TILTing Perspectives 2024
"Looking back, moving forward"

Re-assessing technology regulation in digitalized worlds

8-10 July 2024, Tilburg, The Netherlands

Call for Papers

TILBURG ◆ UNIVERSITY

Understanding Society

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Call for Papers

The Tilburg Institute for Law, Technology, and Society (TILT), is delighted to announce the 8th edition of the TILTing Perspectives Conference "**Looking back, moving forward: Re-assessing technology regulation in digitalized worlds".**

The conference will take place on **8, 9, 10 July 2024** at the **Tilburg University campus** and will coincide with TILT's 30th anniversary celebrations. We see this as a fitting moment to take stock of decades of technology regulation and how it impacts our lives and the digitalized worlds around us.

Looking back, moving forward: What has been accomplished? By whom? And where? What is missing? Who is missing? What can we say about the relations between technology-focused regulation and other regulatory foci and modes of standard-setting?

Reflecting on these questions leads us along diverse paths of inquiry. In the realm of **governance**: the ways in which different forms of technology regulation are being designed, critiqued, promoted, exported, and rejected, raise questions of standing and agency with regard to technology as a power, as well as on regulatory power. On the intersection of **human rights & technology**, perceived challenges to a broad range of established fundamental rights raise questions about the suitability of old and new legal frameworks such as treaty law and national constitutions, the proposed EU AI Act, Data Protection, and Cyber and Data Security regulation — not least in situations of warfare. Questions with regard to **competition & innovation** focus on the regulatory challenges posed by ongoing social and technological transformations in key sectors such as energy, finance and healthcare, as well as the challenges of (finding new ways of) regulating competition and intellectual property rights in an increasingly digitalized world.

The conference comprises **six tracks** (comprising paper presentations, PLSC-style discussions, roundtable discussions etc.) and a **deep-dive panel**.

- **TRACK A: 'AI' as a knowledge-making power in the majority worlds**
- **TRACK B: Problematizing 'Data Governance'**
- **TRACK C: Regulation and Innovation in Digital Markets**
- **TRACK D: Regulating Sectors in Transition: Energy, Finance & Health**
- **TRACK E: AI and Data Protection**
- **TRACK F: The Evolving Cybersecurity Landscape and Regulatory Approaches in Cybersecurity**
- **Deep-Dive panel (Virtual): Teaching about AI & Society**

For further information on the tracks and virtual deep-dive panel please see "Conference Tracks" below.

We welcome:

- **Extended abstracts** (min. 500 words - max. 1500 words) for presentation of research papers, position papers, works-in-progress and other academic contributions fitting the conference theme.

Full papers (based on <u>accepted</u> abstracts) will be considered for publication in a special issue of the Technology and Regulation (TechReg) journal which is an international, open-access journal on law, technology and society with an interdisciplinary identity.

- **Proposals for panels and interactive workshops** fitting the conference theme. The proposal should include: (a) A description of the panel/interactive workshop and its relevance and potential to

contribute to the conference theme (min. 250 words - max. 500 words) and (b) Extended abstracts of each individual presentation that will be made within the panel (min. 500 words - max. 1500 words).

Extended abstracts for presentations and proposals for panels and interactive workshops should be submitted via the **EasyChair conference system** by **15 January 2024.** For further information on how to submit your contributions for the conference please see "Submission Instructions" below.

For other practical information please see "General Information" below. Information on conference registration and registration fees will be announced in due course.

1.1 Conference Tracks

1.1.1 TRACK A: 'AI' as a knowledge-making power in the majority worlds.

For questions about possible presentations for this track, please contact Dr. Aviva de Groot: Aviva.deGroot@tilburguniversity.edu

The governance of 'AI' as a knowledge-making power comes with system-level challenges that are not well addressed by existing governance frameworks, or emerging technology regulation. This for example includes the marginalization, exclusion, or colonization of knowledge communities and types of expertise, and oppressive norm setting. Think also about the room for experimentation given to digital tech, in comparison with other forms of knowledge making (e.g., medical research).

Among legal expressions of this lack of address are the regulatory focus on AI applications rather than its development, on outcomes of automated decisions rather than on fair and insightful processes, and on individual legal redress rather than on protecting relationally situated interests. **This track looks at such choices in relation to how AI knowledge making powers have been allowed to remain in the hands of a small group of highly local, resourceful, and non-diverse parties, and how (this) epistemic dominance supports other forms of structural oppression.**

This track invites contributions that address the knowledge related dimensions of AI specifically. We especially encourage people who engage with the following themes to apply for this track:

- Exploring relations of Epistemic In/Justice, AI, and the governance of technology.
- Conceptual and definitional discussions around AI (including anthropomorphizing).
- Indigenous forms of knowledge and the coloniality of AI development and deployment.
- Language discrimination in the construction of AI: Implications for knowledge and world-making.
- Structural discrimination (Caste, Class, Race) in AI repeating in AI governance.
- Feminist and other AI methodologies to further data justice and/or epistemic justice.
- Subjecting people in/to digital experimentation.
- Land, climate injustice and questions of extraction in AI development.
- Interdisciplinary challenges for researching and governing AI as a knowledge-making power.
- The trustworthiness of AI, focusing on processes of generation.

1.1.2 TRACK B: Problematizing 'Data Governance'

For questions about possible presentations for this track, please contact Dr. Gijs van Maanen: G.vanMaanen@tilburguniversity.edu

Data governance can be described as the loosely demarcated field where researchers discuss questions about how best to govern and regulate data-related processes, practices, and policies. This track draws from TILT's recent work on data governance to examine different ways in which models for data governance are emerging globally. **In this track we explore debates including how 'data' is often seen as a regulatory object.** In other domains it is seen as a resource to be taken back out of the hands of commercial parties. Recently, scholars have pointed to the limitation of seeing data merely as a commodity and not an entity that has the capacity to influence and shape social life.

This track invites welcomes contributions on the following themes:

◆ The usability and functionality of treating data as a regulatory object.
◆ The infrastructural turn in data governance and the creation of dependencies on Big-Tech.
◆ Models for data governance to regulate community data; e.g. data commons, data cooperatives, Indigenous data sovereignty, data trusts.
◆ The relationships between data governance *models* and the collectives and communities to which they pertain.
◆ Empirically-informed research on sustainable community-based data governance.
◆ Data governance, data nationalism and national security (Comparatives perspectives are especially welcome).
◆ Brussels effects, data governance and eurocentrism: Problematizing the EU as a Global Regulator.
◆ How can we make data governance about challenging data power? Or: (data) governance versus regulation.
◆ Data governance, Big-Tech and privatization of public regulation.

1.1.3 TRACK C: Regulation and Innovation in Digital Markets

For questions about possible presentations for this track, please contact Dr. Brenda Espinosa:
B.P.EspinosaApraez@tilburguniversity.edu

This track discusses the challenges of regulating markets and innovation in light of the growing digitalization of economic activities. The emergence and consolidation of digital markets are redefining competition law and market regulation around the world. In addition, there is an ongoing debate concerning to which extent competition law should take into account public policy goals such as sustainability, democracy and justice. There is also a growing interest in regulating how data can be accessed and used, both for economic and public interest reasons. Moreover, standardization and interoperability requirements are becoming instrumental to achieve the aims of the data economy. Finally, digital technologies such as artificial intelligence or digital tokens are also raising new questions for researchers and policymakers in the area of intellectual property rights.

Against this background, this research track welcomes contributions on the following and/or related topics:
◆ Big-Tech and digital platform regulation on national, EU or global level, including comparative approaches.
◆ Pursuing public policy objectives in competition enforcement and market regulation; competition law in relation to various public policy goals, e.g.:
   ▪ sustainability
   ▪ democracy
   ▪ media freedom
   ▪ access to healthcare
   ▪ energy justice and energy transition
   ▪ poverty and inequality reduction

- Data (access) regulation: on national, EU or global level, including comparative approaches.
- Standardization: Standardization in the EU, including (concerns about) EU leadership in standardization (strategy, governance reforms); Standardization in a globalized context; standardization of AI and in different sectors.
- Artificial Intelligence and its implications for Intellectual Property.
- Copyright implications of Digital Tokens.

1.1.4   TRACK D: Regulating Sectors in Transition: Energy, Finance & Health

For questions about possible presentations for this track, please contact Dr. Max Baumgart:
M.Baumgart@tilburguniversity.edu

This track aims at discussing how regulation should cope with ongoing transitions in three key sectors for the economy and society: energy, finance and health care. Russia's war against Ukraine emphasizes the need for regulation to adapt in a changing global environment to achieve climate neutrality by 2050 without risking energy security. Innovations in financial market infrastructure and payments and the digital transformation are changing the way business is conducted in financial markets, creating new challenges for lawmakers and supervisory authorities. Similar challenges are faced in the health sector, where regulation might be needed to deal with emerging markets and technologies.

Against this background, this research track welcomes contributions on the following or related topics:

- Competition and regulation of the energy transition and in the energy markets, including new technologies such as green hydrogen.
- Regulatory goals and principles in energy markets such as energy solidarity, security of supply, affordability of energy services, energy efficiency, sustainability and energy justice.
- Digitalization in energy markets: the convergence of data and energy regulation; legal and ethical challenges of using AI and other digital technologies in energy systems; the rights of consumers in the digitalized energy sector; regulation of P2P trading; regulation of energy communities; the emergence of local energy markets.
- Competition and regulation in financial markets; financial stability and competitiveness; the Banking Union.
- Digital transformation in financial markets: Innovation in financial market infrastructure and payments; FinTech and cryptocurrencies; use of technology by regulators (RegTech).
- Competition and regulation in (emerging) health markets including direct-to-consumer healthcare; developments in data-driven health markets (role of Big-Tech, killer acquisitions, AI and ensuring quality of care).
- New technologies (AI, telemedicine etc.) and digital platforms for healthcare, the role of big tech companies in providing innovative healthcare technologies, European health data space and the governance of health data; EU health union.

1.1.5   TRACK E: AI and Data Protection

For questions about possible presentations for this track, please contact Dr. Marco Bassini:
M.Bassini@tilburguniversity.edu

The past couple of years has witnessed the spreading use of artificial intelligence systems across public and private sectors ranging from education, healthcare to delivery of benefits under social protection schemes. By way of example, the public sector has adopted AI to enable efficient delivery of public services and as a tool

for policing by law enforcement authorities. The push towards adoption of digital products and services as a result of the Covid-19 pandemic has further accelerated the use of AI in the private sector.

Against this background, concerns around the privacy and data protection risks due to such widespread adoption have been raised. Some of these concerns include lack of efficient safeguards for exchange of personal information across different platforms, challenges of obtaining valid consent while providing services to minors, auditability of platforms delivering public services and many more. These concerns aren't novel – i.e., some of the concerns regarding privacy and data protection have existed for a long time with no convincing solution to address them. The rapid developments in technology (exemplified by the recent hype about general purpose AI systems, such as ChatGPT) have been argued to have outpaced policy debates and regulatory frameworks concerning privacy and data protection. Multiple regulations and guidelines have been introduced across jurisdictions to address the challenges associated with the use of AI.

In this track, we want to explore in a critical view the main data protection and privacy challenges arising out of the use of AI in private and public sectors. Following is an indicative list of topics that the contributions for the track can relate to:

- General issues in the AI and law domain, e.g.:
    - Trust, accountability, fair and lawful processing of personal data in AI applications.
    - Re-identification and identifiability within AI.
    - Collective privacy/group privacy to address AI harms.
    - Explainable AI.
    - Impact on minors' privacy rights.
- Sector-specific data protection issues in the use of AI, e.g.:
    - Use of AI in education and research.
    - Use of AI in law enforcement.
    - Use of AI in justice.
    - Use of AI for social welfare delivery/social protection schemes.
    - Use of AI in healthcare.
- Regulatory and market developments in the AI domain, e.g.:
    - Fundamental rights impact assessment and risk-based approach.
    - Regulatory models and multistakeholderism in the governance of AI.
    - The proposed EU AI Act and fundamental rights.
    - The proposed EU AI Liability Directive and fundamental rights.
    - The US Blueprint for an AI Bill of Rights: a call for digital constitutionalism?
    - Public private partnerships for development of AI/the role of AI developing companies and platforms vis a vis privacy and data protection challenges.

1.1.6   TRACK F: The Evolving Cybersecurity Landscape and Regulatory Approaches in Cybersecurity

For questions about possible presentations for this track, please contact mr. Shweta Degalahal
S.R.Degalahal@tilburguniversity.edu

The exponential growth in our dependence on digital services has raised the importance of effective cybersecurity solutions to the challenges associated with the vulnerabilities of such dependence. The growth in the use of digital services has also seen a marked rise as a result of the Covid -19 pandemic with business, education, healthcare etc. shifting to digital platforms. There has also been a rise in the number of security incidents making cybersecurity a major legal and policy concern with huge reputational impact for actors in both the private and public sector. The European Union has introduced upgrades to its cybersecurity regulatory framework in an effort to boost cyber resilience across multiple sectors. These upgrades intend to

focus on harmonization of requirements across EU Member States, cooperation between national authorities and protection of critical infrastructure.

In this track the focus is on law/policy/social sciences reflections on cybersecurity and the regulatory approaches to cybersecurity. Possible topics, from these lenses, include:

- ◆ Cybersecurity and data protection, e.g.:
    - ▪ Data security: the GDPR and the challenges to the risk-based approach.
    - ▪ Data protection by design and by default in action: from procedural safeguards to substantive fundamental rights protection.
- ◆ Emerging cybersecurity issues in times of war, e.g.:
    - ▪ The role of procedural safeguards and standardization in cybersecurity: Vulnerability Equity Processes and Coordinated Vulnerability Disclosure Policies.
    - ▪ Cyber-surveillance export controls and commercial spyware regulation.
    - ▪ Brokerage cybersecurity.
- ◆ Regulation of cybersecurity: models and trends e.g.:
    - ▪ The EU proposal for a Cyber Resilience Act.
    - ▪ The new EU NIS 2 Directive and its transposition in Member States.
    - ▪ Cybersecurity and consumer protection.
    - ▪ Cybersecurity, essential services and fundamental rights.
    - ▪ Cybersecurity, digital services and fundamental rights.
    - ▪ The role of cybersecurity authorities in the EU, in the Member States and beyond.

1.2   Deep-Dive panel (Virtual Session): Teaching about AI & Society

For questions about possible presentations for this track, please contact Dr. Aviva de Groot:
Aviva.deGroot@tilburguniversity.edu

For this deep-dive session we encourage contributions that examine the pedagogic choices that instructors/teachers are making when it comes to designing and structuring courses around Law, AI & Society.

It intends to discuss *inter alia* the following questions:

- ◆ How do we support students to build technical, organizational, research and legal capacities?
- ◆ Which case studies do we use, which methods do we promote, which legal regimes do we explore?
- ◆ How do we overcome disciplinary challenges?
- ◆ How do we offer these programs, which student bodies are attracted to these programs?

The purpose of this deep-dive panel is to understand how academic courses around AI & Society are being designed in law and technology centers, universities and other spaces where law is included as part of the disciplinary focus. Participants whose abstracts are accepted will take part in a roundtable conversation. Departing from the in-person (offline) format of the rest of the conference, this Deep Dive panel will be conducted **fully-online** with the objective of securing the participation of panelists from many different parts of the world.

Contributors whose abstracts are accepted for this virtual session are <u>not</u> required to pay the conference registration fee (free participation). *Please note that participation in this virtual session will <u>not grant you access to the rest of the conference</u>. If you wish to attend/participate in other sessions of the TILTing 2024 conference, you are*

required to register upon payment of the conference registration fee. Information on conference registration and registration fees will be announced in due course.

Submission Instructions

1.3 Submission of extended abstracts for presentations

◆ Authors are invited to submit extended abstracts (min. 500 words - max. 1500 words, excluding footnotes, endnotes, bibliography) to the relevant track/virtual Deep-Dive session via the EasyChair conference system by **15 January 2024**.

◆ Abstracts can be submitted directly to EasyChair or via 'paper-upload' option.

◆ Multiple submissions to different tracks and/or the virtual Deep-Dive session are permitted.

◆ Authors can expect the notification of acceptance of their abstract by **5 March 2024.**

1.3.1 Submission of full papers (optional)

◆ Accepted authors have the opportunity to submit full-papers (previously unpublished) for publication in a special issue of the Technology and Regulation (TechReg) journal (expected date of publication: Spring 2025). Papers will be selected for publication following a peer-review process.

◆ To be considered for publication in the special issue, papers must comply with the submission guidelines of the journal.

◆ The deadline for submitting full papers is **5 June 2024** (the link for submitting papers will be provided to accepted authors via email).

◆ Authors who submit full-papers by the given deadline will have the choice of opting for a PLSC-style discussion at the TILTing 2024 conference. *We will do our best to accommodate all requests. However, please note that our ability to organize a PLSC-style discussion will depend on the availability of a suitable discussant among registered conference participants and the availability of a sufficient timeslot within the conference program.*

1.3.2 Submission of proposals for panels and interactive workshops.

◆ Proposals for panels and interactive workshops fitting the conference theme should be submitted to the relevant track via the EasyChair conference system by **15 January 2024.**

◆ Multiple submissions to different tracks are permitted (N.B. panel proposals are not entertained for the virtual Deep-Dive session).

◆ Notification of acceptance will be conveyed by **5 March 2024.**

◆ The proposal should include the following:

  ▪ A description of the panel/interactive workshop and its relevance and potential to contribute to the conference theme (min. 250 words - max. 500 words, excluding footnotes, endnotes, bibliography).

  ▪ Extended abstracts of each individual presentation to be made within the panel (min. 500 words - max. 1500 words, excluding footnotes, endnotes, bibliography).

Please include panel/workshop description and abstracts of individual presentations in one single document. The document can be submitted via 'paper upload' option on EasyChair.

General Information

TILTing Perspectives 2024 is organized by the Tilburg Institute for Law, Technology and Society (TILT). For more information about the conference, please visit the conference website:
www.tilburguniversity.edu/tilting-perspectives

All conference sessions (except for the virtual *Deep-Dive panel*) will take place in-person (ie., in a fully-offline format) on the Tilburg University campus.
Address: Warandelaan 2, 5037 AB Tilburg, the Netherlands.

Link for submitting extended abstracts and proposals for panels and interactive workshops:
https://easychair.org/conferences/?conf=tilting2024

1.4 Conference registration fees

Participants are required to register for the conference by paying the conference registration fee. Information on the registration fee and the link for registration will be announced in due course.

Those who wish to <u>only</u> participate in the virtual Deep-Dive panel do not need to pay the conference registration fee.

1.5 Contact

General queries relating to the conference can be addressed to the organizing committee at
TILTing@tilburguniversity.edu.

Queries regarding the specific Conference tracks and the Deep-Dive session should be addressed to the designated track leaders (please see below).

- Track A: Dr. Aviva de Groot - *Aviva.deGroot@tilburguniversity.edu*
- Track B: Dr. Gijs van Maanen - *G.vanMaanen@tilburguniversity.edu*
- Track C: Dr. Brenda Espinosa Apráez - *B.P.EspinosaApraez@tilburguniversity.edu*
- Track D: Dr. Max Baumgart - *M.Baumgart@tilburguniversity.edu*
- Track E: Dr. Marco Bassini - *M.Bassini@tilburguniversity.edu*
- Track F: mr. Shweta Degalahal - *S.R.Degalahal@tilburguniversity.edu*
- Deep-dive Panel: Dr. Aviva de Groot - *Aviva.deGroot@tilburguniversity.edu*