

# (AI) LEGAL NEWS

Legal Tech - Data Protection - Smart Compliance

“El legal tech no es otra cosa que potenciar o incluso transformar la actividad jurídica mediante la tecnología...”

Coordinador: Carlos Enrique Quisse Sánchez  
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CARO & ASOCIADOS  
Especialistas en Derecho Penal Económico y de la Empresa

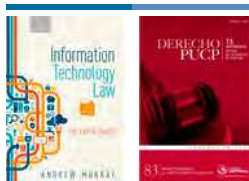
Año I, N° 5, diciembre de 2019

## I. PUBLICACIONES

### LIBROS



1. European Commission, Joint Research Centre. (2019). **Blockchain now and tomorrow. Assessing multidimensional impacts of distributed ledger technologies.** Bruselas: Publications Office of the European Union.



2. Murray, Andrew. (2019). **Information Technology Law. Fourth Edition.** Oxford: Oxford University Press.

3. AA.VV. (2019). **Derecho PUCP N° 83. Nuevas tecnologías: el futuro del Derecho en la Era Digital.** Lima: Fondo Editorial de la Pontificia Universidad Católica del Perú.



4. AA.VV. (2019). **Algorithmic Regulation.** Lodge, Martin (Editor). Oxford: Oxford University Press.

5. Instituto Cuatrecasas de Estrategia Legal en RRHH. (2019). **Informe general. El impacto de las tecnologías disruptivas en la gestión de los Recursos Humanos y en el marco regulatorio de las Relaciones Laborales.** Madrid: La Ley.

6. AA.VV. (2019). **Cuadernos de Derecho para ingenieros N.º 49. La digitalización en los mercados financieros.** Alonso, Carmen (Coordinadora). Madrid: La Ley.

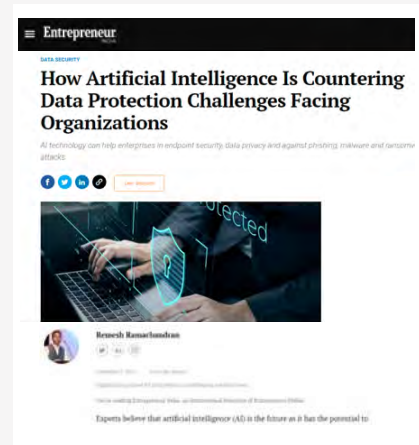
ARTÍCULOS DE INTERÉS



**Should AI-Written news stories have bylines? Whose?** del 14.11.19, por Brendan Dixon. 🔗



**Generative Unsupervised Learning vs. Discriminative Clustering Technology: Which Prevents Zero-Day Attacks?** del 05.12.19, por Ana Mezic. 🔗



**How Artificial Intelligence Is Countering Data Protection Challenges Facing Organizations**, del 02.12.19, por Remesh Ramachandran. 🔗



**Sistemas expertos basados en inteligencia artificial y responsabilidad civil**, del 13.12.19, por Susana Navas. 🔗



**How Artificial Intelligence will Affect Patient Data Protection**, del 20.11.19, por Jonathan Deveaux. 🔗



**Is it right to use AI to identify children at risk of harm?** del 18.11.19, por Lynn Eaton. 🔗



**El reconocimiento de una personalidad jurídica electrónica no es adecuada para regular la responsabilidad por daños causados por sistemas inteligentes**, del 16.12.19, por Carlos B. Fernández. 🔗



**Is Automation the Key to an Effective Government Workforce?** del 01.12.19, por Daniel Castro. 🔗



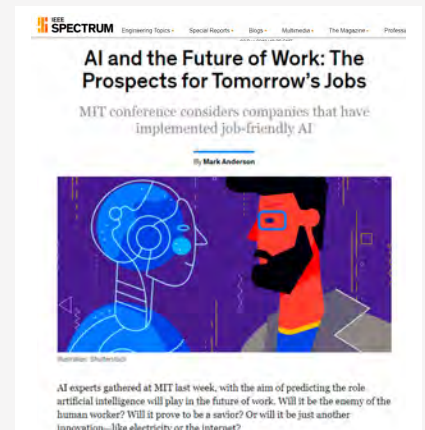
**China, el monstruo mundial en inteligencia artificial que utiliza cientos de jueces robot**, por Tech Law, del 13.12.19. 🔗



Who's Afraid Of Machine Learning?, del 26.11.19, por Mike Quattararo. ▶



Ética. Las decisiones basadas en inteligencia artificial no saben (o no quieren) abordar la discapacidad, del 10.12.19, por Montse Hidalgo. ▶



AI and the Future of Work: The Prospects for Tomorrow's Jobs, del 03.12.19, por Mark Anderson. ▶

VIDEOS



**(AI) LEGAL INTERVIEW IV- ENTREVISTA A GERARDO LAMAS SUAREZ, ABOGADO SOCIO DEL ESTUDIO LAMAS PUCCIO & ASOCIADOS, MÁSTER EN JUSTICIA CRIMINAL POR LA UNIVERSIDAD CARLOS III DE MADRID/ESPAÑA. ▶**

TEMA: "Cibercriminalidad: La incidencia de las criptomonedas en el Lavado de Activos".  
Publicado el 29.11.2019.

**LEGIS.PE PORTAL JURÍDICO – PROGRAMA "HABLANDO DERECHO": ENTREVISTA A DR. MOISÉS BARRIO ANDRÉS, LETRADO DEL CONSEJO DE ESTADO DEL GOBIERNO DE ESPAÑA, PROFESOR EN DERECHO DIGITAL DE LA UNIVERSIDAD CARLOS III DE MADRID/ESPAÑA, DIRECTOR ACADÉMICO DEL DIPLOMA DE ALTA ESPECIALIZACIÓN EN LEGAL TECH Y TRANSFORMACIÓN DIGITAL DE LA ESCUELA DE PRÁCTICA JURÍDICA DE LA UNIVERSIDAD COMPLUTENSE DE MADRID/ESPAÑA. ▶**

TEMA: ¿Qué derechos tienen los robots?  
Publicado el 04.12.2019.

**CONVERSACIONES EN LA AZOTEA: ENTREVISTA A JAVIER PASCUAL, COFUNDADOR DE CYSAE LEGAL, DESPACHO ESPECIALIZADO EN EL ASESORAMIENTO LEGAL DE STARTUPS TECNOLÓGICAS, DERECHO TECNOLÓGICO Y CORPORATIVO; Y, A JAVIER SEGURA, PRESIDENTE Y ABOGADO DE LAWYOU LEGAL, DESPACHO FORMADO POR ABOGADOS INDEPENDIENTES. ▶**

TEMA: “Claves para la Innovación en pequeños despachos”.  
Publicado el 04.12.2019.



## II. NORMATIVA

### LEGISLACIÓN

#### ALEMANIA

**1. Entwurf eines Gesetzes zur Umsetzung der Änderungsrichtlinie zur Vierten EU-Geldwäscherichtlinie. Gesetzentwurf der Bundesregierung. Deutscher Bundestag,** de fecha 09 de octubre de 2019.

“Für elektronische Geldbörsen für Kryptowährungen sieht die Fünfte EU-Geldwäscherichtlinie eine Erfassung der Betreiber als geldwäscherechtlich Verpflichtete vor. Zusätzlich zur Umsetzung dieser Richtlinienvorgabe sieht der Gesetzentwurf vor, dass elektronische Geldbörsen auch der solvenzrechtlichen KWG-Aufsicht unterliegen sollen”.

**Deutscher Bundestag** Drucksache 19/13827  
19. Wahlperiode 09.10.2019

**Gesetzentwurf der Bundesregierung**

**Entwurf eines Gesetzes zur Umsetzung der Änderungsrichtlinie zur Vierten EU-Geldwäscherichtlinie**

**A. Problem und Ziel**  
Die Richtlinie (EU) 2018/943 des Europäischen Parlaments und des Rates vom 30. Mai 2018 zur Änderung der Richtlinie (EU) 2015/849 zur Verhinderung der Nutzung des Finanzsystems zum Zwecke der Geldwäsche und der Terrorismusfinanzierung und zur Änderung der Richtlinien 2009/138/EG und 2013/36/EU (im Folgenden: Änderungsrichtlinie) ist von den Mitgliedstaaten bis zum 19. Januar 2020 umzusetzen.

▶ Ver

#### REINO UNIDO

**2. Legal statement on cryptoassets and smart contracts of the UK Jurisdiction Taskforce,** de noviembre de 2019.

“Whether English law would treat a particular cryptoasset as property ultimately depends on the nature of the asset, the rules of the system in which it exists, and the purpose for which the question is asked. In general, however: (a) cryptoassets have all of the indicia of property; (b) the novel or distinctive features possessed by some cryptoassets—intangibility, cryptographic authentication, use of a distributed transaction ledger, decentralisation, rule by consensus—do not disqualify them from being property; (c) nor are cryptoassets disqualified from being property as pure information, or because they might not be classifiable either as things in possession or as thing in action; (d) cryptoassets are therefore to be treated in principle as property”.



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UNIÓN EUROPEA

**3. Joint statement by the Council of the European Union and the Commission of the European Union on "stablecoins", de fecha 05 de diciembre de 2019.**

“So-called "stablecoins" may present opportunities in terms of cheap and fast payments, especially cross-border payments. At the same time, these arrangements pose multifaceted challenges and risks related for example to consumer protection, privacy, taxation, cyber security and operational resilience, money laundering, terrorism financing, market integrity, governance and legal certainty. When a "stablecoin" initiative has the potential to reach a global scale, these concerns are likely to be amplified and new potential risks to monetary sovereignty, monetary policy, the safety and efficiency of payment systems, financial stability, and fair competition can arise”.

European Council  
Council of the European Union

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13 December 2019 13:38

**Joint statement by the Council and the Commission on "stablecoins"**

The Council and the Commission adopted the following statement:

1. Technological innovation can produce great economic benefits for the financial sector, promoting competition and financial inclusion, broadening consumer choice, increasing efficiency and delivering cost savings for financial institutions and the economy at large.
2. So-called "stablecoins" may present opportunities in terms of cheap and fast payments, especially cross-border payments. At the same time, these arrangements pose multifaceted challenges and risks related for example to consumer protection, privacy, taxation, cyber security and operational resilience, money laundering, terrorism financing, market integrity, governance and legal certainty. When a "stablecoin" initiative has the potential to reach a global scale, these concerns are likely to be amplified and new potential risks to monetary sovereignty, monetary policy, the safety and efficiency of payment systems, financial stability, and fair competition can arise.
3. As underlined by the recent reports of the ETJ working group dedicated to these issues, global "stablecoin" projects and arrangements should not come into operation until all of these risks and concerns are properly addressed. We reaffirm our willingness to appropriately tackle the challenges raised by these initiatives on the basis of an EU common understanding and coordinated approach. These initiatives should not undermine existing financial and monetary order as well as monetary sovereignty in the European Union.
4. There is a need to ensure legal clarity about the status of "stablecoin" arrangements. Some recent projects of global dimension have provided insufficient information on how precisely they intend to manage risks and operate their business. This lack of adequate information makes it very difficult to reach definitive conclusions on whether and how the existing EU regulatory framework applies. Entities that intend to issue "stablecoins" or carry out other activities involving "stablecoins" in the EU should provide full and adequate information urgently to allow for a

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III. TRIBUNALES

PERSONAL DATA PROTECTION COMMISSION

[2019] SGPDPC 41

Case No. DP-1804-B1991

In the matter of an investigation under section 50(1) of the Personal Data Protection Act 2012

And

i-vic International Pte. Ltd.

*Drymonition*

Ver

**1.[2019] SGPDPC 41, Decisión case No. DP-1804-B1991, Personal Data Protection Commission Singapore, del 12 de noviembre del 2019.**

“In relation to the cause of the Incident, the Organisation asserted that it had tested the code of the Automated Email Generation Process. However, the Organisation also admitted that it had not tested how the code acted when the Automated Email Generation Process processed instructions to generate and send emails which were queued while the Reward Programmed Process was running. (...) In the circumstances, the Organisation’s failure to put in place diligent and properly scoped testing amounted to a failure to put in place reasonable security arrangements to protect the personal data which was in its possession and/or under its control. I therefore find that the Organisation had contravened section 24 of the PDPA”.

**2. Indictment criminal number 19-877, 18 U.S.C. § 1349. United States District Court, District of New Jersey, del 06 de diciembre del 2019.**

“Count one Conspiracy to Commit Wire Fraud - 18 U.S.C. § 1349) 1. At times relevant to this Indictment: Individuals and Entities. BitClub Network ("BCN") was a worldwide fraudulent scheme that solicited money from investors in exchange for shares of pooled investments in cryptocurrency mining and that rewarded existing investors for recruiting new investors (...) The Fraud Co-Conspirators made and caused others to make materially false and fraudulent pretenses, representations, and promises to, and to conceal material facts from, investors regarding aspects of BCN's investment products, including the information that was displayed to BCN's investors as proof of "bitcoin mining earnings" that purportedly were generated through BCN's bitcoin mining pool”.

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

vs.

MATTHEW HENRY GOERTZSCH  
JOHANN HENRIK WIESEN  
JOSEPH FRANK ADEL, and  
SERVI CATALIN BALAC

Criminal Number: 19-877 (ccc)

18 U.S.C. § 871  
18 U.S.C. § 1349

**INDICTMENT**

The Grand Jury in and for the District of New Jersey, sitting at Newark, charge:

**COUNT ONE**  
Conspiracy to Commit Wire Fraud - 18 U.S.C. § 1349

1. At times relevant to this Indictment:

**Individuals and Entities**

a. BitClub Network ("BCN") was a worldwide fraudulent scheme that solicited money from investors in exchange for shares of pooled investments in cryptocurrency mining and that rewarded existing investors for recruiting new investors.

Ver

## IV. NOTICIAS DEL MUNDO



### Germany Passes Law Enabling Banks To Store Cryptocurrencies.

30 de noviembre de 2019. Alemania. On November 29, 2019, the German Parliament passed a bill which amends an existing anti-money laundering directive to allow German banks to both sell and store cryptocurrencies. The new law will take effect January 1, 2020, though certain requirements must first be met through the country's financial regulator.

### Los bufetes admiten que los robots ya suplen a algunos abogados.

08 de diciembre de 2019. España. Según el último informe de The Law Society (el colegio de abogados británico) sobre el uso de la tecnología en el sector (legaltech), el 15% de los grandes bufetes británicos ya ha reemplazado abogados cualificados por sistemas automatizados durante los tres últimos años. Una cifra que se ha multiplicado por cinco desde 2013. El dato desciende al 3% en firmas medianas y al 2% en pequeñas.

### AI expert calls for end to UK use of 'racially biased' algorithms.

12 de diciembre de 2019. Reino Unido. Prof Noel Sharkey, who is also a leading figure in a global campaign against "killer robots", said algorithms were so "infected with biases" that their decision-making processes could not be fair or trusted.

### Google v. Oracle: SCOTUS to Determine How Copyright Laws Apply to APIs.

01 de diciembre de 2019. Estados Unidos. On November 15th, 2019, the Supreme Court of the United States granted certiorari to Google LLC v. Oracle America, Inc., 886 F.3d 1179 (Fed. Cir. 2018). The issues to be decided are whether copyright protection extends to software interfaces and whether Google's use of Oracle's application programming interfaces ("APIs") constituted fair use. With \$9 billion being sought in damages, this case is significant not only for the parties, but also for the tech industry—many companies and experts have argued that excluding APIs from copyright protection has been essential to the development of modern computers and the Internet.

### TikTok Under Investigation for Posing a Threat to National Security—is Chinese Tech Running Out of Time in the U.S.?

03 de diciembre de 2019. Estados Unidos. This past October, the Committee on Foreign Investment in the United States ("CFIUS") opened a national security review of TikTok and its Chinese parent company, ByteDance, over concerns about potential misuse of users' personal data. This investigation comes after petitions made by three Senators asking CFIUS to "conduct an assessment of the national security risks posed by TikTok and to brief Congress on these findings".

### Rippleshot Gives Community Banks and Credit Unions Competitive Edge with AI-Driven Fraud Protection.

25 de noviembre de 2019. Estados Unidos. Rippleshot, a fraud analytics software company, has launched Rules Assist, an AI-driven decision rules analytics solution to empower community banks and credit unions in the fight against emerging fraud trends.

### Nasdaq Launches Artificial Intelligence for Surveillance Patterns on U.S. Stock Market.

07 de noviembre de 2019. Estados Unidos. Nasdaq, Inc. today announced the successful go-live of artificial intelligence for surveillance patterns on The Nasdaq Stock Market, the world’s largest stock exchange by volume traded.

### Artificial intelligence: is a legal framework feasible?

27 de noviembre de 2019. India. SA Bobde, the Chief Justice of India said that the Supreme Court has proposed to introduce a system of AI (artificial intelligence) that would help in better administration of justice delivery. However, he made clear that people should form the impression that the AI would ever replace the judges.

### South Korea: Gov’t Seeks to Tax Crypto Transactions as Capital Gains.

9 de diciembre del 2019. Corea del Sur. The South Korean government plans to tax capital gains on cryptocurrency transactions. A Dec. 9 report from The Korea Times reveals that a revised bill to introduce the measure will be drawn up by the country’s Ministry of Economy and Finance by the first half of 2020.

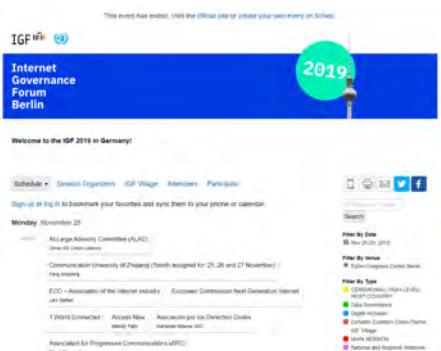
### Sarb plan for new rules using digital currency.

2 de diciembre del 2019. Sudáfrica. The South African Reserve Bank (Sarb) is planning to introduce new rules regarding the use of digital currencies, or cryptocurrencies, in a bid to stop them from being used to evade currency controls.

### Billions In Crypto Fraud Revealed; American Arrested Over Blockchain In North Korea.

8 de diciembre del 2019. Estados Unidos. On the Friday after Thanksgiving, the DOJ announced the arrest of Virgil Griffith, a U.S. citizen accused of presenting on using cryptocurrency and blockchain technology to evade sanctions at the Pyongyang Blockchain and Cryptocurrency Conference in April, even though the U.S. Department of State had denied Griffith permission to travel to North Korea.

## V. EVENTOS



### Internet Governance Forum Berlin (IGF) 2019.and Robotics

**Fecha:** 25 al 29 de noviembre de 2019.

**Lugar:** Estrel Congress Center Berlin, Sonnenallee 225, 12057 Berlin, Alemania.

**Organizado por:** Secretary-General of the United Nations (UN).

[▶ Programa](#)



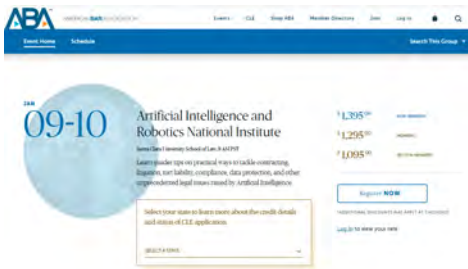
### CPDP2020 Data Protection and Artificial Intelligence.

**Fecha:** 22 al 24 de enero de 2020.

**Lugar:** Les Halles de Schaerbeek and La Cave. Rue Royale-Sainte-Marie 22, 1030 Bruselas, Bélgica.

**Organizado por:** CPDP conferences.

[▶ Programa](#)



## Artificial Intelligence and Robotics National Institute.

**Fecha:** 09 y 10 de enero de 2020.

**Lugar:** Santa Clara University School of Law, 500 El Camino Real, California, Estados Unidos.

**Organizado por:** American Bar Association (ABA).

▶ Programa



## Diploma de Alta Especialización en Legal Tech y Transformación Digital (DAELT).

**Fecha:** : 23 de enero de 2020 – 14 de marzo de 2020.

**Lugar:** Calle Amaniel, 2-28015, Madrid, España.

**Organizado por:** Escuela de Práctica Jurídica – Facultad de Derecho de la Universidad Complutense de Madrid.

▶ Programa