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Legal and ethical conundrum posed by artificial intelligence

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Abstract

Just imagine the surprise expression of a 1950s time traveler visiting the present. Our guests may be surprised with the immediate access to seemingly all privacy information, Personal global communication via voice, text and images, Computer-based decisions and recommendations, whether in the form of immediate stock trading, recommended medical diagnosis, or release from criminal cases., Crypto currencies such as Bitcoin implemented by block chain, decentralized and decentralized electronic ledgers maintained and instantly updated by all users., Electronic commerce. This is heavily influenced by what computer anticipates and persuades consumers to buy, Robot manufacturing; There are various sorts of moderately and soon fully independent conscience cars. As we are experiencing today, Information Technology (IT) applications have made a revolutionarily influence on people's day to day life. IT has applied on everywhere possible to bring the easiness and efficiency to the process. In that case, lots of industries tend to use IT-based tools, applications, software to improve their performance and quality. When considering the commonly used technologies in many fields, Artificial Intelligence (AI) is the most frequent.

Keywords: Robot manufacturing, information technology, applications, software

Introduction

Everything is being implemented into the foundation for developing policies and police departments. Self-driving cars, mechanical care and medical hardware, and professional pathologic setups all display computer-based intelligence. When you are writing a message or sending a mail, your phone uses AI to suggest words. The guidance software on the similar phone uses AI to select the quickest route. Several of the "Could I assist you?" responses that remain available are provided by speak bots, automated systems that can understand customer questions and provide responses that appear to have been offered by a human customer service representative.

- Intelligence powers Search on Google, controls what you see on Facebook and Twitter, and enables Amazon and Flipkart to offer items to you based on what you've liked and need to buy.
- For movie recommendations, use Movies, Amazon Prime, Hotstar, and Spotify or Savaan.
- Cetera language translation is included into Search engine results and is frequently used in other services to look up information around the globe [1].
- Numerous definitions of AI acknowledge that it is a collection of technologies rather than a single thing. Machine learning, according to the non-profit research organization AI Currently, "consists of a variety of technologies such as machine learning, perception, reasoning, and natural language processing." Latest advancements in AI integrate multiple disciplines.
- Computer Concepts - Numerous artificial intelligence (AI) systems comprise algorithms, which are simply instructions for processing data or carrying out various activities. The fairness and transparency of algorithmic decision-making have long been a source of concern, and these issues are still prevalent today in the area of Artificial intelligence.
- Computer education (ML). Without solely relying on pre-programmed rules, machine

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learning algorithms may process data and make predictions.

Meaning and approach Artificial Intelligence

"The way we approach Artificial Intelligence will define the world we live in." [23]

Considering the situation at hand the topic of considerable and meaningful debate on the domestic and international theatre worldwide has been artificial intelligence (AI). Governments, international organisations, as well as other place entities from academics, corporates, entity or manufacturing units, are concerned about AI. Society [3]. As The nation that masters AI, the Russian President claimed in 2017, "gets to govern the world" [4]."

As we quick forward to 2021 there is no broadly acknowledged meaning of computerized reasoning. Simulated intelligence has various and different appearances, going from simply mechanical gadgets, which could scarcely be qualified as canny, to gadgets intended to make ingenious frameworks. The trouble in characterizing man-made reasoning falsehoods not in that frame of mind of imitation yet rather in the applied uncertainty of knowledge. Since people are the main substances that are generally perceived (basically among people) as having insight, it is not really shocking that meanings of knowledge will more often than not be attached with people attributes. The late AI pioneer John McCarthy, who is broadly credited as authoring the expression "man-made consciousness," expressed that nothing "strong meaning of knowledge that doesn't rely upon relating it to human knowledge" since "We can't yet describe overall what sorts of computational methods we need to call smart." Definitions of insight in this way change generally and center around horde interconnected human attributes that are themselves challenging to characterize, including mindfulness, personality, verbal use, learning capacity, meta cognition capacity, flexibility, and reasoning capacity.

Society and Human Brain Research

Individuals are worried about the relocation of laborers by innovation for quite a long time. Computerization, and afterward automation, processing, and every one the more as of late artificial intelligence and mechanical technology have been anticipated to obliterate positions and make irreversible harm to the work market. Leontief (1983), noticing the emotional upgrades within the handling force of microprocessors, stressed that individuals would be supplanted by machines, similarly as ponies were made outdated by the creation of gas powered motors. Previously, nonetheless, robotization has frequently fill certain human work for the time being, however has prompted the assembly of occupations in the long haul.

Work market and labor pool

By the by, there's far and wide worry that man-made consciousness and related advances could make mass joblessness during the following twenty years. Various humanist and academicians presumed that new data

advances will put 'a good portion of work, across an excellent many occupations, in peril soon' (Frey and Osborne, 2013).

Man-made intelligence is now boundless in finance, space investigation, high level assembling, transportation, energy improvement and medical services. Automated vehicles and independent robots are likewise completing roles that recently required human mediation. We'll encourage that what might be the effect of mechanization on 'regular' positions; in any case, as PCs become more complex, imaginative, and adaptable, more positions are going to be impacted by innovation and more positions made outdated. 'As innovation accelerates, machine robotization may eventually enter the economy to the degree that compensation never again furnish the main part of shoppers with sufficient optional pay and trust from now on. Within the event that this issue isn't tended to, the result will be a descending monetary winding'. He cautions that 'eventually - it might be numerous years or a long time from now - machines will actually want to do the positions of a huge level of the 'normal' individuals in our populace, and these individuals can't secure new positions'. In any case, some financial expert's debate these cases, saying that albeit many positions are going to be lost through mechanical upgrades, new ones are going to be made. As per these people, the work gains and misfortunes will level out future. Assuming simulated intelligence prompted monetary development, it could encourage interest for occupations during the economy, remembering for tactics that are not straightforwardly connected to innovation. as an example, the portion of laborers in recreation and cordiality areas could increment assuming family wages rose, empowering individuals in touch the cost of additional feasts out and travel.

Policy framework and strategies on ai international ai development plan

On 10 April 2018, 24 EU Member States and Norway marked a Declaration of Cooperation on Artificial Intelligence pointed toward fostering the European way to deal with man-made reasoning AI.⁵ Romania, Greece, and Cyprus joined the initiative in May 2018, and Croatia in July 2018.⁶ helping Europe's innovation and modern limit in AI and its take-up, including better admittance to public area information; these are fundamental circumstances to impact AI improvement, fuelling imaginative plans of action and making financial development and new qualified positions; tending to financial difficulties, for example, the change of the work showcases and modernizing Europe's schooling and preparing frameworks, including up skilling and reskilling EU residents; and On September 5, 2018, the European Supervisory Authorities (ESAs) circulated a joint report on the results of the noticing movement on "computerization in money related counsel. "The report assumed that no fast action is major, since there are at present a set number of firms drew in with motorization in money related urging and the recognized perils have not arisen. The ESAs plan to do one more noticing movement if headway of the unendingly market bets with warrant it.

USA

America's heads and regulators have basically been searching for AI in the space of independent or independent vehicles. The Department of Transportation is auditing parts for composed direction on the utilization of these vehicles, including multi-vehicle insurance vehicles, and a few states have embraced guidelines and investigation rules. Free vehicle investigation. Essentially, late unofficial law has given the Department of Defense the commitment to plan occasions and arrange AI officials connected with public security. Government regulation and administrative measures

During the 115th Congress, 39 bills were presented that incorporated the expression "human cognizance" in the bill's message. Four of these bills were approved in guideline. Region 238 of the John S. McCain Defense Authorization Act for Fiscal Year 2019 trains the Department of Defense to lead various AI-related works out. Subsection (b) requires the Secretary of Defense to approve a mediator who will direct and facilitate divisional activities "including new developments and exhibiting counterfeit thinking and AI." Subsection (g) gives the joined significance of AI:

1. A training and further foster the presentation when introduced to data assortments.
2. A bogus system made in PC programming, genuine gadget or some other structure over seeing missions that requires recognizable proof, understanding, association, learning, correspondence or carry on like genuine individuals.
3. A misleading system for thinking or behaving like a human, including mental designs and mind associations.
4. Various systems, including AI, mean to expect a psychological endeavor.

France

As per innovation reporters, France has probably the best math and designing schools on the planet, and a portion of the world's top information researchers and AI specialists hail from the country. While a significant number of these French-prepared scientists and specialists go to work in the US and somewhere else, France will regardless have one of the most grounded AI environments in Europe, alongside Germany and the UK. To be sure, "Simulated intelligence organizations from these main three nations address the greater part of all AI organizations in Europe."

French President Emmanuel Macron has made these qualities one of his administration's needs to make France a world forerunner in AI. In view of this, he vowed to allot 1.5€billion (approximately US\$1.7 billion) in public funding to AI by 2022 "in a bid to reverse a brain drain and catch up with the dominant US and Chinese tech giants."⁶

Additionally, the French government has been experimenting with using AI for certain aspects of governance. In particular, the Courts of Appeals of Rennes and Douai tested predictive justice software on various appeals cases in 2017.

France is a participating member of the International Organization for Standardization's technical committee on AI. In parallel, the French government has deployed some

efforts towards anticipating the regulatory challenges related to AI.

Legal conundrum posed by AI

Criminal Law

A wrongdoing comprises of two components: a deliberate crook act or oversight (*actus reus*) and an expectation to carry out a wrongdoing (*mens rea*). In the event that robots were displayed to have adequate mindfulness, they could be at risk as immediate culprits of criminal offenses, or liable for violations of carelessness. On the off chance that we concede that robots have their very own psyche, supplied with human-like unrestrained choice, independence or moral sense, then, at that point, our entire overall set of laws would need to be radically corrected.

Albeit this is conceivable, it isn't logical. All things considered, robots might influence criminal regulations in additional unpretentious ways. The rising designation of decision making to simulated intelligence will likewise influence numerous areas of regulation for which *mens rea*, or goal, is expected for a wrongdoing to have been carried out.

What might occur, for instance on the off chance that a man-made intelligence program decided to foresee fruitful ventures and get on market patterns made an off-base assessment that prompted an absence of capital increment and thus, to the deceitful chapter 11 of the partnership? As the aim necessity of misrepresentation is missing, people must be considered liable for the lesser wrongdoing of chapter 11 set off by the robot's assessment. The activities of independent robots could likewise prompt a circumstance where a human shows the *mens rea*, and the robot carries out the *actus reus*, fragmenting the parts of a wrongdoing.

On the other hand, lawmakers could characterize criminal risk without an issue prerequisite. This would bring about obligation being doled out to the individual who conveyed the simulated intelligence whether or not they had any awareness of it, or could foresee the unlawful way of behaving. Perfect risk is progressively utilized for item obligation in misdeed regulation (e.g., drugs and purchaser products). In any case, it generally contends that *mens rea* with goal or information is significant, and we can't just leave that vital necessity of criminal obligation despite trouble in demonstrating it.

Tort Law

Misdeed regulation covers circumstances where one individual's conduct causes injury, enduring, unjustifiable misfortune, or damage to someone else. This is a general class of regulation that can incorporate a wide range of sorts of individual injury claims. Misdeed regulations serve two fundamental, general purposes: 1) to remunerate the casualty for any misfortunes brought about by the respondent's infringement; and 2) to prevent the litigant from rehashing the infringement later on.

Tort law will likely come into sharp focus in the next few years as self-driving cars⁷ arise on open streets. On account of self-driving independent vehicles, when a mishap happens there are two areas of regulation that are pertinent - carelessness and item obligation. Today most mishaps result from driver mistake, and that implies that obligation for mishaps is administered by carelessness standards.

Carelessness is a tenet that expects individuals to take responsibility for acting irrationally in light of the current situation. To demonstrate a carelessness guarantee, an offended party should show that:

- An obligation of care is owed by the litigant to the offended party
- There has been a break of that obligation by the respondent
- There is a causal connection between the litigant's break of obligation and the offended party's damage, and;
- That the offended party has endured harms thus.

Licensed innovation LAW

Protected innovation privileges are essential for the Universal Declaration of Human Rights (UDHR, Article 27), the International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 15), the International Covenant on Civil and Political Rights (ICCPR, Article 19) and the Vienna Declaration and Program of Action (VDPA) 1993. Such privileges they have a "basic freedoms character" and "have become contextualized in different strategy regions" WIPO (1998). Man-made consciousness (AI) in the realm of Intellectual Property has brought up a few extremely fascinating issues and discussion. The patentability of AI related creations, restrictive issues of inventorship and the absence of satisfactory guidelines and principles have left a few inquiries that could go either way. Man-made intelligence related developments for the most part use procedures like AI profound learning and brain organizations. As per the WIPO distribution 1055 - Technology Trends 2019, the most dominating AI utilitarian applications have been documented in the fields of broadcast communications, transportation and life and clinical sciences with movement fundamentally in PC vision, regular language handling and discourse handling

AI in law

Practice of law

The Shadow of Artificial Intelligence has been projected across the fields, Legal Field is no special case. Each field has its portion of dullness. Before digitization, Legal Field is known for its dull nature at the rear of the workplace. Despite the fact that AI has sufficiently grown to mechanizing record, helped in legitimate training, lawful examination, consistence and so on, it is yet to penetrate into the walls of prosecution particularly in the lower legal executive. Simulated intelligence processes enormously assist legal advisors with tracking down savvy and special ways of working. They can really be applied to numerous issues that appear to be hard for attorneys to deal with, either by uprightness of the intricacy or in light of the volumes engaged with lawful practice. Simulated intelligence inside lawful informatics

Simulated intelligence is oftentimes utilized in displaying lawful cosmology. It possesses a significant spot inside lawful informatics, which applies data advancements inside the setting of the legitimate climate. Computer based intelligence apparatuses and methods created with regards to legitimate issues take special care of the need to store and recover gigantic measures of text based information, bringing about calculated data recovery and shrewd data sets.

Utilization of innovation instruments like ML (counting profound learning and prescient investigation) to regulation incorporates many regions including:

- Formal models of lawful thinking
- Computational models of argumentation, direction and evidential thinking
- Lawful thinking in multi-specialist frameworks
- Executable models of regulation
- Programmed lawful text characterization and outline;
- Computerized data extraction from legitimate data sets and texts
- ML and information digging for e-revelation and other legitimate applications
- Theoretical or model-based legitimate data recovery
- Lawbots to computerize minor and monotonous legitimate undertakings
- Risk appraisal, valuing, and course of events expectations of case utilizing ML.

Evidentiary Value

Data Technology furnished with Artificial Intelligence works with attorneys as well as the appointed authorities in managing observers and taking proof, it can likewise help in the organization of Courts. During and After the Cross-Examination, there requires a record of the cycle which should be possible by the Speech Recognition devices that utilize Artificial Intelligence. In Future, in cases the observer is from an alternate nation communicating in an alternate language, Artificial Intelligence could help the observer in the interpretation of the language of Court continuously. Brushing Speech-Recognition AI, Facial Recognition AI and Translation AI, it is currently conceivable to peruse the lips with 95.6% exactness at sentence level contrasted with 86.4% of the people. This can likewise help in examining video confirmations, supporting the conference impeded individuals in the Court system.

Judicial Decision Making

In the question of legal dynamic cycle the utilization of AI frameworks by judges is of both subjective and quantitative methodologies. Courts for the most part have a decreased capacity to act ex ante in contrast with governing bodies and organizations. Courts can't just choose *sua sponte* to report how the law will treat risk emerging from new advances. All things being equal, they should hold on until prosecutors begin recording claims. Frequently, the considerable principles relevant to a specific innovation or action don't for a moment even start to create until after that innovation or action really hurts. For each situation that precedes court, a preliminary court's adjudicative errand is to survey the record as evolved by the gatherings and make the discoveries important to decide the result of that particular case. Like in going with condemning or bail choices for criminal litigants. For instance, when an adjudicator is choosing whether to deliver a criminal litigant on bail forthcoming preliminary, frequently he should make a gamble evaluation concerning the risk of the respondent regarding flight or reoffending.

Today, judges are progressively utilizing programming frameworks that utilize AI to give a score that endeavors to evaluate a respondent's gamble of reoffending. These frameworks frequently utilize AI calculations that utilization past wrongdoing information and endeavor to extrapolate to make an expectation about the litigant under the watchful

eye of the adjudicator. Albeit the adjudicator isn't limited by these robotized risk appraisal scores; they are many times persuasive in the appointed authority's choices.

In such circumstance of dynamic cycle the courts' adjudicative job turns out to be a lot trickier when the damage is because of the conjunction of different entertainers or various dangers. In such cases, "courts should get some ex post data about the size of the ex-bet risk brought about by the injurer's activity and the overall job of this gamble inside the setting of all chance openings." These hardships don't come from some component of the actual courts, yet rather are intrinsic in the idea of mischief brought about results in modern social orders, where there for the most part are various entertainers who were associated with the creation cycle and who might have added to the gamble of damage presented by the item. Since courts have more insight than different organizations in assigning liability in such circumstances, they stay ideally suited to make such conclusions of obligation when mischief happens.

Recommendation

The occasion was gone to by CJI Bobde, CJI assign Justice NV Ramana and Justice Nageswara Rao, who is additionally the Chairman of the Supreme Court's AI Committee, and High Court Judges. While sending off the Court's Artificial Intelligence Portal, the CJI called the framework a 'ideal mix of human knowledge and AI' and 'a cross breed framework', which cooperates with human insight.

He expressed that the framework being sent off is novel as cooperation between the human is being and machine which makes surprising outcomes. During the occasion, CJI tended to the protests and reactions that Artificial Intelligence faces, concerning a great many people it implies robotized navigation. He explained that such protests are totally outlandish regarding this framework, as it's been intended to make realities accessible to Judge who needs them for navigation and empower him to convey decisions.

"It is our view and is in consistence of each appointed authority, that the choice should be passed on to him, a machine should not to direct it." CJI said.

The CJI expressed that he personally accepts it would be lamentable to allow AI to do dynamic on cases including human issues where human conversation is of most noteworthy significance. Consequently, adequate consideration has been taken to guarantee that AI just gathers generally significant realities and regulation and makes it accessible to Judge on their fingertips however doesn't in any case recommend choices.

"This is where we, Indian Judiciary will quit utilizing it, after its offered all the data and examined all responses. We won't allow it to pour out over navigation" CJI said.

He repeated that the product would completely hold independence and watchfulness of Judge in choosing case, however at a lot quicker pace because of status at which data is made accessible by AI. He expressed that artificial knowledge can think in words and figures and its gets better with additional models that it's given.

The CJI further said that that AI doesn't approach sentiments and feelings, and works in areas of perception, where understanding happens just through language and images. The framework that is being sent off is planned not to choose yet to do all disclosures of realities to allow the

Judge to choose. CJI Bobde additionally eased worries about AI creating unemp. Even famous businessman Elon Musk has implored legislators to act quickly in regulating AI^[8].

To this day, twenty-one states have adopted legislation regarding self-driving cars, and more are expected to follow suit. Even the US government is currently working on a bill to regulate the use of autonomous vehicles. As this technology is still in its infancy, the drafters of these bills have taken to predict the future, and some of their predictions have already proven to be problematic.

Of course, getting back to Justice Easterbrook's statement^[9], this is not to say that we shouldn't legislate on AI, smart contracts, or the Internet of Things or wait until we have understood all there is to know about these technologies something that could take centuries before adopting further AI-related legislation. History does teach us, however, that we should be careful in drafting said laws. To quote iconic French jurist Jean Carbonnier, "one should always tremble when legislating." However, how should the current legal framework be adapted-through the modification of current laws, or the adoption of new legislation-to take into account AI?

The accompanying could be a couple of steps that can be taken to guarantee that we shield our lawful and moral freedoms presented by AI:

- Each country ought to lay out a lawful structure which would do a common liberties influence evaluation on the AI framework before they are created/gained or sent. Alongside such evaluation it ought to be guaranteed that the clients are AI proficient and are have the option to comprehend and cooperate with the framework.
- Man-made intelligence frameworks ought to be conveyed with human oversight. A machine ought not be provided the ability to decide, and the framework ought to constantly have human oversight. Human intercession and checking ought to be completed at each phase of AI framework. This will guarantee that the AI frameworks work in a directed structure and regard basic liberties.
- A complete information insurance regulation that can expect, relieve and give solutions for any legitimate freedoms dangers ought to be implemented. Simulated intelligence gets to individual information and such regulation ought to accommodate a resident's all in all correct to possess their information and ensuing prerequisite for agree to access such information. The council needs to characterize barely the real purposes when such information can be gotten to.
- There is a need to fabricate a straightforward data framework. People in general high priority information and data on the sending of such frameworks. Moreover, the consequences of such frameworks must be made straightforward where an individual comprehends how such a choice was reached and confirmed.
- Each individual who has been influenced by any AI-related choice ought to have the response to challenge something very similar. This requires the countries to

- lay out autonomous offices that have the ability to explore and mediate such matters.
- Separation because of inserted biasness must be forestalled. Information variety must be guaranteed with severe non-resistance to any AI framework that sustains inclination. System for an expected level of effort ought to be made and common liberties influence evaluations ought to be done consistently.
- The UN Guiding Principles on Business and Human Rights ought to be carried out. These rules accommodate organizations to forestall, address and cure any denials of basic liberties committed in their tasks. This would lay out a design where the confidential area will be under a commitment to regard moral and moral privileges and forestall their encroachments. These standards will guarantee the improvement of moral AI.
- Finally, there is a need to advance AI education. Execution of AI without imperative AI proficiency will prompt infringement of common freedoms. Endeavors should be taken to advance AI education in each foundation using AI.

Conclusion

In nutshell, we can say that the objective behind this work is to give a sensible, demystified perspective on AI and regulation. As it right now stands, AI is neither sorcery nor is it smart in the human-mental feeling of the word. Rather, the present AI innovation can deliver smart outcomes without knowledge by saddling examples, rules, and heuristic intermediaries that permit it to settle on valuable choices in certain, tight settings.

As AI age starts with regular authentic thoughts dynamically applied to new and ahead of time startling circumstances inciting legitimate change. This has happened already, clearly, but the AI age won't simply be gigantic in scope it will in like manner go before irrefutably quickly. Our general arrangements of regulations will as a rule be open and not proactive, especially when we can't guess what the future will be like. One essayist creates that in 1880 experts blamed for anticipating what New York City would look like 100 years sometime later reported that it would be annihilated. The manure that would be delivered by the excess by the city's family would make it horrendous. The state of the art internal combustion engine and the automobiles it made were whimsical. Predicting the progression of AI and its associated developments may be likewise vain. As we goes further we came realize that AI presents difficulties for regulation, corporate and public approach, and morals. Across a large number of disciplines (item responsibility, protected innovation, misrepresentation, criminal regulation, segregation, security, and numerous others) courts should apply conventional legitimate principles to complex and here and there unexplainable frameworks. Policymakers should consider whether to alter existing administrative designs to address AI arrangements explicitly. Understanding AI and its connected advancements can be troublesome. Consider, be that as it may, their effect on everyday human existence as our rising dependence on AI, which positively has its helpful and legitimate closures, is in no means a test for the overall set of laws. Definitely, individuals from the legitimate callings should draw in with these points now in case we be totally ill-equipped when confronted with

prompt requirement for lawful guidance, regulation or rule-production or case goal. There is an old Chinese saying, "May you live in fascinating times." That we are doing as such, we can say with conviction. We would get along admirably, nonetheless, to perceive that that expression is normally supposed to be a revile. Allow us to work proactively to guarantee that, lawfully in any event, AI might demonstrate a gift and not a revile.

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