



Lux Et Veritas 2020

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MOOT PROPOSITION

Introduction

Artificial Intelligence (AI)

Machines and humans have co-existed for centuries, each enhancing other's capabilities. With the advent of computers, the era of intelligent machines dawned. The technology innovations have been making rapid strides leading to more sophisticated software, resulting in complex interdependent systems. Such systems have taken over our lifestyle and our inherent dependence on these devices has increased many-fold. We are at the cusp of machine intelligence, which is capable of its own decision making and is perhaps multi-faceted.

The development of human-like intelligence requires capabilities on certain discipline such as ability to sense and act, learning from experience, interacting with others and so on. It is particularly instructive to view AI as a layered entity, with each additional layer enriching the underlying layer with a new degree of sophistication. The ability to learn from experience (that is, experiential data) is what constitutes the basic layer of intellectual capabilities exhibited by the machines. The ability to sense the environment akin to human sensory functions – vision, audio and spoken language is what constitutes the second level of intellectual capabilities exhibited by the machines. Speech Recognition is one such form of AI. Algorithms have made speech recognition nearly accurate to be useful outside a controlled environment. The accuracy has grown beyond 95%, better than the human capability in identifying words from speech. It is built into smartphones, smartwatches and gaming consoles. It is likely to become a primary channel for humans to interact with machines.

Internet of Things (IoT)

Internet of Things (“**IoT**”) is a system of interconnected computing devices, mechanical and digital machines that are provided with unique identifiers (UIDs) and the ability to transfer data over a network without requiring human-to-human or human-to-computer interaction. It is the concept of connecting any device to the Internet and to other connected devices. The IoT is a giant network of connected things and people all of which collect and share data about the way they are used and about the environment around them.

Devices and objects with built in sensors are connected to an Internet of Things platform, which integrates data from the different devices and applies analytics to share the most valuable information with applications built to address specific needs. These powerful IoT platforms can pinpoint exactly what information is useful and what can safely be ignored. This information can be used to detect patterns, make recommendations, and detect possible problems before they occur.

Facts:

1. Amakart Pvt. Ltd. is a private limited company having its registered office in one State of Azlore in Kinsland. The company is engaged in the business of developing Artificial Intelligence enabled smart home devices and in selling the said devices.
2. Amakart Pvt. Ltd. has developed a device “SILEZON”. The device is based on the Speech Recognition technology. It’s a hands-free, voice-controlled device and is always ON unless turned OFF by the switch and works upon the usage of the wake word “SILEZON”. “SILEZON” connects to a cloud-based voice service to provide information, answer questions, play music, read the news, check sports scores or whether to call any person on the contact list of the phone, to send messages, to order food, prepare grocery list, tell stories, buy goods from websites etc. All one has to do is to ask. Any command once given, the speech is then uploaded to Amakart, where remote servers use speech recognition to deduce the meaning and then relay commands back to the owner’s local speaker.
3. It works by listening out for a 'wake word' that tells the device to turn ON its extended speech recognition systems in order to respond to spoken commands. For the device, the wake word is “SILEZON”. The device is only designed to respond and act on the commands that the owner of the device gives directly after the wake word. With microphones and beam-forming technology, “SILEZON” can hear even from across the room. With enhanced noise cancellation, “SILEZON” can hear one ask a question, listen and respond to command even while it’s playing music. The device is capable of recognizing the speech, deducing the meaning and then executing whatever it is ordered to do after the “wake word” “SILEZON” is spoken. The device is developed only to recognize, deduce

and perform the command which is given after the usage of wake word “SILEZON” and not otherwise.

4. The device has been advertised extensively on various websites, print media and on television for having the aforesaid qualities and for the capability of performing the said functions. On the basis of the representation in the advertisement the device is purchased by several people including one Mr. Gary Mathew.
5. Mr. Mathew has installed the said device in his home and now uses it for several purposes such as making calls, sending messages, listening to music and news, reminders for the grocery that is getting over, preparing grocery list every month, purchasing goods from various websites etc.
6. Mr. Mathew now uses “SILEZON” for several functions and the device is always ON. The brain behind “SILEZON” is built in the cloud, so it is always getting smarter. The more Mr. Mathew used “SILEZON”, the more it adapted to his speech patterns, vocabulary and personal preferences and because “SILEZON” is always connected to the internet, updates are delivered automatically.
7. “SILEZON”, hence, now is aware of the purchases that are made by Mr. Mathew every month, grocery that is purchased, the frequency with which each item is ordered etc. The device, even though not informed by the makers, Amakart Pvt. Ltd., keeps and stores the data of Mr. Mathew i.e. keeps a record of all the commands that are given to it without the knowledge of Mr. Mathew. “SILEZON” also keeps a record of the pattern of purchase by Mr. Mathew. “SILEZON” maintains data of all the commands issued to it i.e. from the details of the calls to the messages sent, to purchases made and also keeps a record of the location from where the command is issued etc. It monitors, tracks, and profiles the people in the

house and has also started predicting behaviors on the basis of the commands it received.

8. Even though the device is programmed to only follow the commands and instructions issued after the wake word and has been advertised to do so the device simply records everything Mr. Mathew or his family says all the times and figures it out later. Thus, instead of only recording what is said after the wake word is spoken, the device effectively continuously records all speech and then looks for instances of commands issued. The device captured speech that precedes and/or follows a wake word and considered the same as a part of a single utterance that may be processed by a system.
9. This feature of the device is neither known nor was disclosed by Amakart Pvt. Ltd. to its purchasers. The purchasers of the device are only aware that any command will be effectively followed by the device only when the command is issued after the wake word. However, all the data, all the commands and all the recordings of the speech of Mr. Mathew are recorded and stored by “SILEZON”.
10. The device since now understood the consumption pattern of Mr. Mathew, it started sending out orders for purchasing various goods determining on its own that the particular item would be over or about to get over or is required for the household.
11. The device being an AI enabled device in fact started picking up all the speeches whether it be of Mr. Mathew’s, his wife, his children or even from the television and started placing orders on the basis of such speeches on its own. Mr. Mathew started receiving bulk of products which he had not ordered. Mr. Mathew could not understand as to how and why he was receiving the goods he never ordered and had to suffer financially as he

had to make huge payments for the goods which were neither ordered nor required by him.

12. Upon proper investigation and inquiry Mr. Mathew came to know that “SILEZON” has been ordering goods on its own and on the basis of the speech irrespective of whether the wake word was used or not before the command was issued and kept picking up and interpreting the speech irrespective of the fact whether the wake word was used in the beginning, in the middle, in the end of the speech or was not used at all. When this came to the knowledge of Mr. Mathew, then he immediately stopped using the device.

13. Several such complaints have been raised by other owners of “SILEZON” and there is a huge hue and cry. In response to these incidents Amakart Pvt. Ltd. released a press statement with the following points:

14. That it was not aware that “SILEZON” recorded all the speeches and even if it did, any such recorded data was not used by the company.

15. That “SILEZON” being an AI enabled smart home device was designed to understand the needs of the user better and enabled them to lead an easier life by doing things for its users. E.g. with “SILEZON” the household will never run out of grocery etc.

16. That purchase of “SILEZON” by a person meant that he understood that a backup of all the commands may be kept and be used for their better experience.

17. The said explanation not being acceptable, multiple litigations are filed by the users. In light of the above facts Mr. Mathew has also filed suit against Amakart Pvt. Ltd in the court of law. The reliefs claimed include and are not limited to:

18. Damages against the company for breach of privacy and unauthorized use of personal data and information;
19. Damages and compensation for the loss suffered with regard to the payments Mr. Mathew had to make for the excessive goods which were ordered by “SILEZON” at its own prerogative without being commanded to do so and without using the wake word;
20. For banning the sale of “SILEZON” as it breached privacy and made unauthorized use of personal data and information.
21. The laws of Kinsland are in *pari materia* with India. All the judgments passed by the Indian Courts enjoy a precedential value in the courts in Kinsland.
22. The Case is fixed for hearing before the Court on 28 February 2020.