Liability for damages caused by artificial intelligence - the current state of play

Abstract

This master thesis focuses on the analysis of the current liability regulation in the Czech legal system and its adaptation in the context of the forthcoming EU regulatory framework and alternative solutions in the field of liability for damages caused by artificial intelligence ("AI"). The main objective is to assess the adaptability of the current legal regulation to respond to damages caused by AI and to analyse its shortcomings.

The thesis is divided into three main parts and a conclusion. The first part uses analytical methods to explore the technical nature of AI, its development and its categorisation. In this part, the proposed definitions of AI are presented and the shortcomings of the area are analysed, placing particular emphasis on the evolution of the definition within the legislative processes within the European Union institutions.

The second part focuses on the analysis of liability for damage caused by AI. This part is divided into two main chapters. In the first chapter, the thesis deals with the theoretical background of civil liability and analyses the applicability of the relevant liability institutes to damage caused by AI. In the second chapter, the focus is on the assessment of the possible regulation of the electronic person as a potential liability carrier and the consequences of such regulation.

The third part of the thesis deals with the forthcoming EU regulatory framework in the field of AI, with a particular focus on the proposal of the AI Liability Directive. This part of the thesis also examines the implications of this regulatory framework for the Czech regulatory system and highlights potential shortcomings of the proposals.

The main findings of this thesis point to several key shortcomings in the current legislation, in particular in the scope of applicability of relevant liability institutes, inappropriately set liberalisation grounds and a high degree of uncertainty of success in claiming damages. In terms of the forthcoming regulatory framework, the biggest deficiency is seen in the draft AI Liability Directive, which neglects to identify the liable subject.

The paper concludes with a summary of key findings that provide an answer to the research question. It also presents a proposal for future legislation from the author's perspective, with an emphasis on the need for effective and fair regulation of liability for damages caused by artificial intelligence. In addition to the clear identification of the liable party in cases of professional and unprofessional use of AI, the author also proposes to establish compulsory insurance and to seek the creation of a compensation fund for special situations of damage.

Key words: Artificial Intelligence, Liability for Damages, AI Liability Directive.