

## 2017 ITechLaw International India Conference

Overview of Selected Sessions

Written by Arnab Naskar, Hamburg University

### General Conference Summary

The world we know today is changing rapidly: internet evolution has paved the way for machines to communicate through IOTs, and games have moved into augmented reality platforms. The traditional notion of medical assistance is changing as artificial intelligence moves into healthcare, and huge volumes of data are collected by big data firms, and - through the use of AI - they are creating new business ventures.

All of these developments have exposed the legal industry to new questions, which the ITechLaw International India Conference aimed to answer. Presenters at the conference spoke of a common view that there is a need for a regulatory framework in developing security and privacy standards for these growing industries. Presenters advocated that the India Constitution recognizes privacy rights as a fundamental human right, in line with the EU legal jurisprudence. Industry experts also addressed the need for a data protection framework under the Indian legal system, so that the cross-border industries are not kept under speculation and uncertainty in the wake of a new EU data protection regime.

The disruption we are seeing in traditional business models is just the beginning, and regulators all over the world must acknowledge this evolution and create a new regulatory framework so that the change comes with adequate safety and security in place.

### Path to Technological Singularity

*Alan Sutin, Greenberg Traurig LLP*

*Keshav Dhakad, Microsoft*

*Rahul Matthan, Trilegal*

*Sajai Singh, J. Sagar Associates*

The era of disruptive technology is attracting new legal questions. Recent development suggests that industry players are trying to adopt Artificial Intelligence in order to boost their performance and efficiency, leading to market singularity. Alan Sutin, the moderator, raised pertinent questions to the panel. Representing a pioneer of the digital revolution, Microsoft, Keshav Dhakad explained how AI will be significant in analysing the big data being collected by social media giants. He expressed his views about a future where 70% of companies in next 10 years will be new start-ups and how legal professionals can develop themselves by capacity building to address this industry. Rahul Matthan shared his views over recent debates on gene editing and role of AI, and concern on ethical grounds and security issues. Sajai Singh discussed cognitive technology and its impact on market economics, as well as the two categories of AI: one which analyses based on permutation and combination of various pre-loaded data, and one which thinks independently and arrives at a new solution.

### **Evolution from Internet of Human Beings to Internet of Things (IoT)**

*Ramesh Vaidyanathan, Advaya Legal  
Paul Van den Bulck, McGuire Woods  
Jaijit Bhattacharya, KPMG  
Arun Prabhu, Cyril Amarchand Mangaldas*

The theory of evolution took a different approach than predicted by Darwin, or at least that was the topic of this session on the evolution from Internet of Human Beings to Internet of Things. Ramesh Vaidyanathan highlighted the IoT market growth of 6.4 billion in 2016, and then Paul Van den Bulck raised two crucial issues about IoT: connectivity and security. He highlighted the shift of internet models from hub and spoke to blockchain based technology. Not only did he focus on the growing concern of security measures in IoT, but he also proposed certain solutions like anonymization of data, privacy design by default, and encrypted passwords. Continuing this discussion, Jaijit Bhattacharya discussed the need of regulatory framework addressing the liability onus in the instance when an IoT server is compromised. This session was concluded by Arun Prabhu, who addressed the privacy issues associated with wearable technology which monitors users' real time activity and location. All presenters univocally stressed upon the need of regulatory interference in maintaining high standards for the IoT industry, so that the security and safety of the users is not compromised.

### **Technology Disrupting Traditional Business**

*Dhruv Suri, PSA  
Viral Kataria, Bates Wells Braithwaite  
Swathi Sukumar, Law Chambers of Swati Sukumar  
Aayush Raj, Runnr*

The moderator, Dhruv Suri, highlighted that globally, the traditional business model is being challenged by the development of disruptive technologies such as digital payment platforms and application-based transport services. Viral Kataria addressed the issue of artificial intelligence in the healthcare industry, and he explained to the audience about the future of gene editing. Though this is a positive technological development, there are concerns related to the privacy of genetic information. Swathi Sukumar addressed the issue of the regulatory grey area underlying the intermediary liability in the mobile banking sector. The session was concluded by Aayush Raj, who advocated that an online food delivery platform cannot be treated as a service provider, but instead it is a platform provider for the retail service. With India's hyperlocal delivery service industry in boom, this means certain regulations are relaxed. Unequivocally, all presenters shared that businesses are being disrupted and the government needs to provide guidance on what this means for the industry.

### **New Media**

*Rohan George, Samvad Partners  
Ranjan Narula, RNA  
Heather Meeker, O'Melveny & Myers  
Shivendra Kundra, Kundra & Bansal*

In this New Media session, presenters discussed augmented reality platforms, video sharing websites, and digital marketing apps. Ranjan Narula opened the discussion and addressed the issue of online hate crimes. Easy availability of video devices makes it simple for uploading revenge porn over the internet, and there is concern over ISPs reluctance in monitoring this content. Then, Heather Meeker explained how augmented reality (Pokemon Go is a prime example) is taking online marketing to another level. However, she explained serious concern over privacy issues, mishaps and security threats attracting this technology. The session was concluded by Shivendra Kundra who raised serious concern surrounding the scamming issues in digital markets. He advocated for a regulatory framework that will restrict scamming in the online market place, providing consumers a true sense of digital security.

### **Smart Cities**

*Kapil Chaudhury, Autodesk  
Kamlesh Bajaj, formerly with DSCI  
Kavitha Gupta, Hitachi Consulting*

Pointing out the active involvement of government in promoting smart contracts in India, Kapil Chaudhary, moderator of Autodesk underscored that this led to a new model of inter-state competition for attracting investment. Kamlesh Bajaj, former CEO DSCI, explained his concern over security threats attracting the connected technology which is the backbone of smart cities. He expressed that this kind of critical technology must be protected by a strong regulatory framework so that the security and safety of life and property are not compromised in the case of a cyberattack. Kavitha Gupta expressed her concern over the security issues surrounding smart cities, and recommended the establishment of a cybersecurity emergency response team. The team would play a critical role in recognising threats and immediately eliminating them. Kapil advocated for the need of comprehensive communication between IoTs and the cloud. The session covered growing concerns related to smart cities, and more importantly, it aimed to identify solutions.

### **Future of Mobility and Navigation**

*Carsten van de Sande, Hengeler Mueller  
Anirudh Rastogi, TRA  
Nick O'Connell, Al Tamimi & Company  
Mohit Abraham, Uber*

Anirudh Rastogi opened the panel with a discussion on the lack of comprehensive drone regulation in India, and advocated for regulatory action in recognizing the drone industry. He highlighted the significance of drones in street mapping, stockpiling of natural resources, and the supplying of lifesaving drugs in case of medical emergency. Following that, Nick O'Connell discussed the opportunities and concerns of geospatial technology. He stressed upon the privacy and economic national security concern of this technology which was well supported by the analytics he presented to the audience. Lastly, Mohit Abraham explained how Uber gained access to tremendous user data and how it can be used, in anonymous format, to address issues such as road traffic, improving road conditions, and assisting governments in infrastructure projects. Overall, this session gave an insight on what the transportation sector is expecting from various technological advancements, and how it will affect consumer behaviours and expectations.

### **Who Knows What You Are Doing?**

*John Buyers, Osborne Clarke  
Bradley Joslove, Franklin Paris  
Rajesh Kumar, HCL Technologies Limited  
Lakshika Joshi, Nucleus Software*

This session highlighted the issue of privacy concerns and the recent debate on EU data protection law. Indian business houses are very keen to have an outlook on the recent EU development of its data protection law. To this point, Bradley Joslove explained how the General Data Protection Regulation (GDPR) will trigger compliance requirements in the case of any foreign company having the data of an EU national. He also stressed that EU nations consider data privacy to be a fundamental human right. GDPR will impose new obligations upon companies collecting data of individuals, despite the fact that they may operate outside of the territorial jurisdiction of the EU. Subsequently, Rajesh Kumar explained how GDPR addressed the need of implementing a consent mechanism in case any data is collected from children. Though he stressed upon a number of positive aspects of GDPR, he expressed his concerns over zombie cookies and the missed opportunity in addressing them.

Adding a different note to the discussion, Lakshika Joshi underlined the need of a comprehensive data protection law in India, stressing that the Aadhar regime armed the Indian authorities with massive amounts of biometric and personal data. This calls for a comprehensive data protection law which will ensure the privacy right of Indian nationals. Data is often termed as modern day gold, but managing it requires a high degree of care and responsibility.