

Should we grant Tax Numbers to Robots?

The issue of granting legal personality to “digital persons”

CEID & Social Hour

Vagelis Papakonstantinou

University of Patras (zoom webinar), 28 May 2021

Glad to be here!!!

...my background @ceid!

On the role of law / the role of regulation

The Role of Law

To keep the peace in a country;
To shape moral standards;
To promote social justice,

To facilitate orderly change;
To provide a basis for compromise;
To help in facilitating a **plan**.

Why Regulate?

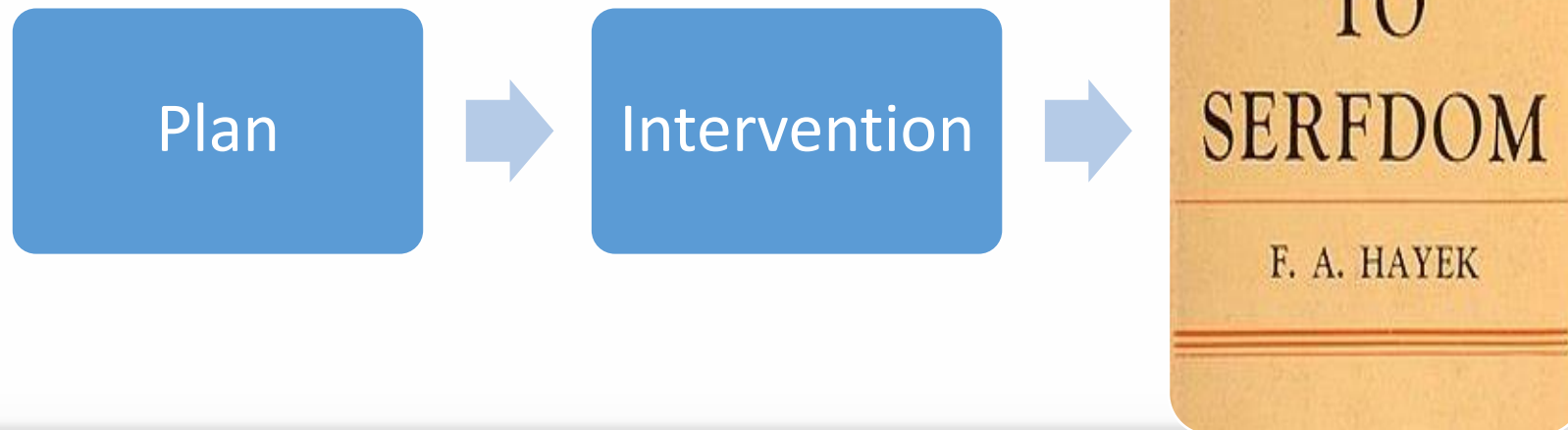
Main motive: Market failure:

- Monopolies
- Continuity & availability of service
- **Planning**
- Protect human rights
- Further social solidarity

If, then, planning is common between them,

1) **HOW** IS PLANNING IN THE LAW-MAKING PROCESS ACHIEVED?

2) (**SHOULD** WE PLAN?)



Anyway, what visionary tools has law given us so far?

Human rights

- In 1776
- In 1789

Legal persons

- Persona ficta
- In 1844

Intellectual property

- In 1709 (copyright)
- In 1796 (patent)

(Personal) data protection

- In 1970

Legal persons / legal entities

- A bit on their background – as old as ancient Rome;
- In their current format in 19th century;
- Other historical data.

WHAT IS IMPORTANT HERE FOR OUR PURPOSES, is their **linear** development, *not an enlightened* entirely new piece of law.

...same with IP law or human rights law, however



DATA
PROTECTION was
exactly that!!!



Something
out of
nothing



Principles
still standing
today



The
GDPR

Anyway, what is *in* a legal personality?

A state / government;

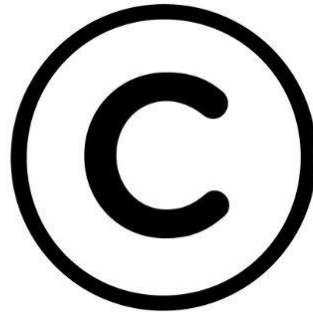
Giving a UNIQUE NUMBER;

And a license to exist / transact.

BUT **let's never forget** that there are **people** behind legal persons, at times in the foreground and at times in the background.

Software: A missed opportunity

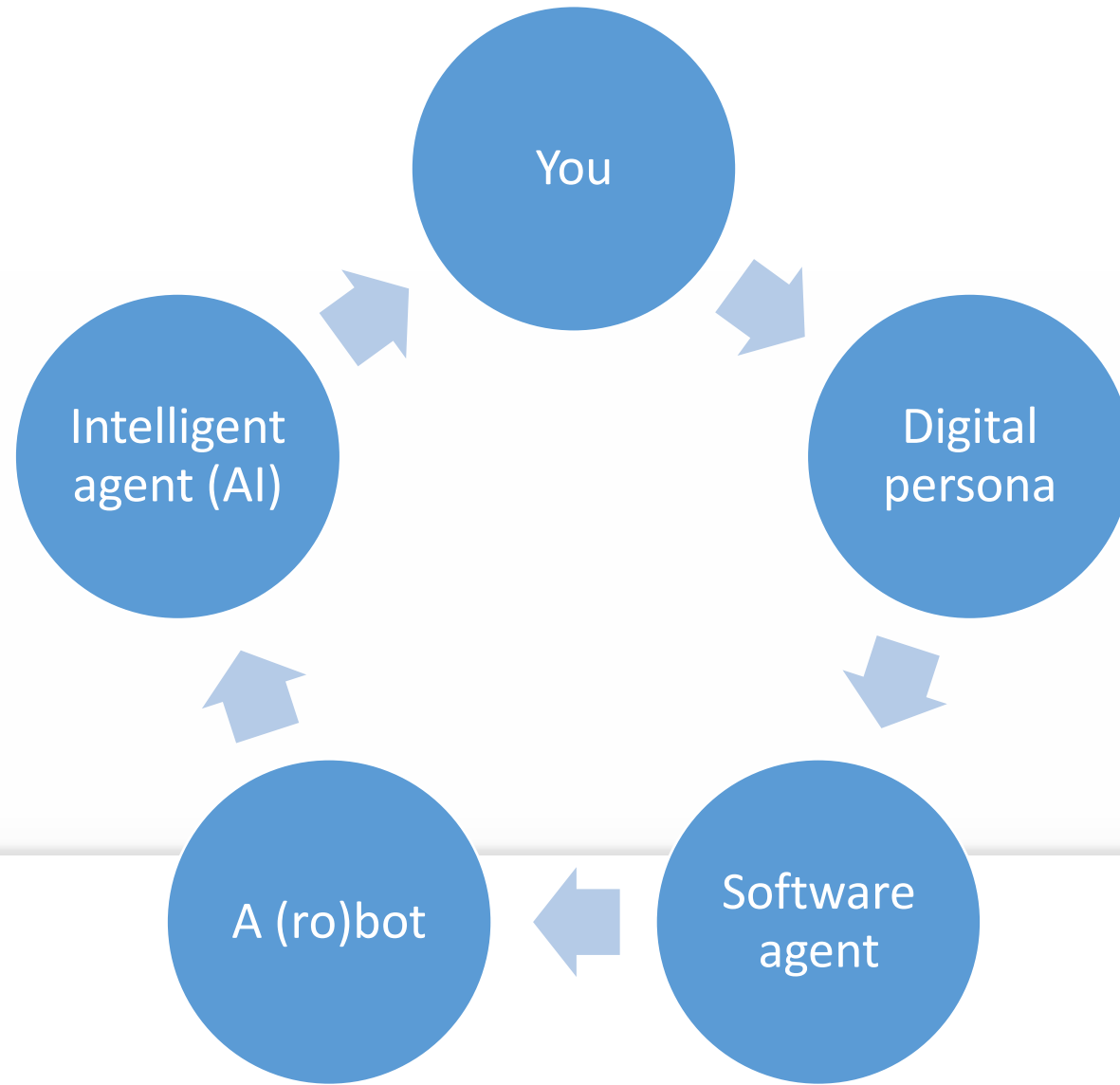
...back in the 1960s it was decided that no new **property right** would be introduced – IP instead:



...an unsettling/unsettled (software patents...) relationship until today.

DID WE MAKE A MISTAKE?

On the digital person



Awarding legal personality to software is not a new idea

We could find papers as back as the early 1980s.

However the discussion never took off:

- Issues of legal philosophy;**
 - Accountability of software;**
 - Autonomy of software.**

(ours) A simple idea:



Trisect the dichotomy by **replicating** the legal persons model to create a digital person equivalent:

- Governments would be willing to give software a UNIQUE (TAX) NUMBER and the RIGHT TO EXIST/TRANSACT;
- Any natural person willing to take the necessary administrative steps would be able to “create” and “own” **a digital person.**

Why do this?

...or in other words, is this a **linear development** or an **enlightened intervention**?

We think, ***both***.

(...continued)

Linear



- ☐ Drones
- ☐ Self-driving cars
- ☐ AI, robots etc.

Intervention



- ☐ No background
- ☐ No similarities
- ☐ New provisions needed.

But, MOST IMPORTANTLY,

...we **NEED** to do this, because we **NEED** to **EMPOWER** individuals in the new digital environment.



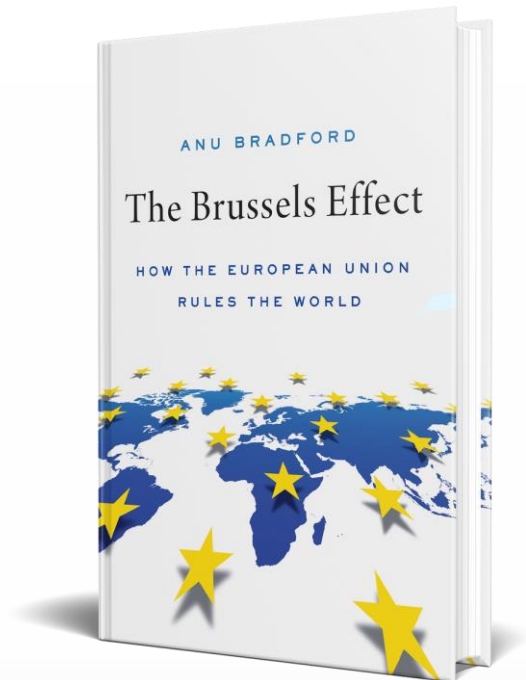
People have the exact same legal tools they had since the Middle Ages

...or earlier.

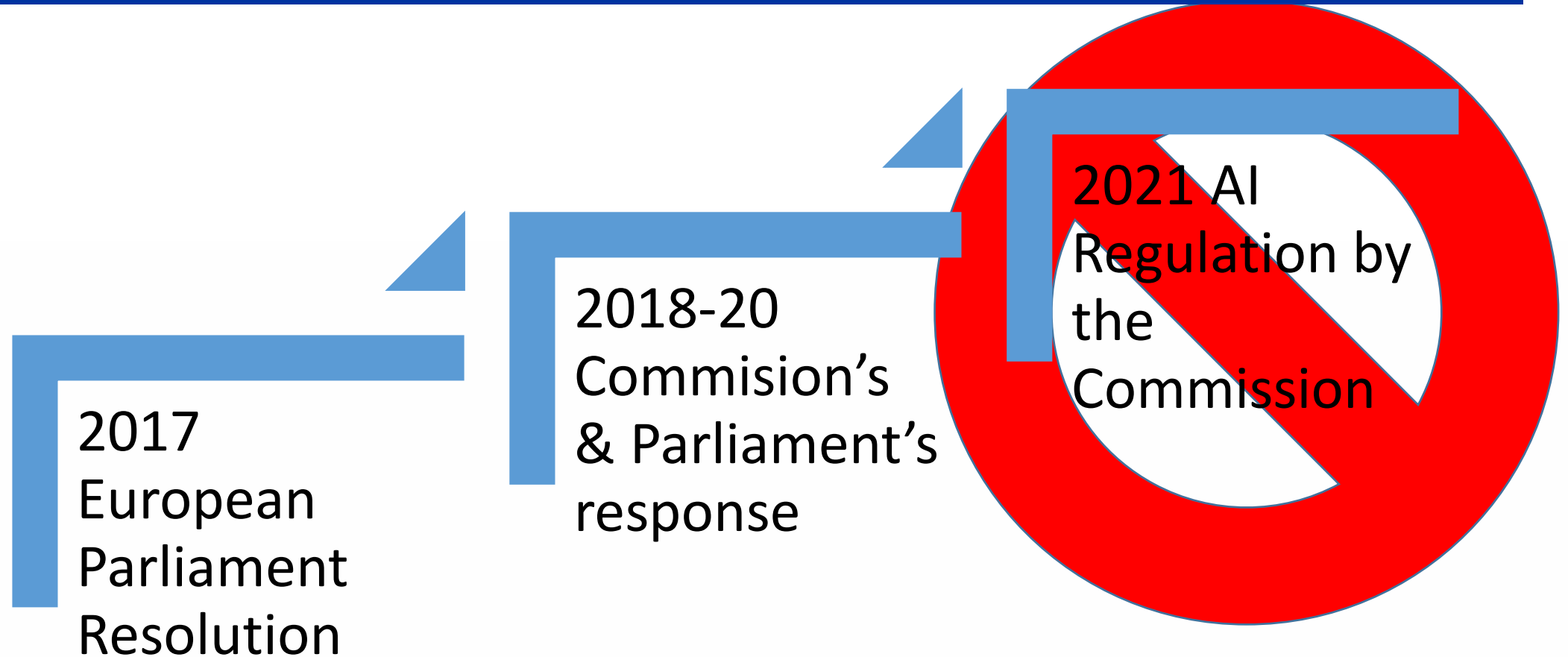
- (Human rights aside) IP law and legal persons law has been taken over by corporations;
- Individual participation in the digital comes (for most) in the form of shares;
- We need new tools (not rights) to allow individuals to deal more efficiently with new complex environments.

The law-making path

...first, on the **Brussels effect**:



The (actual) law-making path on AI's legal personality



What can be done? A **regulatory sandbox** to the rescue!



Thank you!

Evangelos.Papakonstantinou@vub.be