

Artificial Intelligence Resource Kit

Practical Guidance Lawyer Team

Maintained

This resource kit includes materials from multiple Practical Guidance practice areas. If you do not subscribe to certain practice areas, you may be unable to access all the materials referenced.

This resource kit provides an overview of helpful resources on the topic of ***artificial intelligence*** (AI), including generative AI tools such as ChatGPT. It includes resources on intellectual property implications, impacts on labour markets and employment relationships, proposed legislation and regulatory frameworks at home and abroad, the use of AI in administrative decision making, and the role of AI in the legal profession.

This resource kit includes guidance materials, including practice notes and articles, organized by practice area.

Intellectual Property & Technology

Practical Guidance Document	Notes	Content Type
<i>Artificial Intelligence:</i> Canadian and International Trends	This practice note discusses policy developments and investments in <i>artificial intelligence</i> both in Canada and internationally.	Practice Note
Generative AI and Copyright Law	This practice note explores critical questions of ownership and authorship over AI generated content, including input and output issues vis-à-vis copyright laws.	Practice Note
Generative AIs Challenged By Copyright and Related Rights: A Comparative Approach in European and U.S. Law	This practice note examines the difference between data used to train the generative AI, which constitutes the "input data/content", and the works generated by the AI, which are the "output data/content".	Practice Note
<i>Artificial Intelligence</i> and Privacy Law (Canada)	This practice note explores important issues related to privacy law and the federal government's proposed legislation to regulate <i>artificial intelligence</i> , as well as steps entities can take to protect their business.	Practice Note
<i>Artificial Intelligence</i> Key Legal Issues (U.S.)	This practice note provides an overview of emerging legal issues relating to the acquisition, development, and exploitation of AI, including those involving general commercial contracts, consumer	Practice Note

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	products, products liability, IP, privacy and data security, bankruptcy, antitrust, and employment.	
<u>Artificial Intelligence</u> and Automation in E-Commerce	This practice note discusses legal issues arising from the increasing use of <u>artificial intelligence</u> and automation in conducting e-commerce.	Practice Note
Patentability of Computer-Implemented Inventions: Computer Software and Business Methods	This practice note includes a discussion of the patentability of <u>artificial intelligence</u> technologies.	Practice Note
Digital Charter Implementation Act (Bill C-27) Overview	This practice note discusses the introduction of Bill C-27, which would, among other things, establish the <u>Artificial Intelligence</u> and Data Act (AIDA). AIDA would impose Canada-wide requirements for the design, development, use and provision of AI systems and establish enforcement mechanisms including administrative monetary penalties and new criminal offences.	Practice Note
Software Patents (US, EU, UK)	This practice note includes a discussion of the European Patent Office and US Patent and Trademark Office's approaches to AI.	Practice Note
The future of law: How AI is transforming legal profession	This 2023 article talks about the use of AI to streamline legal tasks and discusses its limitations.	Article
AI project a 'call to action for the law to really embrace the future and really get ahead of it'	This 2023 article relates to a cross-discipline research initiative at York University to consider how to balance the risks and benefits of AI for humanity.	Article
When AI starts making administrative decisions	This 2023 article discusses issues of procedural fairness which may arise from the use of AI in administrative decisions, including tribunal adjudication.	Article
ChatGPT cannot be a 'panacea' to access to justice, LCO webinar speaker notes	This 2023 article addresses a Law Commission of Ontario webinar considering the impact of AI on access to justice and the practice of law.	Article
The impact of ChatGPT on estate planning	This 2023 article explores the use of AI tools in estate planning, and its risks and limitations.	Article
Using <u>artificial intelligence</u>	This article discusses a 2023	Article

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to copy photos raises legal questions	lawsuit brought by Getty Images against Stability AI in the United States, alleging unauthorized reproduction of their images.	
AI use in Canadian immigration raising concerns	This 2023 article addresses the risks and benefits of the use of AI to support decision-making in processing immigration applications.	Article
New legislation needed to deal with expanding scope of AI	This 2023 article discusses the need for amendments to Canadian law to define and protect intellectual property rights in the age of AI.	Article
What ChatGPT can, cannot do	This 2023 article discusses the possibilities and limitations of ChatGPT.	Article
Can artificial intelligence replace judges?	This 2023 article considers whether AI could play a role in adjudicating disputes.	Article
Privacy 2022 recap: legislative reform, other developments	This review of 2022 legal developments touches on the federal government's introduction of Bill C-27, which would create the AIDA.	Article
New year ushers in accelerated growth for Canadian immigration	This article references the use of AI in processing immigration applications.	Article
The chatbots are coming! The chatbots are coming!	This 2023 article poses a number of legal questions to ChatGPT and reveals the answers it generates.	Article
Artificial intelligence warns humans might not be able to shut it down	This 2022 article includes a conversation with ChatGPT about whether humans will be able to shut it down.	Article

Employment

Practical Guidance Document	Notes	Content Type
Artificial Intelligence in the Workplace Policy	This precedent is intended to provide a framework for a policy concerning use of AI driven tools in the workplace. Employers are advised to adopt a policy to indicate the limits on AI's use in the workplace. This precedent includes practical guidance, drafting notes, and an alternate clause.	Precedent
ChatGPT in the Workplace: Legal Considerations	This practice note discusses legal considerations associated with using ChatGPT in the workplace, including privacy; cybersecurity and confidentiality	Practice Note

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	considerations; safeguarding against malicious use; human rights considerations; potential effects on employee job duties; and considerations applicable to unionized and non-unionized workplaces.	
Bardal meets AI: Navigating challenges of wrongful dismissal in transforming job market	This article considers how AI may impact the labour market, and how it will affect the Bardal factor of “availability of similar employment” when determining proper notice in wrongful dismissal cases.	Article
AI won’t replace you, but somebody using it might	This 2023 article considers how AI may impact jobs in the legal profession.	Article
Capturing value from <u>artificial intelligence</u> for lawyers	This 2023 article looks at the ways in which law firms and legal departments are embracing AI to help them navigate a changing legal landscape.	Article
B.C. tribunal orders woman to pay back employer for ‘time theft’	This article discusses the use of AI in time tracking by employers.	Article
Does <u>artificial intelligence</u> have ability to replace family lawyers?	This 2023 article reviews the ways in which AI could assist, although not replace, family lawyers.	Article

Commercial and In-House Counsel

Practical Guidance Document	Notes	Content Type
<u>Artificial Intelligence:</u> Market <u>Intelligence</u>	This document features a 2022 discussion and analysis of emerging trends and hot topics in AI across key jurisdictions worldwide, including government strategies, ethics and human rights, data protection and privacy, and industry sector application.	Practice Note

Litigation & Dispute Resolution

Practical Guidance Document	Notes	Content Type
Legal experts question trailblazing AI disclosure directives from Canadian courts	This article discusses the recent moves of some Canadian trial courts which have issued practice directions requiring lawyers and litigants to disclose to the bench any use of AI in their legal research and court submissions.	Article
Time to regulate use of AI in	This article examines the	Article

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litigation?	need for guidelines in Ontario on the use of AI by lawyers, administrative decision-makers and judges.	
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Capital Markets and M&A

Practical Guidance Document	Notes	Content Type
Legislative Update (2023 08): <u>Artificial Intelligence</u> Regulations in the Investment Industry	This legislative update discusses the rules proposed by the U.S. Securities and Exchange Commission ("SEC") on July 26, 2023, to address potential conflicts of interest associated with the use of "predictive data analytics" ("PDA") and related technologies (such as <u>artificial intelligence</u>) by broker-dealers and investment advisers that affect investment-related behaviors or outcomes. It also discusses the potential impact and potential developments in Canada.	Practice Note

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