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Webinar

AI: Chat With Real Humans About Emergent Issues

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Agenda

- Introduction

- What is Generative AI?

- Understanding GenAI's impact

- Demo of GenAI

- Copyright and other IP issues

- Academic integrity concerns

- Privacy and data issues

- Ethical considerations

- Prudent practices

- Audience Q&A and closing remarks

What is Generative AI?

- AI is artificial intelligence

- Generative AI produces content

- ChatGPT came out about a year ago in Nov. 2022

- Since then, Generative AI has become multimodal; not just text as input and output

Generative AI tools (a snapshot)

Text	Imagery & Video	Audio	Assistants	Code
ChatGPT	stability.ai	Speechify	Otter.ai	GitHub Copilot
Bing	DEVIANT ART	Eleven Labs		starcoder
Bard	Adobe	descript		Meta
ANTHROP\C	runway	WELLSAID		

Why is GenAI a big deal?

- New things cause confusion and fear

- Capabilities are evolving rapidly, without regulation

- Legal space is still unsettled

- Raises all sorts of questions (that we'll talk a bit about today)

Doomsday

OK, it's time to freak out about AI

There are at least two kinds of catastrophe scenarios, and both are getting more plausible

ech Corporate Counsel Advance Special Coverage ⌄

Forbes

FORBES > INNOVATION > AI

What Will A Dystopian World With AI In Charge Be Like?

Naveen Joshi Former Contributor ⓘ

🔖   💬 1   Aug 16, 2022, 06:30am EDT

o Intervene Against Existential
ive AI

ouls into our books," said Douglas
en New York Times bestsellers.

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AI doomsday so

Silicon Valley

Bloomberg / Jul 13, 2023, 13:1

New For You

By Wall S

*Inside the White-Hot
Center of A.I. Doomerism*

Anthropic, a safety-focused A.I. start-up, is trying to compete with
ChatGPT while preventing an A.I. apocalypse. It's been a little stressful.

on Education

r of 2023 is for ChatGPT—and higher
ssman writes.
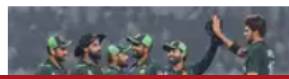
We can navigate this Brave New World!!

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December 01, 2023

Indecision About AI in Classes Is So Last Week

Professors and administrators from five major public universities provide advice on how to get moving ahead with AI in the classroom right now.

By Professors and Administrators From Five Major Public Universities

VINTAGE HUXLEY

BRAVE NEW WORLD

'A MASTERPIECE OF SPECULATION'
MARGARET ATWOOD
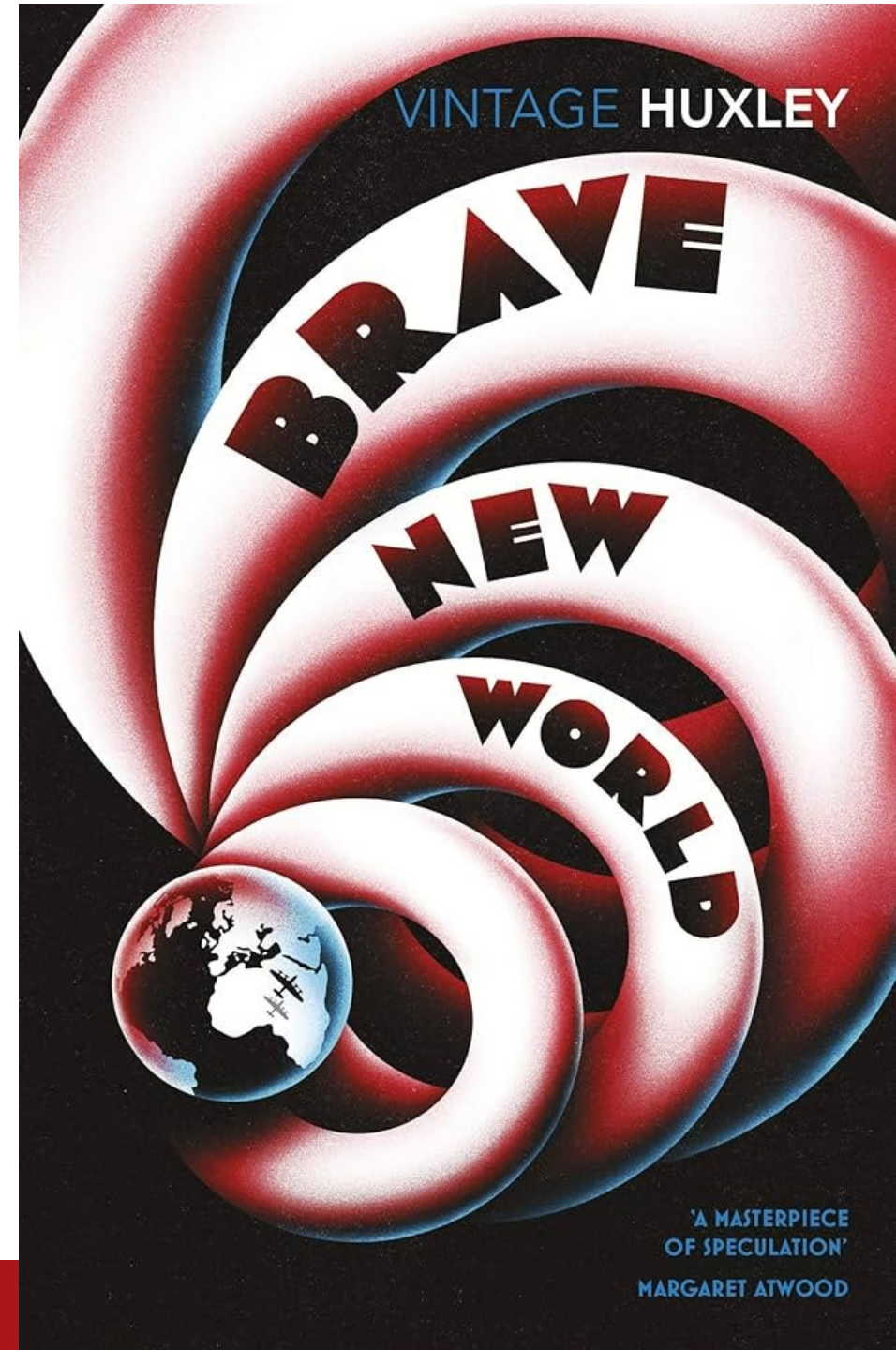
AI: You're already using it

- Autocorrect

- Autocomplete

- Suggested responses (on Gmail, LinkedIn comments, and more)

- Siri, Alexa, other virtual assistants

Dear Andrea and Angus:

What should we put on this slide?

Jack: "Hey Siri, who's the fairest of them all?"
Siri: "You, Jack, are the fairest of all."

CLE CODE

Demo of GenAI

- We'll do a text-to-text prompt using ChatGPT

- Then text-to-image prompts using Freepik

- There's so much more, with audio and video even!

Demo of GenAI

Prompt to Chat-GPT:

You are a writing professor at Stagg University. Draft a short statement for the syllabus describing appropriate versus inappropriate limits of the use of generative AI to complete writing assignments.

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Demo of GenAI

"Welcome to the writing course at Stagg University! In this class, we value and prioritize the development of your unique voice, critical thinking skills, and creativity. While technology, including generative AI, can be a powerful tool in the writing process, it is crucial to establish clear boundaries to maintain the integrity of your work and foster genuine intellectual growth.

Demo of GenAI

On the other hand, inappropriate use of generative AI involves:

1. **Complete Draft Generation:** Using AI to generate entire essays or papers without substantial input or understanding is not allowed. Your work should reflect your thoughts, analysis, and unique perspective.

2. **Plagiarism:** Submitting work generated by AI or anyone else without proper attribution is a violation of academic integrity. Always acknowledge the sources of your information and ideas.

3. **Overreliance on AI:** Relying solely on AI for writing assignments hinders your personal growth as a writer. It is important to engage actively with the writing process, utilizing AI as a supportive tool rather than a substitute for your own efforts.

Demo of GenAI

Appropriate use of generative AI in writing assignments includes:

1. **Idea Generation:** Utilizing AI to generate ideas and overcome writer's block can be beneficial. It can serve as a brainstorming tool to kickstart your creative process.

2. **Grammar and Style Checks:** Employing AI for proofreading, grammar, and style suggestions is encouraged. It can help you refine your writing and enhance clarity.

3. **Research Assistance:** Using AI to gather information and conduct initial research is acceptable. However, it is essential to critically evaluate and integrate the information into your own analysis.

Demo of GenAI

Remember, the goal of this course is to enhance your writing skills, critical thinking abilities, and creativity. If you have questions about the appropriate use of generative AI or need guidance on integrating technology into your writing process, please feel free to reach out for clarification. Let's work together to ensure a positive and enriching learning experience."

Demo of GenAI

Prompt to Freepik: A professor of writing at a university who is afraid of generative AI ruining academia. [selected Comic for the style]

Demo of GenAI

Prompt to Freepik: A large black dog with long wiry hair and a brown beard and eyebrows, with floppy ears, standing on the grass

Demo of GenAI

My real dog: A large black dog with long wiry hair and a brown beard and eyebrows, with floppy ears, standing on the grass

Copyright issues

- Input

- Fair use

- Output

- Infringement / substantial similarity

- Disruption (or fear of it) is likely a motivator for litigation.

Copyright litigation (so far)

1. *Doe 1 v. GitHub, Inc.,* No. 22-cv-06823 (N.D. Cal. filed Nov. 3, 2022)
2. *Andersen v. Stability AI, Inc.*, No. 23-cv-00201 (N.D. Cal. filed Jan. 13, 2023)
3. *Getty Images (US), Inc. v. Stability AI, Inc.,* No. 23-cv-00135 (D. Del. filed Feb. 3, 2023)
4. *Tremblay v. OpenAI, Inc.*, No. 23-cv-03223 (N.D. Cal. filed June 28, 2023)
5. *Silverman v. OpenAI, Inc.*, No. 23-cv-03416 (N.D. Cal. filed July 7, 2023)
6. *Kadrey v. Meta Platforms,* No. 23-cv-03417 (N.D. Cal. filed July 7, 2023)
7. *Chabon et al. v. OpenAI*, No. 23-cv-04625 (N.D. Cal. filed Sept. 8, 2023)
8. *Chabon et al. v. Meta Platforms*, No. 23-cv-04663 (N.D. Cal. filed Sept. 12, 2023)
9. *Authors Guild v. OpenAI, Inc.*, No. 23-cv-08292 (S.D.N.Y. filed Sept. 19, 2023)
10. *Huckabee v. Meta Platforms et al.,* No. 23-cv-09152 (S.D.N.Y. filed Oct. 17, 2023)
11. *Concord Music Group v. Anthropic PBC*, No. 23-cv-01092 (M.D. Tenn. filed Oct. 18, 2023)
12. *Sancton v. OpenAI, Microsoft, et al.*, No. 23-cv-10211(S.D.N.Y. filed Nov. 21, 2023)

Copyright litigation – *cont.*

Common themes

- **Input:** Plaintiffs attack unauthorized use of copyrighted works to train AI's large language models
    - Defendants rely on fair use as a principal defense, citing past precedent (incl. higher ed cases)

- **Output:** Plaintiffs allege that outputs are infringing derivative works
    - Defendants contend insufficient similarity with original copyrighted works

- **Output liability:** Plaintiffs contend that AI companies are either directly or secondarily liable for infringing outputs

- **Copyright Management Information (CMI):** Plaintiffs allege DMCA violations re deletion of CMI.

- **State law violations:** Plaintiffs allege violations of unfair competition, negligence, & unjust enrichment.
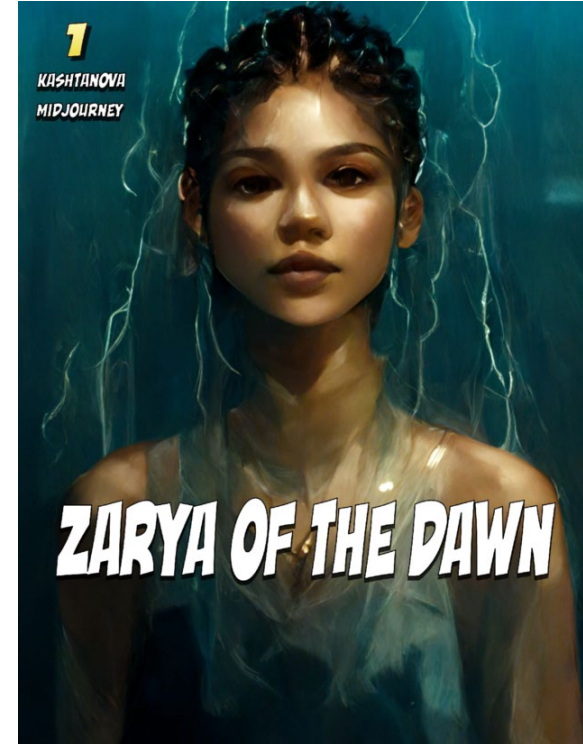
Practical risks to higher ed?

Copyrightability of GenAI outputs

Midjourney Image

The Work

Other IP issues

- Rights of Publicity

- Trademarks

- Patents

Classroom management

- Is this new technology really a big deal in the instructional context?

Privacy and data concerns

- Your policies and protocols on privacy still apply

- Use AI responsibly – an area for education, training, modeling

- You are being tracked! Once upon a time you thought you could Google things without your search history being tracked by Someone--that day has passed

- Ease of discovery

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Do you need a GenAI policy?

- Probably not, but you might want to say *something*

- Academic integrity is academic integrity is academic integrity

- POV: updating your policies to take out references to beepers/pagers
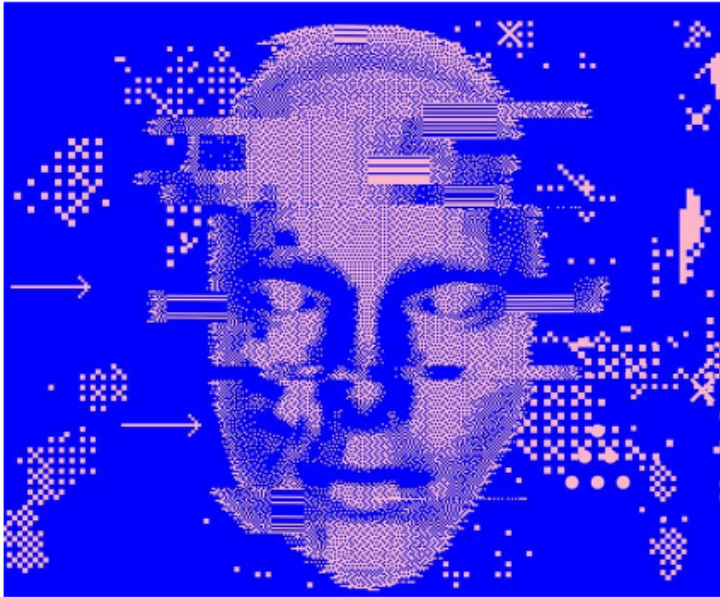
Ethical considerations

THE RECORDER   Topics ∨   Surveys & Rankings ∨   Cases ∨   All Sections ∨

Credit: local_doctor/Adobe Stock

NEWS

California Bar Adopts First-of-Its-Kind Guidance on AI for Attorneys

"I do think this guidance is needed, and it's needed now," said state bar trustee Hailyn Chen, co-managing partner of Munger, Tolles & Olson.

November 16, 2023 at 06:38 PM

🕐 3 minute read

Legal Ethics and Attorney Discipline

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Ethical considerations – *cont.*

The ABA and other state bars are working on ethics guidance:

- ABA Resolution 112 (Aug. 2019)

- Florida Bar's Committee on Professional Ethics just issued Proposed Advisory Opinion 24-1 re: lawyers' use of GenAI

- North Carolina State Bar published an article by its ethics counsel listing key ethical considerations for the use of GenAI in the legal profession.

- Other state bar regulators – including Illinois, Florida, New Jersey, New York and Texas – are studying the issue of GenAI in the legal profession or have already delivered related reports.

Ethical considerations – *cont.*

- State Bar of California just released guidelines (and approved development of a one-hour CLE course) re ethical use of GenAI in the practice of law.

- Key considerations include:
    - Confidentiality
    - Competence
    - Communication / disclosure
    - Billing for AI work
    - Candor to the tribunal

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Prudent practices

1) Ensure appropriate contracting processes before using third-party AI tools

   a) Procurement; delegations of authority

2) Review terms of use of AI services

   a) Free v. paid tiers

   b) Indemnifications

3) Avoid sharing confidential, personal, or privileged info with AI tools unless robust safeguards exist

Prudent practices - *cont.*

4) Verify outputs of AI for accuracy, quality, etc.

5) Transparency: disclose use of GenAI tools
   a) Also, require contractors to disclose AI tools too

6) Consider IP risks

7) Regularly update (and promulgate) AI guidance!

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Questions?

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