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# **Annual Corporate Compliance Conference 2020**

7 September - 9 October 2020



# **New Frontiers in Product Liability and Regulation - AI, IoT and other emerging technologies**

Friday 2 October, 2.00 - 3.00 pm BST



# Speakers



**Kate Corby**

Partner (Chair), London



**Trevor Callaghan**

Director, Milltown Partners



**Raj Choudhary**

Independent Legal Consultant seconded in-house with a Fortune 500 technology & product development company



**Ben Allgrove**

Partner, London



**Erin Maus**

Partner, Chicago



**Joanne Redmond**

Senior Associate, London

# Agenda

1 Introduction

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2 Key challenges with AI

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3 EU developments

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4 US developments

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5 Panel discussion – A practical perspective

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6 Managing risk

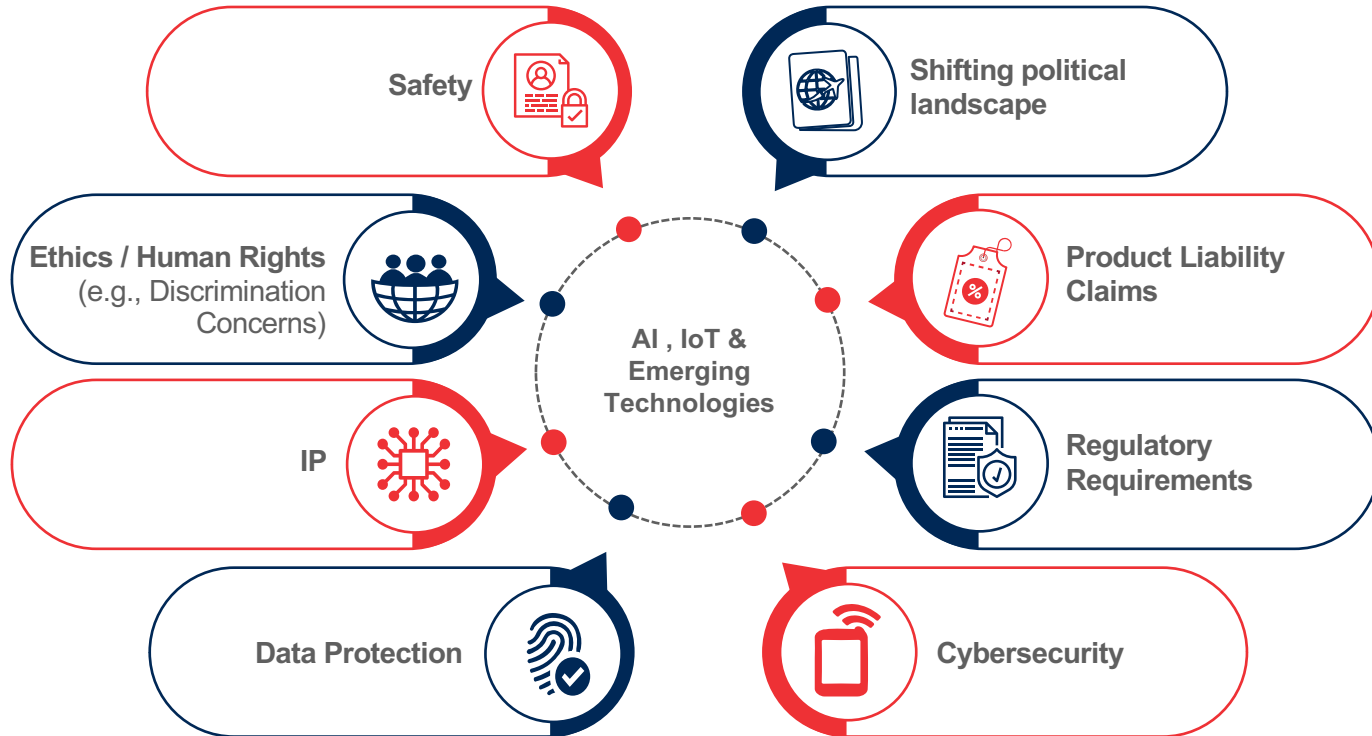
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The background is a dark, deep blue gradient. In the lower right quadrant, there is a curved, glowing stream of teal-colored particles, resembling a comet tail or a data visualization. The particles are small, bright dots of varying sizes, creating a sense of motion and depth.

**1**

**Introduction**

# Legal and other issues



**2**

**Key challenges  
with AI**

# AI | Key challenges

**Openness**

**Complexity**

**Opacity**

**Autonomy /  
Agency**

**Predictability**

**Conflicting  
data  
priorities**

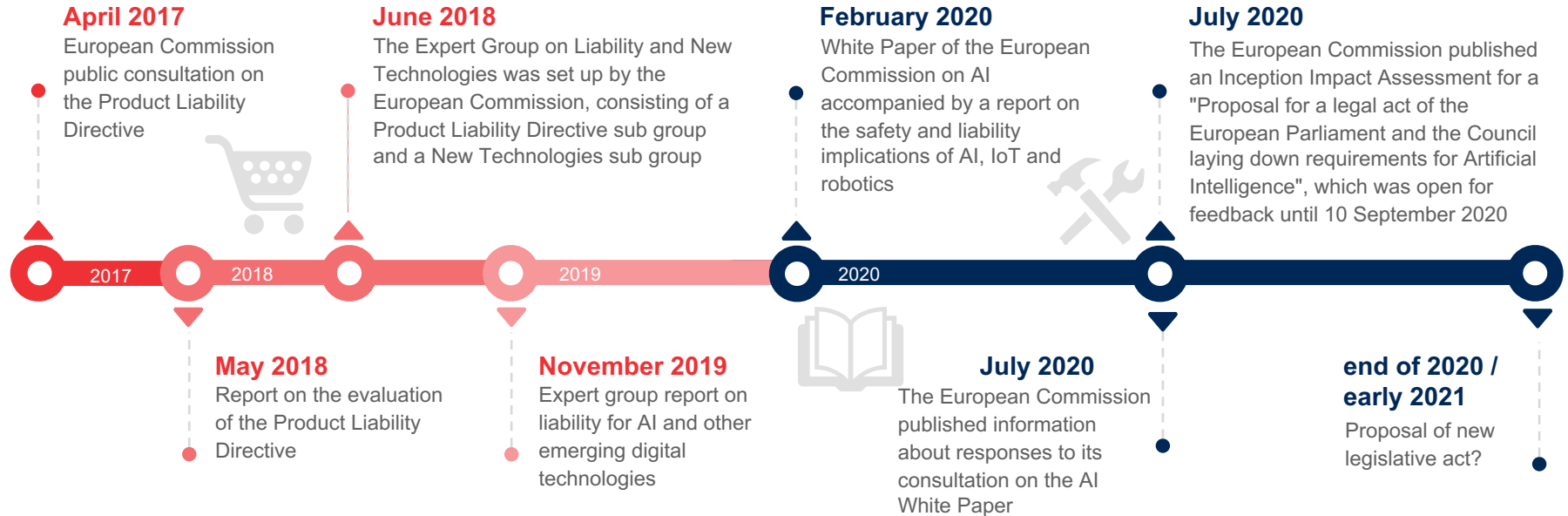
**Vulnerability**



**3**

**EU Developments**

# Timeline – EU developments



Other developments include:

- (i) a consultation on the **General Product Safety Directive** is open until 6 October 2020
- (ii) the European Commission carried out a consultation on the **Machinery Directive** in 2019

**4**

**US Developments**

# US Product Liability Developments

## Regulators v. Courts



### Gov't: Encouraging Development

- DOT/NHTSA: 2016-2018 Federal Automated Vehicle Policies and 2020 policy:
- FDA: 2019 Proposed Regulatory Framework
- Trump Admin: 2019 Exec. Order No. 13,859
- OMB Memo: 2019 Guidance to Federal Regulatory Agencies
- FTC: 2020 guidance on avoiding consumer bias
- CPSC: 2020 Proposed Artificial Intelligence Forum



### Courts: Adapting to New Risk

- Regulatory frameworks/guidelines/policies do not adequately address tort liability; courts left to adapt traditional common law/product liability schemes to new tech risks
- *Wrongful death lawsuits - Sz Hua Huang et al v. Tesla Inc.* v. NHTSA 2018 determination in another case
- *Rodgers v. Christie*, 795 Fed. Appx. 878 (3rd Cir. March 2020) – AI is not a “product” under the product liability statute

**5**

**Panel – A practical  
perspective**

**6**

**Risk management**

# Managing risk

1

Key risk areas for your business?

- Identify (legal & non-legal)
- Assess & understand

2

How can contractual terms help?

- Map the flow of risk up and down the supply chain and identify risks cannot contract out of
- Use of terms re provision of information & audit
- Consider insurance

3

Minimise the risk of products being defective in the first place

- Understand risk points in design & manufacturing process and regulatory requirements
- Identify and address quality and safety issues as soon as possible if arise

The image features a white speech bubble on the left side, containing the word "Questions" in a bold, dark blue font. The background is a dark blue gradient with a glowing teal particle trail that curves across the bottom right. The overall aesthetic is clean and modern, suggesting a focus on inquiry or technology.

**Questions**



# Agenda

Tuesday 6 October  
2.00 - 3.00 pm BST

## Diversifying Supply Chains

Chair: Kevin Nordin, Senior Associate, London | Fred Burke, Partner, Ho Chi Minh City |  
Mattias Hedwall, Partner, Stockholm | Adriana Ibarra-Fernandez, Partner, Mexico City |  
Virusha Subban, Partner, Johannesburg

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Wednesday 7 October  
2.00 - 3.30 pm BST

## Brexit Panel

Chair: Jenny Revis, Partner, London | Sally Beggs, EU Exit Guidance, Legislation and Stakeholder,  
Customs and Borders Design at HMRC | Josh Cameron, Senior Director at FTI Consulting |  
Nicole Looks, Partner, Amsterdam | Andrew Rose, Associate, London

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Thursday 8 October  
2.00 - 3.30 pm BST

## Global Customs Hot Topics

Chair: Jessica Mutton, Senior Associate, London | Jon Cowley, Partner, Hong Kong |  
Adriana Ibarra-Fernandez, Partner, Mexico City | John McKenzie, Partner, San Francisco |  
Ana Royuela, Partner, Barcelona | Francisco Allegue, Associate, Barcelona | Eunkyung Kim Shin,  
Associate, Chicago

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