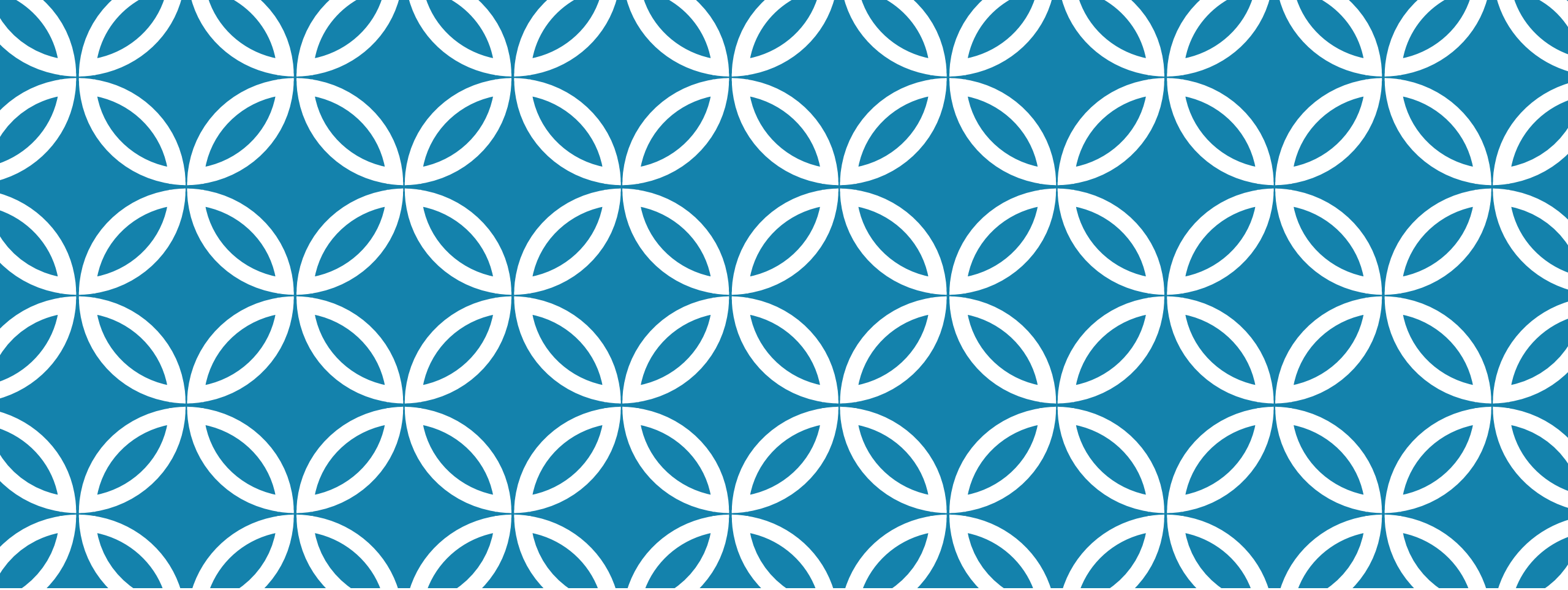
ACCOMMODATION OF NEW TECHNOLOGIES

APPROPRIATE DEFERENCE TO INDUSTRY STANDARDS

COOPERATION WITH OTHER REGULATORS

IN CONCLUSION

1. “Robot Law” must have many layers and should be embraced by multiple laws and regulatory agencies.
2. Robot policy should bring together people from many different academic disciplines, including computer science, philosophy, psychology, and sociology.
3. Robot law should focus on problems, not definitions or categories.
4. The time to take robots seriously is right now.



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