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OUR DIGITAL FUTURES:
TECHNOLOGIES WITHOUT BOUNDARIES
BILETA 2013 CONFERENCE REPORT

Marlena Jankowska and Heather Bradshaw-Martin***

BILETA is the British and Irish Law, Education and Technology Association, which was formed in April 1986. Its aim is to promote the use of technology in legal education in UK and Ireland but as everybody knows the association also brings together scholars from all over the world. To this end BILETA holds an annual conference in April hosted this year by the University of Liverpool from Wednesday 10 to Friday 12 April 2013. This year's theme was "Our digital Futures: Technologies Without Boundaries". The conference was dynamically organised by Joseph Savirimuthu (Senior Lecturer at the Liverpool Law School), a specialist in Internet and Information Law, whose thorough preparations preserved BILETA's expected standards of interactivity. Nearly one hundred academics and PhD students came together to present their papers and to share ideas about technologies and innovation in law.

Before the presentations began, all participants were invited to the Victoria Gallery & Museum for a Moot entitled "The case of the Sentient Computer" as well as the keynote speakers' Ignite Sessions and Plenary. The "Ignite" format gives speakers five minutes to talk about their ideas accompanied by 20 slides, each automatically displayed for 15 seconds, that is with the timing not under the speaker's control.¹

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¹ See http://en.wikipedia.org/wiki/Ignite_%28event%29, accessed 25 May 2013.

Given that Liverpool has become the UK's first Smart City one of the Ignite sessions was devoted to explaining this idea in layman's terms, for those of us not accustomed to using smart grid technology back home. One could not imagine a better place for debate on smart grids than Liverpool. The smart grid was presented through examples of cloud-based software such as a Job-Opportunity app, Car-Sharing app, Real-Time Public Transport app, and Child Safe app, together with Location-Based Marketing and the It's Liverpool Smart City app.

The plenary followed. The keynote speaker was Professor A. Murray (London School of Economics and Political Science) who asked why the study of cyber law and the rule of law are important, concluding that among other key issues this field questions traditional sources of legitimacy and presents particular regulatory problems due to the borderless nature of the internet.

Further, Professor M. Fisher, the director of the University of Liverpool Centre for Autonomous Systems Technology paid attention to the issue of what regulatory and governance frameworks we would need to balance innovation and human values in the age of autonomous systems. In order to depict the scale of the issue to the participants Kheng Lee Ksay and Professor K. Dautenkhan (University of Hertfordshire) presented the "Accompany Project" which has been developing robots as a part of an intelligent home environment to assist elderly people to maintain their independence. The matter that they put in question was who shall be responsible for unexpected and unwanted behaviour of the robots (should any occur) given that the group of researchers taking part in the project were drawn from multiple jurisdictions. One of the plenary speakers, Dr. Heather Bradshaw-Martin (University of Bristol), responded to the panel's title: "The Modern Prometheus" by highlighting public fears about robots stealing jobs, freedom or privacy from humans. She asked whether robots might even take our conscience from us by making many decisions for us, and she predicted we might have to compete with them for resources one day. The discussion then moved to humanitarian law given that drones able to be used for military operations are already owned by 80 states. There was also a question about whether the use of drones against technologically undeveloped countries should be assumed immoral. These topics were followed up with animated discussion in later sessions with presentations

on Autonomous Robotic Weapon Systems: Protecting Legal and Moral Responsibility via Sound Design by Dr A. Leveringhaus and a paper on the use of Drones in Contemporary Armed Conflicts: Implications for International Humanitarian Law by David Turns from the Shrivenham campus of Cranfield University.

In order to ensure that the floor could be given to nearly one hundred speakers parallel sessions were organised. Delegates' choice of which to attend was not easy as many new theses were discussed simultaneously. There were multiple separate streams on Internet Cultures and Governance; Technologies, Innovation and Justice; and, of course, Education. Some of the presentations were followed by papers already issued which gave participants the possibility to pay more attention to the relevant topic later on encouraged by their authors' short presentations. It is not possible to mention all the topics brought to the table but it is worth noticing that among the many subjects concerning law and technology one stream within Technologies, Innovation and Justice was spared for copyright theory.

Authors presenting in the copyright stream asked whether copyright law needs reform. The first speaker here, Dr. J. Griffin (University of Exeter), noticed that copyright law does not protect new uses of works effectively.² Then Dr Marlena Jankowska (Silesian University) asked whether allowing ghostwriting protection in national doctrines of copyright law is not playing games with copyright law. N. Jondet (University of Strathclyde) made a speech on French HADOPI law which is perceived as a controversial attempt to solve the problem of digital piracy. The author considered its future modification in the face of potential political change in France.³ H. Hammad (University of Exeter) tried to find the role of originality in reviving copyright law. He explained the idea that copyright theory should distinguish two sorts of originality in order to provide two regimes of protection, a weaker and a stronger, which society and authors could benefit from.

² See J. Griffin, Article: 300 Years of Copyright Law? A Not So Modest Proposal for Reform, 28 *The John Marshall Journal of Computer & International Law*, Fall 2010.

³ The presentation has been made available under <http://www.slideshare.net/njondet/jondet-bileta2013hadopi>, accessed on 26 May 2013.

At the same time another four panels were taking place, among which one was devoted to copyright, libraries and open access (presented by J. S'avelka, R. Hoorn, R. Deazley and V. Stobo (the two last speakers were from the University of Glasgow)). The day of April 11th ended with an extraordinary dinner held in beautiful rooms at the Victoria Gallery & Museum. The meal was preceded by the evening's keynote speaker, Professor Steve Fuller (University of Warwick), the author of "Humanity 2.0". Participants were invited to put questions to the speaker. The participants had also received a transcript of an interview with the author beforehand. As Professor Fuller was most open to questions the lively discussion went on for quite a long time.

The next day many more presentations were made from an unreasonably early hour. To mention some of them: Y.H. Lee was trying to set and maintain boundaries of fan communities and the self-regulation of digital creative space. She attempted to find the legal position of fan fiction. Given that fan fiction is preceded by no case law she had put forward a few norms herself, e.g. norms of transformation, of attribution, of integration and a norm of non-commercialisation. She also named many practical aspects of fan fiction existing on the market. K. Barker (Aberystwyth University) discussed virtual worlds and online games in light of IP.⁴ The next speaker, A. Giannopoulou (University of Paris II – Pantheon Assas) presented on the creative commons licenses through moral rights provisions in French law.⁵ Dr. A. Brown (University of Aberdeen) reported on an interdisciplinary approach to creativity which has been developed under the project "Music and Dance: Beyond Copyright Text?" at the University of Edinburgh.⁶ A very original topic was discussed by Dr. D. Mendis (Bournemouth University), who paid attention to intellectual property law concerns about

⁴ Cf. The presentation of the author performed at BILETA 2011 Manchester, available at http://www.academia.edu/532867/BILETA_2011_-_MMORPGing_The_Legalities_of_Game_Play, accessed 26 May 2013.

⁵ The BILETA 2013 presentation of this author is available at http://www.slideshare.net/alex_giannopoulou, accessed 26 May 2013.

⁶ See <http://projects.beyondtext.ac.uk/beyondcopyrighttext/index.php>, accessed 26 May 2013. Cf. Ch.Waelde, A. Brown, S.H.E. Harmon, Do you see what I see? Disability, technology, law and the experience of culture, IIC International Review of Intellectual Property and Competition Law, vol. 43, no. 8, 2012, 901-930.

3D printing.⁷ Later that day a reading group was organised for those who had read and wanted to discuss E. Morozow “To Save Everything. Click here: The Folly of Technological Solutionism” and M. Schönberger and K. Cukier “Big Data: A Revolution That Transforms How We Work, Live, and Think”.

All in all the 2013 BILETA conference was a most stimulating and productive event. The especially welcoming atmosphere created by the organizer and the University and City of Liverpool ensured that there was no excuse for not getting to know the many cutting edge researchers who were present. No matter what one’s role in the teaching or practise of law this event brought to the fore major developments in the technological world which will influence the field of law in the coming years. Whatever one’s specialism it seems there will be some aspects of these changes which will affect one’s work. The particular success of this event was to bring together expertise, usually dispersed across the traditional legal sub-disciplines, around technological themes. There is no doubt the event was a major success for BILETA.

We look forward to next year’s event.

⁷ D. Mendis ‘The Clone Wars’ – Episode 1: The Rise of 3D Printing and its Implications for Intellectual Property Law – Learning Lessons from the Past?. *European Intellectual Property Review*. Vol. 35, 2013, pages 155-169.