

Rebalancing competing values relating to the right to be forgotten and users' rights: Toward a new conception of rights in the age of AI, IoT, and Robotics

Abstract:

How would cutting-edge information technologies such as Artificial Intelligence (AI), Internet of Things (IoT), and Robotics impact on our daily lives, society, and legal systems? What should be done to deal with issues brought by such latest technologies? With using a comparative analysis of laws in Japan, EU, and US, this lecture focuses on two specific topics: the right to be forgotten mainly, and users' rights in copyright law additionally, both of which seem to symbolize the growing need for a new conception of rights in times of rapid change and also for rebalancing of competing values and interests. In particular, this lecture argues that Japanese law often takes an intriguing eclectic position somewhat in-between the European and US laws through applying good old laws to solve newly emerged issues, as exemplified most recently by the Japanese Supreme Court's ruling on January 31, 2017, which set the criteria for balancing competing interests to allow a preliminary injunction on search results for privacy protection but declined to do so in that particular case.

Bio: Itsuko Yamaguchi

Itsuko Yamaguchi is Professor of Information Law and Policy and Vice Dean of Interfaculty Initiative in Information Studies, Graduate School of Interdisciplinary Information Studies, University of Tokyo. Among her publications, the award-winning book based on her PhD thesis, "Joho-ho no Kozo [The Architecture of Information Law]" (University of Tokyo Press: 2010), aimed to provide a theoretical basis for more comprehensive solutions to various information-related legal issues which crosscut traditional fields of law. She conducted one-year visiting research at Harvard Law School in 1999-2000, and at Oxford Intellectual Property Research Centre in 2007-2008. She taught an intensive course at Duke University School of Law as Visiting Professor in February-March, 2013. She visited University of Michigan Law School as Michigan Grotius Research Scholar in September-November, 2016.

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Wednesday, March 29th 12:30-1:30 PM
UBC Peter A. Allard School of Law Room 106
(1822 East Mall, Vancouver, BC, V6T 1Z1)

Event hosted by UBC Centre for Japanese Research and
Peter A. Allard School of Law Centre for Asian Legal Studies



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