ARTIFICIAL INTELLIGENCE: INTELLECTUAL PROPERTY, PRIVACY AND REGULATION

SYLLABUS

Course Name	AI Regulation 5397-25758
Semester	Fall
Year	2026
Class time(s) and day(s)	Tuesday/Thursday 9:00am to 10:30am
Mode of Instruction	FF
Names of Instructor(s)	Aaron M. Levine, Esq. Matt Todd, Esq.
Office(s) for Instructor(s)	N/A
Contact Information for Instructor(s)	Aaron M. Levine Polsinelli PC 1000 Louisiana St., 64th Floor Houston, TX 77002 alevine@polsinelli.com 713-374-1646 Matt Todd Polsinelli PC 1000 Louisiana St., 64th Floor Houston, TX 77002 mtodd@polsinelli.com 713-374-1650
Office Hours	By appointment via Zoom
Assessment	Course grades will be determined by two in-person examinations: a one-hour midterm examination worth approximately 25% of the final grade, and a three-hour final examination worth approximately 75% of the final grade. Both examinations will be closed-book and will likely consist of a combination of multiple-choice questions and essay questions of varying length.
Prerequisites	None

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Attendance Policy	80% (i.e. 24 classroom sessions) attendance required per UoH requirements. Nonadherence will be referred to the Office of Student Affairs.
Honor Code:	The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.
Textbook	There will be no textbook for this course.

GenAI Usage:	General. Generative artificial intelligence is a form of machine learning that creates new and original output based on the data it has been trained on or has access to, employing algorithms to generate content in response to prompts. Examples of the technology include what are known as generative "large language models" (LLMs). Two well-known LLM implementations are ChatGPT and Claude. LLM output can include text, images, music, coded and more. This syllabus policy covers the textual output of generative LLMs (AI-Generated Work Product) – which can included computer code or programs and human-language content. Because AI-Generated Work product can often mimic human intelligence, it could potentially be used as a substitute for a student's own work product. Such use is potentially problematic to the extent that it becomes a substitute for internalized student understanding of the material or creates a dependence on AI-Generated Work Product, which may be strictly prohibited in settings that include the bar examination. Prohibition. Subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Work Product – whether form yourself or others – in relation to any assessment in this course. The term "assessment" means any graded or ungraded work product for this course that is submitted to the instructor, presented in class session, or used in an oral or written graded assessment for this course. Exceptions. The following AI-Generated Work Product uses exceptions to the preceding prohibition. The exceptions' intent is to allow the generation and use of AI-Generate Work product for specific, narrowly defined activities related to this course.

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	- You may generate and use AI-Generated Work Product for class preparation, although you must disclose the full extent of that use if your instructor asks. You may generate and use AI-Generated Work Product for study supplements to aid with general understanding of course content. This could take different forms that include creating examples or explanations of a concept, generation of diagrams and flow charts, "gamification" of course content, flash cards for study, or sample questions and answers. - -You may generate and use AI-Generated Work Product for a outline that summarizes the course content. - You may use AI-Generated Work Product to check your originally drafted text for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and lik things. - You may use AI-Generated Work Product for the purpose of language translation.

COURSE OBJECTIVES:

The objective of the class is to provide the students and future practitioners with the tools necessary for addressing and engaging with the dynamic and rapidly evolving area of artificial intelligence law, policy and regulation, including a review of its foundations.

Because of the cutting-edge nature of this course, there is no textbook, as yet, and the course materials will be provided in printed, pdf or other electronic form at least the week prior to their in-class discussion.

Further, because of the rapidly changing landscape, the materials identified below are subject to change or substitution.

The syllabus is designed for 28 classes (twice weekly for 75 minutes each) and will be divided generally into the nine topical units set forth below:

Unit 1: *AI, Robot.* "An Introduction to Artificial Intelligence."

Provide a general overview of GenAI and Machine Learning, the categories of AI and Machine Learning, *e.g.*, Neural Networks, Expert Systems, Supervised Learning, Unsupervised Learning, Reinforcement Learning, etc. While somewhat technical, the objective is to provide a very basic understanding for practicing attorneys so they can understand some industry jargon and spot issues. Kurzwiel's book is excellent, although older. AI as a technical field is much older than ChatGPT.

- Day 1:
  - Administrative Matters
  - Basic Introduction (No Reading Required)

- Day 2:
  - Ray Kurzwiel's "The Age of Intelligent Machines," 1992
    - "What is AI, Anyway?" Age of Intelligent Machines, pp. 13-21, Ray Kurzweil
    - "Firsts in Computing" Age of Intelligent Machines, p. 188
    - "Can Machines Think?" Age of Intelligent Machines, pp. 48-61, Ray Kurzweil
    - "Can Computers Think?" Age of Intelligent Machines, pp. 62-73, Ray Kurzweil
    - "The Search for Knowledge" Age of Intelligent Machines, pp. 283-294, Ray Kurzeil
  - "A Guide to the Types of Machine Learning" Katrina Wakefield, SAS UK
  - Watch: Machine Learning v. Deep Learning v Foundational Models (7.5mins). https://www.youtube.com/watch?v=Beh13Cd_QbY
  - Watch: But what is a neural network | Chapter 1, Deep Learning (18mins). https://www.youtube.com/watch?v=aircAruvnKk

Unit 2: *Roko's Basilisk or Azimov's Nightmare*

Provide a general overview of ethical concerns and considerations relating to Artificial Intelligence, Machine Learning, Robotics and Autonomous Machines.

- Day 1:
    - Privacy: https://www.brookings.edu/articles/protecting-privacy-in-an-ai-driven-world/
    - Manipulation of Behavior: https://www.ftc.gov/news-events/news/press-releases/2022/09/ftc-report-shows-rise-sophisticated-dark-patterns-designed-trick-trap-consumers
    - Opacity:
        - https://www2.deloitte.com/content/dam/Deloitte/nl/Documents/innovatie/deloitte-nl-innovation-bringing-transparency-and-ethics-into-ai.pdf
        - https://ethics-of-ai.mooc.fi/chapter-4/1-transparency-in-ai
    - Bias in Decision Systems: Greenlining-Institute-Algorithmic-Bias-Explained-Report-Feb-2021.pdf.

- Day 2:
    - Human Robot Interactions
        - Azimov's Laws of Robotics: https://webhome.auburn.edu/~vestmon/robotics.html#:~:text=A%20robot%20may%20not%20injure,the%20First%20or%20Second%20Law.
        - Roko's Basilisk Thought Experiment: https://slate.com/technology/2014/07/rokos-basilisk-the-most-terrifying-thought-experiment-of-all-time.html
            - Completely Optional: Timeless Decision Theory by Eliezer Yudkowsky
        - Alexa Abuse
            - https://www.forbes.com/sites/curtissilver/2018/02/13/stop-being-rude-to-amazon-alexa-carol/?sh=cdaa6dc40fc1
            - https://www.iamalexa.org/noise-pollution
        - Japanese Care Robots
            - https://www.technologyreview.com/2023/01/09/1065135/japan-automating-eldercare-robots/
            - https://www.cbsnews.com/news/robo-dogs-therapy-bots-artificial-intelligence/

        - Security Robots
            - https://www.knightscope.com/products/k5#Capabilities
            - https://www.businessinsider.com/police-robots-security-malfunctioning-fails-knightscope-2020-1
            - https://www.tesla.com/ownersmanual/model3/en_us/GUID-56703182-8191-4DAE-AF07-2FDC0EB64663.html
            - Star Wars Andor: https://www.youtube.com/watch?v=8tVHvsT0zjA
        - Don't Date Robots
            - Futurama: https://www.youtube.com/watch?v=IrrADTN-dvg
            - https://thehill.com/opinion/technology/4218666-ai-girlfriends-are-ruining-an-entire-generation-of-men/
            - https://www.thecut.com/article/ai-artificial-intelligence-chatbot-replika-boyfriend.html
        - The Strange Case of Microsoft's "Tay"
            - https://www.theverge.com/2016/3/24/11297050/tay-microsoft-chatbot-racist
            - https://www.cbsnews.com/news/microsoft-shuts-down-ai-chatbot-after-it-turned-into-racist-nazi/
    - Autonomous Vehicles
        - https://www.persistencemarketresearch.com/market-research/autonomous-farm-equipment-market.asp
        - http://faculty.cbpa.drake.edu/dmr/0412/DMR041204S.pdf
        - https://www.ncsl.org/transportation/autonomous-vehicles
    - Autonomous Weapons
        - https://www.ncsl.org/transportation/autonomous-vehicles
        - https://www.amazon.com/Army-None-Autonomous-Weapons-Future/dp/0393608980/ref=mt_other?_encoding=UTF8&me

Unit 3: *US of AI*

Establish that the Federal Government is focused on algorithmic discrimination first and foremost. This creates a contradiction between data collection to prevent discrimination and data collection to enable discrimination. Most initiatives voluntary.

- Day 1 (Trump 1)
    - EO 13859 "Maintaining American Leadership in Artificial Intelligence"
    - EO 13895 "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government"
    - EO 13960 "Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government"
    - "Racial Equity and Algorithmic Discrimination" https://www.whitehouse.gov/ostp/ai-bill-of-rights/algorithmic-discrimination-protections-2/
- Day 2 (Biden and Trump 2)
    - Blueprint for an AI Bill of Rights: https://www.whitehouse.gov/ostp/ai-bill-of-rights/
    - NIST framework: https://www.nist.gov/itl/ai-risk-management-framework
    - EO14179 – Removing Barriers to American Leadership in AI (Jan. 23, 2025)
    - "Winning the Race: America's AI Action Plan" (July 2025)

Unit 4: *EU AI Uber Alles*

Overview of the world's only comprehensive AI regulatory framework. Emphasize the stylistic similarity with GDPR and intent for EU to become the leader in AI through regulation.

- Day 1
    - EU AI Act – Articles I through III
- Day 2
    - EU AI Act – Articles V through IX
- Day 3 – Requirements of High-Risk Applications
    - Articles XI through XV
        - Risk Management Systems
        - Data and Data Governance
        - Technical Documentation
        - Records and Record Keeping
        - Transparency
- Day 4 – High-Risk Applications (cont.)

- Articles XVI through XXIII,
- Articles XXVI, XXVII, XXVIII, XXIX, XXIX(A)

MID-TERM REVIEW

MID TERM

Unit 5: *A Patchwork Orange*

Step through the various existing and in some instances proposed State and Local laws that expressly regulate AI systems or that touch on AI systems by categories. (Note: Subject to Wholesale Revision due to Rapid Changes!)

- Day 1:
  - Texas "Responsible Artificial Intelligence Governance Act"
  - Colorado "Concerning Consumer Protection in Interactions with [AI] Systems"
- Day 2:
  - California "Consumer Privacy Act of 2018"
  - California SB 1001
  - N.D. Texas Standing Order on Gen. AI
  - California AB 2013
  - New York City Law 144
  - Tennessee 47-25-1101 "ELVIS Act"
  - New York A 8195
  - California Consumer Privacy Act of 2018
- Day 3:
  - First Amendment
  - California AB 2839 and AB 2655
  - Minn 609.771
  - *Kohls v. Bonta*, (E.D. Cal., October 2, 2024)
  - *Kohls v. Ellison*, (D. Minn., Jan. 10, 2025)
  - *Netchoice v. Moody*, (US Supreme Court, February 26, 2024)

Unit 6: *Private AI is Watching You*

This unit governs the private law aspects of AI – contracts, policies and terms and conditions. The *FTC v. Rite Aid* case will be used to show what happens when AI deployment goes wrong.

- Day 1 – Terms and Conditions
  - ChatGPT Terms and Conditions
  - Bard Terms and Conditions
  - Microsoft Copyright Commitment
  - GitHub Terms and Conditions
- Day 2 – AI Policies
  - Corporate AI policies
  - Corporate AI disclosures
- Day 2 (cont.) – AI Gone Wrong, Very Wrong
  - *FTC v. Rite Aid*

Unit 7: *Do AI's Dream of Electric Sheep?*

This unit will cover the current law regarding AI's as creative entities and intellectual property. It will discuss the relevant constitutional requirements, the case law and statutory requirements for patentability, copyright eligibility, and inventorship and authorship.

- Day 1 – IP Review
  - Patents
  - Copyrights
  - Traded Secrets
  - Trademarks
  - Trade Dress
- Day 2 – AI's as Authors?
  - *Uranita Found. V. Kristen Maaherra*, (9th Cir. 1997)
  - *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018)
  - Thaler Copyright Office Decision
  - *Thaler v. Perlmitter* (D.D.C. 2023)
  - *Burrow-Giles Lithographic Co. v. Sarony*, 111 U.S. 5 (1884)
  - Zarya of the Dawn Copyright Office Decision
  - Theatre D'Opera Copyright Office Decision
  - RAGHAV article reporting on Indian Copyright Office
- Day 3 – AI's as Inventors
  - *Thaler v. Vidal* (Fed. Cir. 2022)

- USPTO Guidelines on AI Assisted Inventions
- *Thaler v. Comptroller-General of Patents* (UKSC 2023)

Unit 8: *The Machine Crusade and Silverman Jihad*

Human creators have started fighting back against generative AIs. This unit will discuss the legal bases for human creators' fight against AI tools, the progress of some of the high-profile cases and their chances of success. Finally, a discussion of technological solutions (of a sort) to AI training on human creations without permission.

- Day 1 -- Copyright and Digital Millenium Copyright Act
  - 17 USC § 106
  - 17 USC § 100
  - 17 USC § 107
  - 17 USC § 1201(1)
  - 17 USC § 1202(a), (b), (c)
- Day 2
  - *John Doe 1, et al. v. GITHUB*
  - *Kadry et al. v. META*
- Day 3
  - *Bartz et al. v. Anthropic*
  - *Getty Images v. Stability AI*
  - *New York Times v. OpenAI*

Unit 9: *Skynet Smiles*

This unit discusses current positions of US government on the deployment of AI systems in warfare and intelligence gathering, along with the EU's exceptions for law enforcement and national security.

- DOD's "Ethical Principles for Artificial Intelligence [February 24, 2020]
- ODNI "Principles of Artificial Intelligence Ethics Framework for the Intelligence Community" [July 23, 2020]
- EU Act AI Law Enforcement and National Security Exceptions

Overflow #1 and # 2

Review

Final Exam