

## Programa de Pós-graduação *Stricto Sensu* em Direito da Regulação

### Plano de Ensino

▪ **Disciplina:** Regulação de Novas Tecnologias

▪ **Curso:** Mestrado

▪ **Tipo Disciplina:** Eletiva Comum

▪ **Carga Horária:** 45h (3 créditos)

▪ **Ementa:**

Duas questões transversais introduzem o curso: a regulação de inovação sem permissões e a regulação pelo código. O curso é então dividido em dois grandes seções. Primeiro, novos desafios apresentados pelos avanços da tecnologia da informação na regulação de mercado pré-existent com sistemas tradicionais de regulação, divididos em três dimensões: i) telecomunicações, ii) liberdade de expressão e iii) privacidade. Segundo, a regulação de campos inteiramente novos que surgiram como resultado da evolução da computação e da popularização da internet. Essa seção abrange discussões sobre o contexto, problemas e alternativas regulatórias para i) algoritmos, ii) inteligência artificial e entidades independentes como veículos autônomos, iii) a internet das coisas, iv) blockchaine e crowdfunding e v) modelos de plataforma, incluindo Uber e Airbnb.

▪ **Objetivos:**

O objetivo da disciplina é:

- ✓ Primeiro, é *apresentar* aos alunos os aspectos *econômicos e tecnológicos* de determinados mercados relevantes (antigos e novos) que desafiam modelos tradicionais e até atualizados de regulação estatal. Modelos populares como a economia de compartilhamento e mercados de dois lados configurados como plataformas constituem setores enormes com algumas das maiores empresas do mundo. Entender o seu funcionamento de uma perspectiva econômica e gerencial, assim como desenvolver soluções de policy para falhas de mercado nesse cenário exige conhecimento dos aspectos tecnológicos centrais.
- ✓ Segundo, é *capacitar* juristas para i) avaliar as propostas de soluções regulatórias, juntamente com suas implicações legais, sociais e tecnológicas positivas e negativas, e ii) desenhar alternativas mais eficientes. Esses objetivos serão perseguidos com discussões em sala de aula baseadas na literatura basilar e emergente e em estudos de casos reais.

▪ **Temas e Bibliografia:**

#### A Regulação da Inovação sem Permissão

##### Bibliografia obrigatória:

THIERER, Adam D., *Permissionless Innovation and Public Policy: A 10-Point Blueprint* (April 8, 2016). Disponível em: <https://bit.ly/2Lk9dT7>.

FENWICK, Mark. KAAL, Wulf A. VERMEULEN, Erik. Regulation Tomorrow: What Happens When Technology Is Faster than the Law. *American University Business Law Review*. v. 6, n. 3, 2017. Disponível em: <https://bit.ly/31XZVSS>.

BLACK, Julia. MURRAY, Andrew. Regulating AI and Machine Learning: Setting the Regulatory Agenda. *European Journal of Law and Technology*. V. 10, n. 3, 2019. Disponível em: <http://www.ejlt.org/index.php/ejlt/article/view/722>.

#### **Bibliografia complementar:**

ARMITAGE, Alice. CORDOVA, Andrew. SIEGEL, Rebecca. Design-Thinking: The Answer to the Impasse between Innovation and Regulation. *UC Hastings Research Paper No. 250*. Available at SSRN: <https://ssrn.com/abstract=3024176> or <http://dx.doi.org/10.2139/ssrn.3024176>, 2017. Disponível em: <https://bit.ly/2X3Bhfl>.

BENKLER, Yochai. *The Wealth Of Networks: How Social Production Transforms Markets and Freedom*. 2006. Disponível em: [http://www.benkler.org/Benkler\\_Wealth\\_Of\\_Networks.pdf](http://www.benkler.org/Benkler_Wealth_Of_Networks.pdf).

BINGHAM, Lisa Blomgren. The Next Generation of Administrative Law: Building the Legal Infrastructure for Collaborative Governance. *Wisconsin Law Review*. 2010. Disponível em: <https://bit.ly/2YeulOk>.

GOODENOUGH, Oliver R. Generativity: Making Law a More Open Institutional 'Ecosystem' for Productive Innovation. *Vermont Law School Research Paper No. 4-15*, 2015. Available at SSRN: <https://ssrn.com/abstract=2589263>. Disponível em: <https://bit.ly/2KGH755>.

HOCKETT, Robert; OMAROVA, Saule. "Private" means to "public" ends: Governments as market actors. *Cornell Law School research paper no. 13-84*, 2013. Disponível em: <http://eial.tau.ac.il/index.php/til/article/viewFile/529/493>.

KAAL, Wulf. Dynamic Regulation for Innovation. FENWICK, Mark et al (eds.) *Perspectives in Law, Business & Innovation*. New York: Springer, 2016. Disponível em: <https://bit.ly/2KBzRY0>.

WEBSTER, Frank. *Theories of the information society*. 2a. ed. London: Routledge, 2003. Disponível em: <https://cryptome.org/2013/01/aaron-swartz/Information-Society-Theories.pdf>.

ZITTRAIN, Jonathan. *The future of the internet - and how to stop it*. New Haven: Yale University Press, 2009. Disponível em: <https://bit.ly/2Yhk9EC>.

### **Regulação pelo Código**

#### **Bibliografia obrigatória:**

LESSIG, Lawrence. The new Chicago school. *The Journal of Legal Studies*. V. 27, n. 2. Junho, 1998. Disponível em: <https://bit.ly/2RCmCH8>.

SOLUM, Lawrence B. CHUNG, Minn. The Layers Principle: Internet Architecture and the Law. *Notre Dame Law Review*. N. 79, 2004. pgs 1-43. Disponível em: <https://ntrda.me/2RCn1t8>.

#### **Bibliografia complementar:**

LESSIG, Lawrence. **Code**. Version 2.0. New York: Basic Books, 2006. Disponível em: <http://codev2.cc/download+remix/Lessig-Codev2.pdf>.

LESSIG, Lawrence. Law Regulating Code Regulating Law. *Loyola University Chicago Law Journal*. N. 35, 2003. Disponível em: <https://bit.ly/2X6odex>.

OGUS, Anthony. Rethinking self-regulation. *Oxford Journal of Legal Studies*. V. 15, 1995. Disponível em: <https://bit.ly/2J7ZYTr>.

RISCH, Michael. Virtual Rule of Law. *West Virginia Law Review*. n. 112, 2009. Disponível em: <https://bit.ly/2KFdi4W>.

ROSNAY, Melanie Dulong de. Peer-to-Peer as a Design Principle for Law: Distribute The Law. *Journal of Peer Production*. N. 6, 2015. Disponível em: <https://bit.ly/2ZJuOZ4>.

RUSSELL, A. L. 'Rough Consensus and Running Code' and the Internet-OSI Standards War. *IEEE Annals of the History of Computing*. Volume: 28, Issue: 3, July-Sept. 2006. Disponível em: <https://bit.ly/2ZNpdRA>.

WU, Tim. When code isn't law. *Virginia Law Review*. N. 89, 2003. Disponível em: <https://bit.ly/2ZJyA4G>.

## **Velhos mercados, novos desafios**

### **1. Regulação de Telecomunicações I: Banda Larga**

#### **Bibliografia obrigatória:**

CRAWFORD, Susan. SCOTT, Ben. *Be careful what you wish for*. Why Europe Should Avoid the Mistakes of US Internet Access Policy. Policy Brief. Berlin: Stiftung Neue Verantwortung, 2015. Disponível em: <https://bit.ly/2YfFgau>.

HARTMANN, Ivar A. M. A Right to Free Internet? On Internet Access and Social Rights. *Journal of High Technology Law*, v. XIII, 2013. pgs 362-429. Disponível em: <https://bit.ly/2X1bl4x>.

#### **Bibliografia complementar:**

BENKLER, Yochai. Free as the Air to Common Use: First Amendment Constraints on Enclosure of the Public Domain. *NYU Law Review*. n. 74, 1998. Disponível em: <https://bit.ly/2xgCCp6>.

BOUCKAERT, Jan. DIJK, Theonvan. VERBOVEN, Frank. Access regulation, competition, and broadband penetration: An international study. *Telecommunications Policy*. Volume 34, Issue 11, December 2010. Disponível em: <https://bit.ly/2ZPwaS2>.

CAVE, Martin. Broadband regulation in Europe – present and future. *Competition and Regulation in Network Industries*. Volume 8, n. 4, 2007. Disponível em: <https://bit.ly/2Xzwze3>.

CRANDALL, Robert W. SIDAK, J. Gregory. SINGER, Hal J. The Empirical Case Against Asymmetric Regulation of Broadband Internet Access. *Berkeley Technology Law Journal*. Vol. 17, No. 3, 2002. Disponível em: <https://bit.ly/2NfMIBe>.

FREEMAN, Chris. Social inequality, technology and economic growth. in: Sally Wyatt; HENWOOD, Flis; MILLER, Nod; SENKER, Peter (Orgs.). *Technology and in/equality: questioning the information society*. London: Routledge, 2000. Disponível em: <https://bit.ly/2X1mBxz>.

KRINGS, Bettina-Johanna. Hen or egg? The relationship between IC-technologies and social exclusion. in: BECHMANN, Gotthard (Org.). *Across the divide: work, organization and social exclusion in the European Information Society*. Berlin: Ed. Sigma, 2003. Disponível em: <https://bit.ly/2KHeZ1t>.

MADON, Shirin et al. Digital inclusion projects in developing countries: Processes of institutionalization. *Anais da 9ª Conferência Internacional sobre Implicações Sociais de Computadores em Países em Desenvolvimento*, São Paulo, Brasil, Maio 2007. Disponível em: <https://bit.ly/2X8ZYyo>.

McMAHON, Rob. GURSTEIN, Michael. BEATON, Brian. O'DONNELL, Susan. WHITEDUCK, Tim. Making Information Technologies Work at the End of the Road. *Journal of Information Policy*. Vol. 4, 2014. Disponível em: <https://bit.ly/2KG09bA>.

*Next Generation Connectivity*. A review of broadband Internet transitions and policy from around the world. Cambridge: Berkman Center, 2010. Disponível em: <https://bit.ly/2IQYyhd>.

OVINGTON, Tom. SMITH, Rob. SANTAMARÍA, Juana. STAMMATI, Luigi. The impact of intra-platform competition on broadband penetration. *Telecommunications Policy*. Volume 41, Issue 3, April 2017. Disponível em: <https://bit.ly/2NpV9dE>.

OWEN, Bruce M. The Net Neutrality Debate: Twenty Five Years after United States v. AT&T and 120 Years after the Act to Regulate Commerce. *Stanford Institute for Economic Policy Research*. Discussion Paper No. 0615. Disponível em: <http://ftp.repec.org/opt/ReDIF/RePEc/sip/06-015.pdf>.

SULLIVAN, Lawrence. Is Competition Policy Possible in High Tech Markets: An Inquiry into Antitrust, Intellectual Property, and Broadband Regulation as Applied to The New Economy. *Case Western Reserve Law Review*. N. 52, 2001. Disponível em: <https://bit.ly/2X37mUX>.

## **Velhos mercados, novos desafios**

### **2. Regulação de Telecomunicações II: Neutralidade da Rede**

#### **Bibliografia obrigatória:**

LEMLEY, Mark A.; LESSIG, Lawrence. The end of end-to-end: Preserving the architecture of the Internet in the broadband era. *UCLA Law Review*, 48, 2000. Disponível em: <https://bit.ly/2NaduLh>.

BELLI, Luca. End-to-End, Net Neutrality and Human Rights. In: Belli L., De Filippi P. (eds) *Net Neutrality Compendium*. Springer, Cham, 2016. Disponível em: <https://bit.ly/31XOvOE>.

#### **Bibliografia complementar:**

BAUER, Johannes. OBAR, Jonathan. Reconciling Political and Economic Goals in the Net Neutrality Debate. *The Information Society*. Volume 30, 2014. Disponível em: <https://bit.ly/2X1kN81>.

BELLI, Luca. FODITSCH, Nathalia. Network Neutrality: An Empirical Approach to Legal Interoperability. In: Belli L., De Filippi P. (eds) *Net Neutrality Compendium*. Springer, Cham, 2016. Disponível em: <https://bit.ly/2Xc2Ubm>.

ECONOMIDES, Nicholas. "Net Neutrality," Non-Discrimination and Digital Distribution of Content Through the Internet. *I/S: A Journal of law and policy for the information society*. v. 4, n. 2. Disponível em: [www.stern.nyu.edu/networks/Economides\\_Net\\_Neutrality.pdf](http://www.stern.nyu.edu/networks/Economides_Net_Neutrality.pdf). Acessado em: 19 nov 2008. Disponível em: <https://bit.ly/2IRBz5L>.

GOODMAN, Ellen P. Media Policy Out of the Box: Content Abundance, Attention Scarcity, and the Failures of Digital Markets. *Berkeley Technology Law Journal*. N. 19, 2004. Disponível em: <https://bit.ly/2YfjDXT>.

LITAN, Robert. SINGER, Hal. Why Business Should Oppose Net Neutrality. *Harvard Business Review*. August, 2010. <https://hbr.org/2010/08/why-business-should-oppose-net-neutrality>.

MARTINEZ, Luis. ALVAREZ, Oscar. MARKENDAHL, Jan. Study of the potential impact of Quality-of-Experience based services on Net Neutrality principles. *26st European Regional ITS Conference*, San Lorenzo de El Escorial (Spain), 24-27 June 2015. Disponível em: <https://bit.ly/2xcTWeJ>.

WERBACH, Kevin. Why Network Neutrality Is Good for Business. *Harvard Business Review*. August, 2010. <https://hbr.org/2010/08/why-network-neutrality-is-good>.

YOO, Christopher S. Beyond Network Neutrality. *Harv. J.L. & Tech*. n. 19, issue 1, 2005. Disponível em: <https://bit.ly/2X6hMTG>.

YOO, Christopher S. What Can Antitrust Contribute to the Network Neutrality Debate? *Int'l J. Comm*. N. 1, 2007. Disponível em: <https://bit.ly/2IQppdl>.

## Velhos mercados, novos desafios

### 3. Moderação de Conteúdo Online e Autorregulação I

#### Bibliografia obrigatória:

KLONICK, Kate. The New Governors: The People, Rules, and Processes Governing Online Speech. *Harvard Law Review*. N. 131, 2018. Disponível em: <https://bit.ly/2ZTRar5>.

#### Bibliografia complementar:

BALKIN, Jack. *The Future of Free Expression in a Digital Age*. Pepperdine Law Review. v. 36, 2009. Disponível em: <https://bit.ly/2Xu4wN6>.

BALKIN, Jack M. Free Speech in the Algorithmic Society: Big Data, Private Governance, and New School Speech Regulation. *UC Davis Law Review*, n. 51, 2018. Disponível em: <https://bit.ly/2KEJMw0>.

BARZILAI-NAHON, Karine. Toward a Theory of Network Gatekeeping: A Framework for Exploring Information Control. *Journal of The American Society For Information Science and Technology*. n. 59, 2008. Disponível em: <https://bit.ly/2YgKcvB>.

DAVIDSON, Thomas et al. Automated Hate Speech Detection and the Problem of Offensive Language. *Proceedings of The 11th International AAAI Conference on Web and Social Media (ICWSM-17)*, 2017. Disponível em: <https://arxiv.org/abs/1703.04009>.

DeNARDIS, Laura. HACKL, A. M. Internet governance by social media platforms. *Telecommunications Policy*. Volume 39, Issue 9, October, 2015. Disponível em: <https://bit.ly/2IPtXjQ>.

GREENE, Abner. The Concept of the Speech Platform: Walker v. Texas Division. *Alabama Law Review*. N. 68, v. 2, 2016. Disponível em: <https://bit.ly/2Xu5jO9>.

HARTMANN, Ivar A. Let the Users be the Filter? Crowdsourced Filtering to Avoid Online Intermediary Liability. *Journal of the Oxford Centre for Socio-Legal Studies*. v. 2017, n. 1, 2017. Disponível em: <https://bit.ly/31Sjqfo>.

NAPOLI, Philip. Social media and the public interest: Governance of news platforms in the realm of individual and algorithmic gatekeepers. *Telecommunications Policy*. Volume 39, Issue 9, October, 2015. Disponível em: <https://bit.ly/2ZSm5DR>.

SELTZER, Seltzer. Free Speech Unmoored in Copyright's Safe Harbor: Chilling Effects of The DMCA on The First Amendment. *Harvard Journal of Law and Technology*. N. 24, 2010. Disponível em: <https://bit.ly/2J6TGDw>.

SULLIVAN, Kathleen. *Free speech and unfree markets*. UCLA Law Review. n. 42, 1994. Disponível em: <https://bit.ly/2xfqCUY>.

TUFEKCI, Zeynep. Algorithmic Harms Beyond Facebook and Google: Emergent Challenges of Computational Agency. *Colorado Technology Law Review*. n. 13, 2015. Disponível em: <https://bit.ly/2RwBJBA>.

## Velhos mercados, novos desafios

### 3. Moderação de Conteúdo Online e Autorregulação I

#### Bibliografia obrigatória:

LAZER, David et al. The science of fake news. *Science*. Vol. 359, Issue 6380. 09 Mar, 2018. Disponível em: <https://bit.ly/2X78dDX>.

HOFFMANN, Stacie et al. *The Market of Disinformation*. Oxford Internet Institute, 2019. Disponível em: <https://oxtec.oii.ox.ac.uk/wp-content/uploads/sites/115/2019/10/OxTEC-The-Market-of-Disinformation.pdf>.

RIBEIRO, Márcio Moretto. ORTELLADO, Pablo. O que são e como lidar com as notícias falsas. *Sur*. V. 15, n. 27, 2018. Disponível em: <https://sur.conectas.org/wp-content/uploads/2018/07/sur-27-portugues-marcio-moretto-ribeiro-pablo-ortellado.pdf>.

#### **Bibliografia complementar:**

ALEMMANO, Alberto. How to Counter Fake News? A Taxonomy of Anti-fake News Approaches. *European Journal of Risk Regulation*. Volume 9, Issue 1 March, 2018. Disponível em: <https://bit.ly/2XzaYSS>.

KLEIN, David O. WUELLER, Joshua R. Fake News: A Legal Perspective. *Journal of Internet Law*. v. 20, n. 10, 2017. Disponível em: <https://bit.ly/2RzC2Mz>.

ALEMMANO, Alberto et al. *Is the EU Disinformation Review Compliant with EU Law?* Complaint to the European Ombudsman About the EU Anti-Fake News Initiative. (March 28, 2018). Available at SSRN: <https://ssrn.com/abstract=3151424> Disponível em: <https://bit.ly/2Xg2twY>.

HUMPHREY, Joshua. The Plague of Fake News and the Intersection with Trademark Law. *Cybaris: An Intellectual Property Law Review*. N. 8, 2016. Disponível em: <https://bit.ly/31Y7GrS>.

SCHNELLENBACH, Jan, On the Behavioural Political Economy of Regulating Fake News. *Ordo – Jahrbuch für die Ordnung von Wirtschaft und Gesellschaft*, 2017 Forthcoming. Disponível em: <https://bit.ly/2xhBNMB>.

TAMBINI, Damian. Fake news: public policy responses. LSE Media Policy Project Series. TAMBINI, Damian. GOODMAN, Emma (eds.). *Media Policy Brief 20*. The London School of Economics and Political Science, London, UK, 2017. Disponível em: <https://bit.ly/2yT5iGH>.

TOMPROS, Louis et al. The Constitutionality of Criminalizing False Speech Made On Social Networking Sites In A Post-Alvarez, Social Media-Obsessed World. *Harvard Journal of Law & Technology*. V. 31, n. 1, 2017. Disponível em: <https://bit.ly/2X72qU1>.

WOOD, Abby K. and Ravel, Ann M. and Dykhne, Irina, Fool Me Once: Regulating 'Fake News' and Other Online Advertising. *Southern California Law Review*, Vol. 91, No. 6, 2018, Forthcoming. Disponível em: <https://bit.ly/2X43aUU>.

### **Velhos mercados, novos desafios**

#### **4. Privacidade e as Novas Regulações da Proteção de Dados Pessoais**

##### **Bibliografia obrigatória:**

ZARSKY, Tal. Incompatible: The GDPR in the Age of Big Data. *Seton Hall Law Review*. N. 47, 2017. Disponível em: <https://bit.ly/2Ln5yE7>.

DeNARDIS, Laura. HACKL, A. M. Internet governance by social media platforms. *Telecommunications Policy*. Volume 39, Issue 9, October, 2015, pgs 763-766.

SOLOVE, Daniel J. A taxonomy of privacy. *University of Pennsylvania Law Review*. v. 154, n. 3, 2006, pgs 477-491. Disponível em: <https://bit.ly/1ngGQAa>.

BORGOGNO, Oscar. COLANGELO, Giuseppe. Data sharing and interoperability: Fostering innovation and competition through APIs. *Computer Law and Security Review*, 35, 2019. Disponível em: <https://doi.org/10.1016/j.clsr.2019.03.008>.

#### **Bibliografia complementar:**

DETERMANN, Lothar. *Adequacy of Data Protection in the EU - General Data Protection Regulation as Global Benchmark for Privacy Laws?* (January 17, 2017). Available at SSRN: <https://ssrn.com/abstract=2902228>.

GALISON, Peter. MINOW, Martha. Our Privacy, Ourselves in the Age of Technological Intrusions. in WILSON, R. Ashby. *Human Rights in the 'War on Terror'*. Cambridge: Cambridge University Press, 2005. Disponível em: <https://bit.ly/2NhSkLr>.

KOOPS, Bert-Jaap. Privacy regulation cannot be hardcoded. A critical comment on the 'privacy by design' provision in data-protection law. *Journal International Review of Law, Computers & Technology*. Volume 28, 2014 - Issue 2, 2013. Disponível em: <https://bit.ly/2xfvxFb>.

LAYTON, Roslyn. *How the GDPR Compares to Best Practices for Privacy, Accountability and Trust* (March 31, 2017). Available at SSRN: <https://ssrn.com/abstract=2944358>. Disponível em: <https://bit.ly/2YhaH43>.

MARWICK, Alice E. BOYD, danah. Networked privacy: How teenagers negotiate context in social media. *New Media & Society*. v. 16, n. 7, 2014. Disponível em: <https://bit.ly/2X0C0hO>.

POLLACH, Irene. Online privacy as a corporate social responsibility: an empirical study. *Business Ethics: A European Review*. N. 20, pp. 88-102, 2011. Disponível em: <https://bit.ly/2X6ag1C>.

THOMAS, Casey. Ride Oversharing: Privacy Regulation within the Gig Economy. *Cardozo Arts & Entertainment Law Journal*. N. 36, 2018. Disponível em: <https://bit.ly/2XwFmNT>.

## **Novos Fenômenos e Alternativas Regulatórias**

### **1. Algoritmos, Transparência e Accountability**

#### **Bibliografia obrigatória:**

DESAI, Deven R. KROLL, Joshua A. Trust But Verify: A Guide to Algorithms and the Law. *Harvard Journal of Law & Technology*. V. 31, n. 1, 2017. Disponível em: <https://bit.ly/2oSaww6>.

TUTT, Andrew. An FDA for Algorithms. *Administrative Law Review*. N. 69, 2017. Disponível em: <https://bit.ly/31Vc8HR>.

#### **Bibliografia complementar:**

ANNANY, Mike. Crawford, Kate. Seeing without knowing: Limitations of the transparency ideal and its application to algorithmic accountability. *New Media & Society*. 2013. Disponível em: <https://bit.ly/2LrrLRD>.

BAKSHY, Eytan. MESSING, Solomon. ADAMIC, Lada A. Exposure to ideologically diverse news and opinion on Facebook. *Science*. V. 348, n. 6239, 2015. Disponível em: <https://bit.ly/2NdY2hm>.

BRACHA, Oren. PASQUALE, Frank. Federal Search Commission? Access, Fairness, and Accountability In The Law of Search. *Cornell Law Review*. V. 93, 2008. Disponível em: <https://bit.ly/2FAjRBA>.

DIAKOPOULOS, Nicholas. Accountability in Algorithmic Decision Making. *Communications of the ACM*. Vol. 59 No. 2, 2016. Disponível em: <https://bit.ly/2FMynld>.

FLAXMAN, Seth. GOEL, Sharad. RAO, Justin M. Filter Bubbles, Echo Chambers, and Online News Consumption. *Public Opinion Quarterly*. V. 80, n. S1, 2016. Disponível em: <https://5harad.com/papers/bubbles.pdf>.

GRIMMELMANN, James. Speech Engines. *Minnesota Law Review*. N. 98, 2014. Disponível em: <https://bit.ly/2IOhtt0>.

PASQUALE, Frank. *The Black Box Society: The Secret Algorithms That Control Money and Information*. Cambridge: Harvard University Press, 2016. Disponível em: <https://bit.ly/2xukhW1>.

SANDVIG, Christian et al. Auditing Algorithms: Research Methods for Detecting Discrimination on Internet Platforms. Paper presented to “Data and Discrimination: Converting Critical Concerns into Productive Inquiry,” a preconference at the 64th Annual Meeting of the International Communication Association. May 22, 2014. Disponível em: <https://bit.ly/1tGotry>.

SAUERWEIN, Florian. JUST, Natascha. LATZER, Michael. Governance of algorithms: options and limitations”, *info*. Vol. 17 Issue 6, 2015. Disponível em: <https://bit.ly/2KC74Tr>.

TUFEKCI, Zeynep. Algorithmic Harms Beyond Facebook and Google: Emergent Challenges of Computational Agency. *Colorado Technology Law Review*. n. 13, 2015. Disponível em: <https://bit.ly/2RwBJBA>.

YEUNG, Karen. ‘Hypernudge’: Big Data as a mode of regulation by design. *Information, Communication & Society*. Volume 20, issue 1, 2017. Disponível em: <https://bit.ly/31YIKR8>.

LEHR, David. OHM, Paul. Playing with the Data: What Legal Scholars Should Learn about Machine Learning. *U.C. Davis Law Review*. V. 51, 2017. Disponível em: <https://bit.ly/2KE3aJJ>.

## **Novos Fenômenos e Alternativas Regulatórias**

### **2. Inteligência Artificial e Entidades Autônomas**

#### **Bibliografia obrigatória:**

SCHERER, Matthew U. Regulating Artificial Intelligence Systems: Risks, Challenges, Competencies, and Strategies. *Harvard Journal of Law & Technology*. N. 29, 2016. Disponível em: <https://bit.ly/2JeYW7Y>.

CALO, Ryan. The Case for a Federal Robotics Commission. *Brookings Institution Center for Technology Innovation*. September 2014. Available at SSRN: <https://ssrn.com/abstract=2529151>. Disponível em: <https://bit.ly/2LlrUWA>.

#### **Bibliografia complementar:**

BAYERN, Shawn. The Implications of Modern Business–Entity Law for the Regulation of Autonomous Systems. *European Journal of Risk Regulation*. V. 7, issue 2, 2016. Disponível em: <https://bit.ly/2J7rzE8>.

BONNEFON, Jean-François. SHARIFF, Azim. RAHWAN, Iyad. Autonomous Vehicles Need Experimental Ethics: Are We Ready for Utilitarian Cars? *arXiv*. Oct, 2015. Disponível em: <https://bit.ly/2IR6GOE>.

BONNEFON, Jean-François. SHARIFF, Azim. RAHWAN, Iyad. The social dilemma of autonomous vehicles. *Science*. Vol. 352, Issue 6293, 2016. Disponível em: <https://bit.ly/2fZN3X5>.

CALO, Ryan. Robotics and the Lessons of Cyberlaw. *California Law Review*. N. 103, 2015. Disponível em: <https://bit.ly/2XwGnpb>.

CATH, Corinne et al. Artificial Intelligence and the ‘Good Society’: the US, EU, and UK approach. *Science and Engineering Ethics*. Volume 24, Issue 2, April, 2018. Disponível em: <https://bit.ly/2X9tUUg>.

FAGNANT, Daniel. KOCKELMAN, Kara. Preparing a nation for autonomous vehicles: opportunities, barriers and policy recommendations. *Transportation Research Part A: Policy and Practice*. Volume 77, July, 2015. Disponível em: <https://bit.ly/2O1bKzi>.

GRAHAM, Kyle. Of Frightened Horses and Autonomous Vehicles: Tort Law and Its Assimilation of Innovations. *Santa Clara Law Review*. N. 52, 2012. Disponível em: <https://bit.ly/2Ngm0Zz>.

GURNEY, Jeffrey. Crashing into the Unknown: An Examination of Crash-Optimization Algorithms through the Two Lanes of Ethics and Law. *Albany Law Review*. N. 79, 2016. Disponível em: <https://bit.ly/2ZT1sr9>.

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