



FACULDADE DE DIREITO
Universidade de Lisboa

INTENSIVE POSTGRADUATE PROGRAM
AI IN LEGAL PRACTICE AND ITS REGULATION

Curricular unit

AI and Liability

Responsible Academic staff and respective workload in the curricular unit

Francisco Andrade

Syllabus

Electronic Contracting
Contracting without human intervention (EDI and Software Agents)
Legal consideration of software agents
The proposal of regulation for artificial intelligence and the European Parliament resolution on liability
Cognitive and intentional states of software
Error, divergences between will and declaration and vices of will of the software.

Teaching methodologies

By seminars

Main Bibliography

Mandatory readings

Andrade, Francisco, et al., “*Contracting agents: legal personality and representation*”, in “*Artificial Intelligence and Law*”, Springer, 2007.

Sartor, Giovanni, *Cognitive automata and the law: electronic contracting and the intentionality of software agents*”, in “*Artificial Intelligence and Law*”, Springer, 2009.

Martin Ebbers, Veronica Hoch, Frank Rosenkranz, Hannah Ruschemeyer, Bjorn Steinrötter
The European Commission’s Proposal for an Artificial Intelligence Act – A critical assessment by members of the Robotics and AI Law Society, (RAILS) 2021, 4, 589–603

Francisco Andrade and Tiago Cabral “Regulating liability for AI within the EU: short introductory considerations”, UNIO EU Law Journal, October 25 2019,
<https://officialblogofunio.com/tag/liability-for-emerging-digital-technologies/>

Proposal for a regulation of the European Parliament and of the Council laying down harmonized rules on artificial intelligence (artificial intelligence act)



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European Parliament Resolution of 20 October 2020 with recommendations to the commission on a civil liability regime for artificial intelligence

Optional readings

Susana Navas Navarro, *Robots and Civil Liability (ongoing work within the EU)*, in <https://officialblogofunio.com/2019/09/24/robots-and-civil-liability-ongoing-work-within-the-eu/>

Allen, Tom e Widdison, Robin -- “Can Computers Make contracts?”, in “Harvard Journal of Law and Technology”, volume 9, number 1, Winter 1996, págs. 26-52

Weitzenboeck, Emily -- “Electronic Agents and Contract Performance: Good Faith and Fair Dealing”, Proceedings of “Workshop on the Law and Electronic Agents” (LEA 2002), 2002, págs. 67-73

Weitzenboeck, Emily -- “Electronic agents and the formation of contracts”, ECLIP – Electronic Commerce Legal Issues Platform, International Journal of Law and Information Technology 2001 9(3):204-234

Cerka, Paulius, et al., Liability for Damages Caused by Artificial Intelligence, Computer Law and Security Review, nº31.

Chopra, Samir, et al., *A Legal Theory for Autonomous Agents*, University of Michigan Press, 2011.



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Frances Brazier, Anja Oskamp, e outros (2002): “Are Law Abiding Agents Realistic?”, in Proceedings on the Law on Electronic Agents (LEA 02).

Resolução do Parlamento Europeu, de 16 de Fevereiro de 2017, que contém recomendações à Comissão sobre Disposições de Direito Civil sobre Robótica

European Commission, White Paper on Artificial Intelligence - A European approach to excellence and trust” https://ec.europa.eu/info/sites/info/files/commission-white-paper-artificial-intelligence-feb2020_en.pdf