

DISCIPLINA: REGULATING NEW TECHNOLOGIES	CÓDIGO: GRDDIRELE0202
PROFESSOR: CLARA IGLESIAS KELLER	CARGA HORÁRIA: 30h
EMENTA 1. Introduction. 2. Disruptive Innovations and The Rule of Law. 3. Regulating New Technologies. 4. The fundamentals of state intervention. 5. Traditional rationales for regulation. 6. Why regulate a new technology. 7. When and how to regulate a new technology. 8. Shared economy platforms: UBER and AirBnB. 9. Disruptive technologies in transportation, audiovisual and telecommunications services. 10. New regulatory paradigms.	
OBJETIVOS GERAIS This course can also be taught in Portuguese, according to the FGV's convenience. Its goal is to prepare future law operators to deal with the challenges brought by disruptive innovations, approaching the current legal and political debates on the regulation of digital technologies.	
OBJETIVOS ESPECÍFICOS The course aims at discussing the current regulatory dilemmas presented by disruptive innovations. New services, products and shared economy platforms have been challenging governments to decide when, why, how and whether to regulate them, as well as designing the best regulatory framework for each case. Lawyers, judges and academics are also frequently posed with the issues related to the enforcement of a legal system unable to keep up with the new dynamics implemented by these innovations at great speed. Students will be presented to these challenges and the current applicable theories. Through the fundamentals of regulation and case law analysis, they will be provided with the tools required to take part in these and in future debates.	
METODOLOGIA Interactive lectures and analysis of the case law; one guest lecture with and a lawyer that advocates in the field. Students will be required to prepare and present Seminars as part of the grading.	
PROGRAMA Session 1 Presentation and introduction to the course. Session 2 Disruptive Innovation and The Rule of Law. The concepts of creative destruction and disruptive innovation. Schumpeter, Capitalism, Socialism and Democracy. Session 3 Disruptive innovations through time and their impacts on legal systems. Intellectual property, labor, administrative and criminal law. Session 4 Regulating New Technologies. The fundamentals of state intervention. What is regulation (legal, economic and political senses). Concepts of regulation. Session 5 Traditional rationales for regulation – market failures, rights-based and social rationales, intergenerational interests, redistribution, collective coordination, “choice failures” (behaviouralism). Session 6	

Regulating New Technologies. What is a technology and what is a new technology. The different relationships between the State and Technologies.

Session 7

Why regulate a new technology. Traditional rationales applied to technology regulation. The protection of innovation as a rationale.

Session 8

When and how to regulate a new technology? The Collingridge dilemma. Regulation's scope. Antitrust and statutory regulation.

Session 9

Shared economy platforms - specific challenges: UBER and AirBnB.

Session 10

Guest lecture

Session 11

Disruptive technologies and transportation services (1h lecture) Seminar and debate

Session 12

Disruptive technologies and audiovisual services (1h lecture) Seminar and debate (1h)

Session 13

Disruptive technologies and telecommunications services (1h lecture) Seminar and debate (1h)

Session 14

New regulatory paradigms

Session 15

Conclusion lecture

CRITÉRIOS DE AVALIAÇÃO

- Attendance (2,5)
- Participation (2,5)
- Seminar (5,0)

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- BAPTISTA, Patrícia; KELLER, Clara Iglesias. Por que, quando e até onde regular as novas tecnologias? Entre inovação e preservação, os desafios trazidos pelas inovações disruptivas. RDA, v. 273, p. 123, 2017.
- BENNETT Moses, Lyria. How to Think About Law, Regulation and Technology: Problems with 'Technology' as a Regulatory Target Law. Innovation and Technology 1-20(2013). (2013) 5(1); UNSW Law Research Paper No. 2014-30. Disponível em: <http://ssrn.com/abstract=2464750>. Acesso em 01/05/2016.
- CORTEZ, Nathan. Regulating Disruptive Innovation. Berkeley Technology Law Journal. Berkeley, n. 29, pp. 175-228, 2014.

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HOVENKAMP, Herbert. Antitrust and Innovation: Where We Are and Where We Should Be Going. Antitrust Law Journal, Connecticut, n. 77, 2011, pp. 749-751.

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