

Introduction: Artificial Intelligence and the Law

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This text was not written by ChatGPT. But it could have been.

By now, in mid-2023, it is unlikely that you have not heard of artificial intelligence or perhaps used ChatGPT yourself, and asked yourself how such tools can provide confident-sounding answers to complex questions in so little time. Whether the answers are right or not is another issue

In any case, there is no denying that artificial intelligence has attained stratospheric proportions in the last few years, in large part because various organizations have recently made it so much easier for users to interact with AI tools. In the past, interacting with artificial intelligence required specialized technical knowledge; these days you just ask a question.

The use of – and debates over – artificial intelligence systems are not new, however. Automated credit checks, intelligent movie and music recommenders, smart traffic light control, virtual voice assistants, and job candidate profiling and matching solutions are just some of the tasks that have been powered by artificial intelligence for some time.

Around the world, countries are discussing how to regulate the development and use of artificial intelligence, adopting specific legislation on the matter or frameworks for best practices, all with a view to ensuring that human beings are not sidelined and then dominated by machines, as often depicted in apocalyptic films and television series.

In Brazil, for example, at the time this e-book is being written, there are a number of bills before National Congress dealing with artificial intelligence. It is still too soon to say what may come of these bills, but the Brazilian legislator clearly intends to lead, not follow, other countries in the regulation of artificial intelligence.

In any event, there can be no doubt that the development and use of artificial intelligence will present complex legal challenges in many different areas of the law, which will have to be explored in coming years, as AI takes on an even larger role in societal interactions.

This e-book is another of BMA's initiatives for innovation, following in the footsteps of the material we released last year on law in the metaverse and the legal challenges presented by DAOs (decentralized autonomous organizations). As always, our objective is to spark discussion and encourage debate over the complex legal issues surrounding the use and development of artificial intelligence in Brazil.

In this e-book, we have brought together specialists from various practice areas at BMA to provide strategic visions on the intersections of artificial intelligence and the law, and on the legal issues that must be assessed to

allow AI to develop in a way that aligns with the legislation in effect.

We extend the same invitation here that we did in our e-books on the Metaverse and DAOs: If any of these articles is especially relevant to your business or a project you plan to undertake, please reach out to our practitioners to continue the conversation. Together we can explore the best approaches to leveraging artificial intelligence while minimizing unnecessary legal risks.

Happy reading!

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Felipe Palhares