

UDC 347

A ROBOT IS A SUBJECT OR AN OBJECT FROM THE PERSPECTIVE  
OF THE CIVIL LAW OF THE REPUBLIC OF BELARUS

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*Artificial intelligence begins to enter our lives more actively. A new category appears on the legal horizon - robots. This article explores the concept of the role of robots from the perspective of the civil law of the Republic of Belarus. The article examines the question if robots can have copyrights or not.*

**Introduction.** Today the artificial intelligence system is actively developing in the world. A large number of robots are created to perform various functions: vacuum cleaning robots, parking robots, robots-judge, or medical robots. A completely new category is emerging - robots, as well as new relationships with the participation of robots that must be regulate properly.

**The main part.** Many theorists, who have devoted themselves to this field, share their experience and misleadings about the legislation of robots. For example, Israeli law theorist Gabriel Gallevi shares: "Today we are in a vacuum- a legal vacuum. We don't know how to treat these beings". In turn, Bill Gates said that robots must pay taxes to the state treasury because they occupy jobs.

The American legislation treats a robot as a programmable machine that fulfills the will of a person. So, the creators are responsible for the actions performed by robots. This approach causes a lot of controversy. For example, at the plants of the company "Tesla robots" one hundred kinds of robots are involved. It is clear that it is impossible to determine who should be responsible for the emergency caused by the fault of one of these robots.

The most radical speakers are of the opinion that the existing norms of administrative and civil law should be disseminated to robots. Proceeding from this, we can observe that there is a lot of controversy as to whether the robot is an object or still a subject [1].

So, we should clearly determine who the robots are from the point of the civil law.

So, the first question is who or what robots are?

A robot is an automatic device that is controlled either by the program or by an operator [2].

The term "robot" is often understood as something that copies a person or performs his or her work with the help of artificial intelligence.

In general, a robot is a machine that perceives, thinks and acts [3].

If we want to classify a robot as a category, first we need to have an idea what the subject and the object of the Civil law is.

The subjects of the civil law are holders of civil rights and obligations [4].

The objects are things like money and securities, other property, including property rights of the results of intellectual activity and means of individualization of participants in civil turnover, goods, intangible goods [5].

There are three approaches to robots and their attribution to the object or subject of the civil law.

The first approach notes that some scientists believe a robot cannot be a subject of the law, since robot can perform only simple, autonomous actions, like animals, and animals according to the legislation of the Republic of Belarus are considered as objects only.

The second approach notes that a robot is a subject of the law, which should be ensured with the truncated rights of people in the Civil Code and that we should not equate robots to animals.

The third approach notes that some scientists consider that it is important to create a separate category of so-called "electronic persons" [6].

We believe that robots are quite complicated device to equate it with animal on the one hand, but it is not intelligent enough to compare it with a person on the other hand, so a robot cannot be a subject of the law. We agree with the third option mainly, which assumes that the creation of a separate category of "electronic persons" is right, which will fully and comprehensively reflect the essence of robots.

3) Who will be responsible for the damage caused by robots?

Well, there are three laws of robotics that was formulated by Issac Asimov in his short story "Runaround".

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1) A robot may not injure a human being or, through inaction, allow a human being to come to harm.

2) A robot must obey orders given by human beings except when such orders would conflict with the First law.

3) A robot must protect its own existence as long as such a protection does not conflict with the First and the Second laws [7].

According to these laws, each robot must be automatically programmed not to violate these three laws of robotics. But there are many cases confirming that robots can be dangerous for people. There are some examples to prove it. In the city of Hanover a robot dropped a steel beam on a human in May 2014 [8]. In Germany a robot killed a person at Volkswagen plant in June 2015 [9]. Those examples show us that the development of robotics and artificial intelligence can be very hazardous for people's life.

4) Who will be responsible for robots?

After all, a robot is still not a living creature, it is programmed to perform certain actions and if some kind of malfunctions occur, the robot will not be able to react quickly, accurately and instantly to it, like a person does. A robot will not even understand what happened and will just continue its work.

Proceeding from the fact that the robot program is established by the creator of the robot, then the responsibility must entirely lie on the creator of this invention [10].

5) Is there a legal definition of robots in the legislation of the Republic of Belarus?

There is no legal definition of robots in the legislation of the Republic of Belarus and the legal relationship with the participation of robots is also not settled. We believe that we need to create a law about robots because the robotics is developing and it is very important to avoid any blank spaces in the law that can be between a person and a robot. For example, The Russian Federation has such concept bill about robots. The team of Dentos together with Dmitry Grishin who is the founder of Grishin Robotics has prepared the concept of a bill that could become the first fully-fledged law about robots.

The concept is based on the idea that robots can be viewed as the property with certain similarities to animals. But, at the same time, robots could be used as autonomous agents. This Federal concept of the bill is called: "Amendments to the Civil Code of the Russian Federation with regard to the improvement of legal regulations of the relations in the field of robotics".

- This introduces the concept of the robot agent, its types and the state registration.
- It proposes to apply the Civil law to robot agents with the analogy to the legal entities or properties.
- The law introduces the concept of the owner of the robot agent and the responsibilities for the actions of the robot [11].

6) Can a robot have copyrights?

To answer this question, we need to understand what is meant by the concept of "product" and who can act as the author of the product. Despite of the active use of the term "product" in national legislation, the content is not disclosed. The category "product" is blank in international unified agreements in the field of copyright. The specified gap is filled in the legal doctrine:

"A product is the accumulation of ideas, thoughts, images that have been expressed as a result of the creative activity of the author in a particular form, being accessible for perception by human's feelings, allowing its reproduction".

In accordance with the article 992 of the Civil Code of the Republic of Belarus, to recognize a product as a copyright object it must be considered as a result of the creative activity and must be expressed in a real form.

Thus, to be recognized as a copyright object, a product created by a computer program must be result of creative activity. A distinctive feature of the works created by a computer program is the technicality and algorithmization of the creative process.

However, creativity is an activity that is not performed automatically and mechanically, it is an expression of human consciousness, it is "spiritual intellectual activity, as a result of which a person reveals his or her individuality and creates a qualitatively new, previously non-existent result.

Therefore, it is more expedient to give copyright not to the robot, but to the person who had created this robot and its program.

**Conclusion.** To draw the conclusion, one can say that a robot is a quite complicated device to equate it with an animal, but it is not intelligent enough to compare it with a person, so a robot cannot be a subject of the law. So, the creation of a separate category of "electronic persons" is right, and it will fully and comprehensively reflect the essence of robots.

There are many cases that show us that robots can be very dangerous for us and we must take care about them and though there is no a definite law about robots in the Republic of Belarus, mostly because this sphere is not well developed here, it is necessary to put great attention to this topic.

That is why it would be great to introduce a law about robots in the Republic of Belarus in order to avoid legal problems in the future and to regulate the relations or issues between a person and a robot.

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