

**BUSINESS LAW SECTION OF THE FLORIDA BAR
COMPUTER AND TECHNOLOGY LAW COMMITTEE**

The Florida Bar Annual Convention, 2023
Wednesday, June 21, 2023: 12:00 PM – 1:00 PM
In Person (The Boca Raton)

CLTC: Hot Topics

Social Media Updates

1. Meta Fined \$1.3 Billion for Violating E.U. Data Privacy Rules - The penalty, announced by Ireland's Data Protection Commission, is potentially one of the most consequential in the five years since the European Union enacted the landmark data privacy law known as the [General Data Protection Regulation](#). Regulators said the company failed to comply with a [2020 decision by the European Union's highest court](#) that Facebook data shipped across the Atlantic was not sufficiently protected from American spy agencies.
2. New Montana law bans TikTok effective January 1, 2024, TikTok and creators sue Montana over law. Link - <https://apnews.com/article/tiktok-ban-montana-lawsuit-72be560de89fb87e3c677c8e0cfd9fec>
3. On January 23, 2023, SCOTUS requested that the Solicitor General file briefs in the netchoice cases expressing the views of the United States. Links to dockets - <https://www.supremecourt.gov/docket/docketfiles/html/public/22-393.html> and <https://www.supremecourt.gov/docket/docketfiles/html/public/22-277.html> and <https://www.supremecourt.gov/docket/docketfiles/html/public/22-555.html>
4. Florida SB 262 passed by both House and Senate; awaiting DeSantis signature - Link - <https://www.flsenate.gov/Session/Bill/2023/262>

Data Privacy Updates

5. Florida SB 262 (see above)
6. Amazon and Violations of Children's Privacy Laws lead to charges filed by the DOJ on behalf of the FTC. Amazon Alexa - alleged to have kept voice recordings of children indefinitely. Link to press release
 - a. https://www.ftc.gov/news-events/news/press-releases/2023/05/ftc-doj-charge-amazon-violating-childrens-privacy-law-keeping-kids-alexa-voice-recordings-forever?utm_source=govdelivery
7. Amazon's Ring Camera - Proposed FTC order, Ring will be prohibited from profiting from unlawfully accessing consumers videos, pay \$5.8 million in consumer refunds. Proposed Settlement - https://www.ftc.gov/system/files/ftc_gov/pdf/proposed_stipulated_order_ring.pdf Link to

press release -

<https://www.ftc.gov/news-events/news/press-releases/2023/05/ftc-says-ring-employees-illegally-surveilled-customers-failed-stop-hackers-taking-control-users>

Artificial Intelligence Updates

8. Mata v. Avianca, Inc., Case No. 1:22-cv-01461 (S.D. N.Y.)

- a. Attorney uses ChatGPT for motion writing, provided with incorrect citations and cases, uses the incorrect citations/cases in a motion, attaches copies of the incorrect cases, and potentially engaged in notary fraud. Judge orders a show cause hearing for June 8 regarding attorney and law firm.

- b. Link to docket -

<https://www.courtlistener.com/docket/63107798/mata-v-avianca-inc/>

9. Standing order on artificial intelligence - Judge Brantley Starr (N.D. Tex.) - Link -

<https://www.txnd.uscourts.gov/judge/judge-brantley-starr> -

“Mandatory Certification Regarding Generative Artificial Intelligence”

All attorneys and pro se litigants appearing before the Court must, together with their notice of appearance, file on the docket a certificate attesting either that no portion of any filing will be drafted by generative artificial intelligence (such as ChatGPT, Harvey.AI, or Google Bard) or that any language drafted by generative artificial intelligence will be checked for accuracy, using print reporters or traditional legal databases, by a human being. These platforms are incredibly powerful and have many uses in the law: form divorces, discovery requests, suggested errors in documents, anticipated questions at oral argument. But legal briefing is not one of them. Here’s why. These platforms in their current states are prone to hallucinations and bias. On hallucinations, they make stuff up—even quotes and citations. Another issue is reliability or bias. While attorneys swear an oath to set aside their personal prejudices, biases, and beliefs to faithfully uphold the law and represent their clients, generative artificial intelligence is the product of programming devised by humans who did not have to swear such an oath. As such, these systems hold no allegiance to any client, the rule of law, or the laws and Constitution of the United States (or, as addressed above, the truth). Unbound by any sense of duty, honor, or justice, such programs act according to computer code rather than conviction, based on programming rather than principle. Any party believing a platform has the requisite accuracy and reliability for legal briefing may move for leave and explain why. Accordingly, the Court will strike any filing from a party who fails to file a certificate on the docket attesting that they have read the Court’s judge-specific requirements and understand that they will be held responsible under Rule 11 for the contents of any filing that they sign and submit to the Court, regardless of whether generative artificial intelligence

drafted any portion of that filing. A template Certificate Regarding Judge-Specific Requirements is provided here.

10. Bipartisan legislation on ban of artificial intelligence for launching nuclear weapons - <https://www.markey.senate.gov/news/press-releases/markey-lieu-beyer-and-buck-introduce-bipartisan-legislation-to-prevent-ai-from-launching-a-nuclear-weapon>

IP Updates

11. Google v. Sonos and Sonos v. Google
 - a. Sonos wins \$32.5 million patent infringement victory over Google - Google to pay \$2.30 for each of the 14 million+ devices sold. Link to docket - <https://www.courtlistener.com/docket/18483005/google-llc-v-sonos-inc/>
12. Right to Repair
 - a. New York's law goes into effect on July 1, 2023 - Digital Fair Repair Act - link <https://www.nysenate.gov/legislation/bills/2021/S4104>
 - b. Minnesota's law goes into effect on July 1, 2024, and covers products sold on or after July 1st, 2021 - Digital Fair Repair Act - link <https://www.revisor.mn.gov/bills/bill.php?f=SF1598&y=2023&ssn=0&b=senate>