Tilt
Tilburg Institute for Law, Technology, and Society

25 years

15–17
May
2019

TILTing Perspectives 2019

Tilburg University, Tilburg, The Netherlands

# Regulating a World in Transition

The Sponsorship Package

TILBURG UNIVERSITY

Understanding Society

Technology is transforming society on many fronts. In recent years, we have seen the sustained move from atoms to bits, rise of social media and the sharing economy, and the rapid development of cloud computing, big data, smart devices, and robotics. Along with these developments we see a continuous stream of new legal and regulatory issues. For every problem solved, two new problems seem to surface.

TILTing perspectives 2019 brings together for the 6th time researchers, practitioners, policy makers, and civil society at the intersection of law and regulation, technology, and society to share insights, exchange ideas and formulate, discuss and suggest answers to contemporary challenges related to technological innovation. The conference will include plenary sessions, parallel sessions, and panel discussions with invited speakers, as well as presentations from respondents to a call for papers.

TILTing perspectives 2017
Please rate your overall level of satisfaction with our event

- Very satisfied
- Satisfied
- Neutral
- Dissatisfied
- Very dissatisfied

44,4%   55,6%
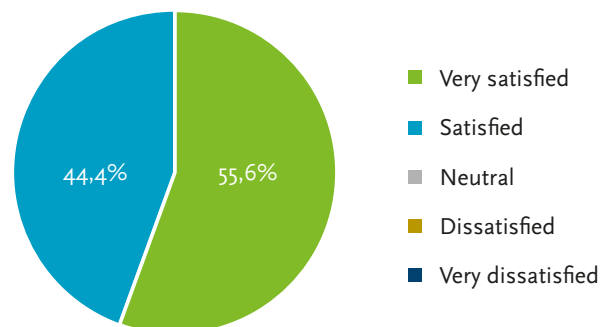
"The quality of the speakers and program overall was so good that it was unbearably hard to choose which section to skip. Thank you and keep up the good work!"

Urbanization, migration, platformization, digitalization, smartification, datafication, economic integration and, climate mitigation and adaptation. There is a common denominator to each and every one of these concepts: Change. A transition from a given 'old' to an unknown or uncertain 'new'. Change itself is closely related to technology. Change be the intended result of the application of a technology, or it may be one of its unintended side effects. In any case, the development of technology by humanity poses complex moral and legal questions as to the acceptable intended

and unintended effects that technology has on a given society. This fact poses several legislative and governance challenges for regulators across the globe: when should regulation intervene in innovation? Can existing regulation be applied to new technologies, or does every technology require a novel approach? How can innovation be ensured, without compromising public health and safety or the environment? Should innovative new technologies be regulated as strictly as traditional technologies in order to ensure a level playing field? How can popular support for new technologies be ensured in times where they are still surrounded by uncertainty? How can regulation adequately balance societal concerns such as privacy with the application of new technologies?

The conference features six large tracks: Data Protection, Health and Environment, Responsibility in Artificial Intelligence, Intellectual Property and Innovation, Digital Clearinghouse and Justice and the Data Market (see more information on the individual tracks in the annex to this document). Within the context of these general tracks, we adopt an open and bottom-up organizational strategy: it is up to you (the participants) to determine what happens at the conference and how. With that in mind, we invite scholars, practitioners, policy makers, and others, to propose papers, workshops, panels, mini-symposia and the like, both within and in addition to the large tracks.

> **"The papers presented and the program overall was so good that I found myself constantly in a heartbreaking situations which section to skip and which to attend."**

The Tilburg Institute for Law, Technology, and Society (TILT) is the host of the TILTing perspectives conference 2019. TILT conducts teaching and research into the regulation of technologies and technology-related societal innovation and is a prominent player on the national as well as the international level when it comes to research and education in this particular area. TILT's expertise covers a wide range of topics related to law, technology and their normative implications. TILT is a multidisciplinary research institute, combining law, philosophy, social sciences, public administration and management sciences.

"The line-up of speakers was excellent"

"Excellent panels and different topics."

*"High quality of keynotes, very well organized, good venue"*

"The conference is very inclusive and open"

"My favourite conference in a time span of 20 years"

TILT's mission is to explore and understand the interplay between technology, regulation and fundamental values/human rights; through studying emerging technologies, their impact on the individual and society; and the need for regulation of these technologies. Established in 1994, TILT has developed a leading program in Law & Technology. TILT's expertise covers a wide range of topics related to developments in ICT and nano-, bio-, neurotechnology and robotics -technologies that are currently flourishing thanks to their rapidly evolving ICT infrastructures.

TILTing perspectives 2017

How would you grade the conference on a scale from
(1) not very good to (10) excellent?
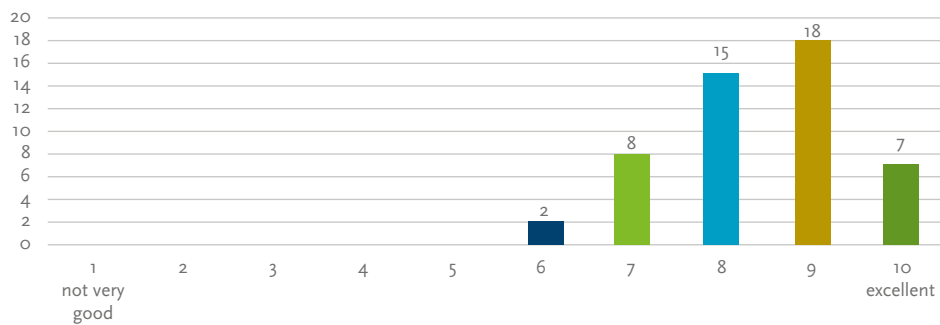
The sponsorship package

Our sponsorship packages offer the unique opportunity to be an active and visible supporter in the center of the technology law universe: Tilburg. TILTing is the leading interdisciplinary conference on law and technology in Europe.

Sponsors have the opportunity to learn about the research of the world's leading scholars in the field. Each sponsorship package is designed to meet the demands of academic independence and sponsor visibility. Three packages are available: Lithium, Tantalum and Silicon.

Lithium	Tantalum	Silicon
Exclusive, only 1 Lithium sponsorship	Maximum of 3 Tantalum sponsors	Logo in mailings and on the website
Attendance for diner with keynote speakers	Access to exclusive pre-event seminar	Stand at the conference
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Stand at the conference	Halve-page, full colour ad in Conference Event Guide	Limited edition conference T-shirt!
Full page, full colour ad in Conference Event Guide	Company listing in Conference Event Guide	
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€ 49.500,-	**€ 24.500,-**	**€ 9.500,-**

ANNEX: Information on tracks for TILTing2019

The conference features six large tracks: Data Protection, Health and Environment, Responsibility in Artificial Intelligence, Intellectual Property and Innovation, Digital Clearinghouse and Justice and the data market.

Data Protection(s) in a Data-driven Society

Data protection law sets the rules for the processing of personal data in order to provide legal protection against possible negative consequences associated with such processing. In the increasingly digital environment with increasingly autonomous algorithms at the backend every interaction is being mediated by data, and which is rendered possible by (autonomous) algorithmic processes, is data protection law still up to the task? Even though the EU legislator has enacted a new set of rules (i.e., the GDPR and the Police Directive), it would seem that the data protection is in the state of transition, where the ever increasing scope of data processing and its shifting nature come as new challenges.

These developments raise a number of questions. What is the state of the art of data analytics, and how does it affect data subjects? Does data protection provide for sufficient safeguards in this respect? Is it equipped to address the increasing number of issues that stem from the digitalization of our lives (e.g., data portability)? In a context where every seemingly innocuous piece of data can potentially reveal very sensitive data, is the canonical distinction between personal and non-personal data put at jeopardy? Is there a role for other legal frameworks? Is a renewed interest in the right to private life the way forward? Can ethical frameworks be a useful complement to legal duties? As the regulation of platforms and digital monopolies is framed in terms of competition law, and as consumer protection law seems to be gaining momentum as a way to address issues that were previously exclusively framed as a matter of data protection, what is the exact role of data protection today? What (other) theoretical and analytical frameworks exist in law, economics, philosophy, and other disciplines that can offer to help build an (alternative) robust system of legal protection against data-driven harms?

Hence, the theme of this track will be "data protections", that is, what can we expect of data protection law in the data-driven society? What are its biggest challenges? What are the possible alternative (conceptual and legal) frameworks for achieving the purposes of data protection? Or have these purposes grown too ambitious and should be fundamentally reconsidered? Is there one or several ways in which individuals can be protected in the face of data processing operations that potentially impact and affect them?
We welcome paper and panel proposals from scholars from various disciplines, including but not limited to law, STS, information and surveillance studies, economics, computer science, etc.

For questions about possible presentation topics for this track,
please contact Dr. Nadya Purtova and Dr. Raphael Gellert:
N.N.Purtova@uvt.nl and R.M.R.Gellert@uvt.nl

Transition in the Regulation of Health and Environment

We are inviting contributions on the regulation of innovation in the health and environment sector and the regulatory challenges of fostering sustainable, safe, and efficient innovation. How can innovation be ensured, without compromising public health and safety or the environment? Which role can regulation play in encouraging technological transitions in health and environment? If and how should regulators intervene in the development of a technology?

Papers could examine innovations that address one of the following challenges:
- Transition from fossil fuels to renewable energy
- Climate justice and energy justice
- Disruptive low carbon technologies
- Climate change, food security and risks to human health
- Health risks posed by energy production
- Food and medicines production as risk to the environment

These innovations should be discussed with a view to regulatory responses and potential regulatory tools such as self-regulation, standards, incentive schemes, regulation through science, principle-based regulation (etc.) as innovation catalysts. The aim of the track is to explore how the relationship between technology and its regulation contributes to the attainment of broader societal objectives such as the protection and improvement of the environment and human health. Equally, new technologies have been developed to mitigate the most immediate negative effects of climate change and its effects on human health. These technologies have in common that their long-term impact on the environment in which they are employed is often unknown, presenting a distinct challenge for regulators.

For questions about possible presentation topics for this track,
please contact Dr. Sabrina Roettger-Wirtz and Dr. Leonie Reins:
S.Roettger-Wirtz@uvt.nl and L.S.Reins@uvt.nl

AI, Robotics and Responsibility

The complexity and autonomous character of Artificial Intelligent (AI) technologies and robotics challenge conventional ideas about responsibility. How will responsibility be distributed if self-driving cars no longer require the active attention of the driver? Can operators or commanders be held responsible for the targeting decisions of autonomous lethal weapons? To what extent can human beings be accountable for administrative decisions made by machine-learning algorithms? Some scholars have argued that the more autonomous technologies become, the less we can reasonably hold human beings responsible. This particular conclusion is perhaps a bit too premature, but it does underline that these (envisioned) technologies require a rethinking of our conceptions of responsibility and associated concepts, such as accountability, liability, trust, autonomy, agency, and control.

In this track we want to explore how developments in AI and robotics affect established ways of distributing responsibility and how concerns about responsibility can be addressed. We consider responsibility in a broad sense as pertaining to various different kinds of responsibility, including accountability, liability, role responsibility, professional responsibility or moral responsibility. As such, AI and robotics have raised a range of questions and concerns. Are our existing concepts

of liability and accountability equipped to deal with machine learning algorithms? Should artificial agents and robots at one point in the future be held liable or be considered moral agents? To what extent can and should the outputs of AI algorithms be explained, for example to hold human beings accountable for automated decisions? What does it mean to have meaningful control over an AI technology? How do increasingly autonomous technologies mediate how we experience our (moral) responsibility, for instance in terms of how they interact with feelings of guilt, regret or duty? These different questions bring together a number of current and related discussions that we want to connect in this track to examine how the changing relationship between human beings and digital technologies affects the role of responsibility in the governance and regulation of AI and robotics. We, therefore, welcome contributions from a range of different disciplines, including law, philosophy, social science, cognitive science and computer science, on topics related to AI, robotics and responsibility.

For questions about possible presentation topics for this track, please
contact Dr. Merel Noorman: M.E.Noorman@uvt.nl

Intellectual Property and Innovation

A graduate transition to the data economy seems to be challenging many aspirations, assumptions and distinctions traditionally made in the intellectual property law. First of all, datafication of the business models seems to be gradually dislocating important innovation policy choices outside of intellectual property law. Second, assumptions of intellectual property law, and its application, are challenged by the fact that its rules are increasingly applied on a large scale and with limited human intervention or oversight. Third, growth of new methods how to gain innovative ideas from data challenges old innovation trajectories and our legal definitions of components such as: exclusive rights (e.g. text-and-data mining), subject matter (e.g. neuro-data) and allocation of ownership (e.g. AI-created art). Fourth, with the Facebook/Cambridge Analytica scandal, it is becoming clear that personal data as a resource for innovation are not just any resource, but one that is a risk to the innovator since all but benevolent uses affect the personal integrity of members of the public. This may elevate responsible innovation from marketing to business priority. The goal of this track is to explore the pertinent legal, economic and social issues on all sides of the debate.

Suggested themes
For this track, we are interested in (i) papers, (ii) panels, (iii) roundtable discussions and (iv) lightning talks. Suggested themes for contributions include, but are not limited to:
- Tension of innovation policies and data protection rules
- Data exclusivity, portability and sharing
- Private ordering of IP, including data ownership and re-use
- Impact of neuro-data on intellectual property law
- AI-generated inventions and creations
- (Algorithmic) Enforcement of intellectual property rights
- Regulation of online platforms
- Digital single market reform
- IP and fundamental rights
- Internet, territoriality and IP rights
- Re-imagining goals and design of IP rights
- Responsible data-driven innovation
- Responsible algorithmic innovation
- Autonomous vehicles and innovation policy

We also accept traditional scholarship concerning all branches of intellectual property law, but will prioritize submission touching upon one of the above areas. We particularly encourage submission of empirical scholarship.

For questions about possible presentation topics for this track,
please contact Dr. Martin Husovec and Dr. Maurice Schellekens:
M.Husovec@uvt.nl and M.H.M.Schellekens@uvt.nl

Digital Clearinghouse

Digital markets are subject to many different rules. Some are horizontal like data protection, consumer protection and competition law, while others are sector-specific in particular in the financial, health, telecom or energy sectors. Despite the overlap in objectives of these regimes, there is a strong tendency to apply them in silos even though a particular type of behavior may raise issues under more than one legal framework. This is problematic as markets become increasingly concentrated and new technologies enable unprecedented tracking of individual preferences, allowing firms to engage in exploitative practices to increase profits at the expense of consumers. Regulatory or enforcement responses that truly remedy the information and power asymmetries resulting from these market and technological transitions are still lacking.

Although calls are frequently made to devise new legal frameworks in order to address concerns raised by digitization (think of online platform regulation or requirements of algorithmic fairness and accountability), it remains unclear what regulatory gaps exist under current horizontal and sector-specific regimes. Not only are the interests of consumers at stake, but also those of businesses that depend on digital intermediaries as a gateway to reach customers. Level playing field issues also play a role. Digital services have disrupted traditional business models in, for instance, the taxi, hotel and telecom sectors, while many uncertainties about how to adequately regulate new players remain. Public interests have to be safeguarded but innovation incentives should be taken into account as well to prevent too restrictive regulation, banning future products or services from the market that consumers would have valued.

This track is organized with the support of the European Data Protection Supervisor that has launched with numerous other regulators a Digital Clearinghouse to facilitate cooperation, dialogue and exchange of best practices for the enforcement of different legal regimes in digital markets. In the spirit of the Digital Clearinghouse, this track invites paper abstracts and proposals for symposia, panels or workshops that explore ways to develop more effective and coherent approaches for regulating digital markets. As this track aims to stimulate discussion about more holistic or novel forms of regulation, contributions are invited to consider more than one legal framework and go beyond mere descriptions of problems. In particular, ideas and recommendations for improved or new enforcement methods are encouraged, both from a substantive and procedural perspective.

For questions about possible presentation topics for this track,
please contact Dr. Inge Graef: I.Graef@uvt.nl

Justice and the Data Market

The 2000s have seen a 'data revolution' where daily life and social processes almost everywhere have become legible through people's production of data. This has given rise to a global 'big data' market growing at 60% yearly and forecast to be worth $90 billion by 2026 (Statista 2018). This novelty and rate of change mean that the reciprocal relationships between this global data market and processes such as human development, policymaking and technology and data regulation are not well understood. As this market becomes one of the main drivers of change worldwide, managing and regulating it are still implicitly regarded as mainly a technical challenge, and promoting innovation and related economic growth are framed as the chief contributions of datafication to society.

The international data market is facilitated by data brokers which aggregate and segment data for use in risk prediction, performance metrics, consumer categorization and many other functions (Upturn 2016), but there is little agreement on what defines these actors, whether, how and what kind of regulation may apply to them, and what methodologies and perspectives we might use to research their social impacts. With this track we aim to both understand the state of the art with regard to research on the international aspects of the data market, and to provide research topics and methodological insights for further work.

With this 'Justice and the data market' track we will seek to raise new and existing questions about the implications of the data market for societies worldwide. How might we connect the power of digital data and innovation to a social justice agenda? What kinds of institutions are necessary to deal with the governance challenges of this market, and do they currently exist? What might a global approach to data-related rights look like? What is the role of regulation and technology governance in building such an approach? We invite papers and panels that address these topics, but also suggestions on related issues that fit with these questions. We seek to create an interdisciplinary discussion that includes a global and comparative perspective, and will give special consideration to papers or panels that look beyond the EU/US.

We welcome proposals for papers, panels and roundtable discussions. Themes for contributions may include, but are not limited to:

- Critical approaches to researching data markets and brokers
- The role of brokers and markets in data colonialism
- The rule of law in relation to data markets and brokerage
- Defining data brokerage: what is a data broker?
- The implications of international data markets for the Global South
- The state of research: what is the size and nature of the global data market?
- Institutional perspectives on (inter)national data market processes and governance
- International relations and political science perspectives on data brokers and the international market
- Defining research priorities in relation to data markets

For questions about possible topics for this track, please contact
Dr. Linnet Taylor: L.E.M.Taylor@uvt.nl