WSG Asia Pacific Region
Generative AI – The Asia Effect

WSG
World Services Group

Introduction

As we stand on the brink of transformative advancements, the deployment of Artificial Intelligence (AI) within the legal sector represents both an unprecedented opportunity and a formidable challenge. This report, an initiative by the WSG Asia Pacific Regional Council, is designed to serve as a comprehensive resource for law firms across the broader WSG network, seeking to navigate the complex landscape of AI in legal practices.

The rapid evolution of AI technologies has prompted a varied response from regulatory bodies worldwide, with some jurisdictions at the forefront of developing robust frameworks, while others are still in nascent stages or have yet to take definitive steps. This report aims to encapsulate the diverse regulatory approaches, highlighting the proactive measures some regions have adopted to harness the benefits of AI, as well as the caution exercised due to the risks involved. The report also provides a wealth of information, practical advice and policy considerations from WSG Asia Pacific member firms who are currently navigating the use of AI technology within their respective organizations.

Among the key issues addressed, this document examines the ethical implications of AI, data security concerns, privacy considerations, issues of bias and fairness, client perceptions, the potential risks and benefits associated with the use of AI, and the impact of AI on traditional legal roles and responsibilities. Each topic is explored with an objective lens, providing thought-provoking commentary and balanced observations, intended to foster a deeper understanding and informed discussion among legal professionals within the WSG network.

As AI technology continues to permeate the legal field, this report endeavors to equip practitioners with the knowledge to not only adapt to but also influence the ongoing developments in AI regulation. By doing so, we aim to ensure that the integration of AI into legal practices is both innovative and ethically grounded, ultimately enhancing the efficiency, accuracy, and accessibility of legal services globally.

On behalf of the Asia Pacific Regional Council, I would like to sincerely thank all WSG member law firms that contributed to this report. Your expertise and dedication have been essential in addressing the complex implications of AI in our profession. This collaborative effort enriches our entire network, and we are grateful for your significant contributions.

Troy Schooneman
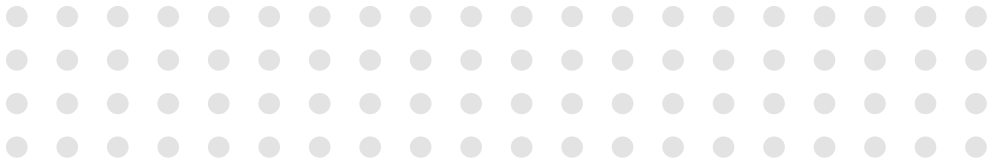**Partner at Kudun & Partners**
WSG Asia Pacific Regional Council Chair

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Japan

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

   Yes.

   a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

   Irrespective of practice area, GAI is primarily used in our firm for document translation tasks. It is also utilized for carrying out research for information that does not fall under our duty of confidentiality (this information can be either publicly available or acquired through subscription services). We are actively preparing to extend the application of GAI in the relatively near future to drafting certain documents and to carry out a more sophisticated organization of materials.

   b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

   N/A

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

   A large part of our work involves translating foreign laws into Japanese or Japanese laws into English. The use of GAI has significantly reduced the time required to carry out these tasks compared to before its adoption, which has enhanced the operational efficiency of the firm.

   a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

   It is the firm's policy not to use GAI for confidential client information and related data. Its use is therefore limited to publicly available information.

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

   In law firms, the handling of confidential client information while using GAI across various services poses information management challenges due to the external application of GAI services. Lawyers need to be trained to:

   - create prompts for AI that can produce outputs of the desired quality;
   - adopt a critical analytical approach towards the accuracy of GAI-generated texts (and not blindly trust them); and
   - aim to increase their knowledge related to Large Language Models; and
   - address the need to ensure strict information security in GAI applications.

   a. What safeguards would you put in place to mitigate these risks?

   Currently, the firm has included safeguards by requiring that GAI is not used for confidential client information and related data. In the future, it is conceivable that the use of GAI will expand by selecting services appropriately configured by providers, concluding necessary confidentiality agreements, and taking measures for information management. Therefore, safeguards will need to remain in place to mitigate the risks.

4. **In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?**

   The primary concern is the issue of information management. Additionally, certain clients have expressed concerns related to leakage of their confidential information through GAI.

   a. How do you address these concerns and provide transparency to your clients about the technology's role?

   As previously mentioned in point 3, we consider it unnecessary to provide transparency or disclosure to

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clients when using GAI for public information in research or translation tasks. Regarding copyright, Japan has certain exceptions for AI use in copyright restrictions. However, when data is only available through internet platforms, research tools, or exclusively in books, it essentially becomes inaccessible. While not a direct copyright issue, this lack of accessible data makes the use of GAI challenging.

b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

N/A

c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

In cases where GAI is only used for publicly available information, informing clients about this practice has increased their curiosity, particularly about how it is utilized, and whether such technology could enhance the client's internal operations. Conversely, indicating unrestricted GAI use raises concerns from clients about the handling of their confidential information. Therefore, it has been necessary to clarify to clients that its use is limited to public information.

5. What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?

Currently, we are using GAI strictly for publicly available information. Additionally, we may take measures where necessary to ensure that information provided or received by our firm does not leak externally, including making appropriate arrangements with external GAI providers.

a. If your firm is not currently using GAI, how would you go about this, in general terms?

N/A

6. How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?

For outputs generated using GAI, individual lawyers remain responsible for identifying and correcting any discrepancies between the GAI-generated content and the content they would produce themselves. This helps to maintain the quality and accuracy by incorporating human insight where it is most appropriate. Additionally, it is recognized that in certain research tasks, utilizing GAI can be more effective than by just using human efforts.

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

N/A

7. How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?

See our response to question 6 above.

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

N/A

8. Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?

GAI is extremely beneficial in areas where new changes and updates regularly occur and in situations where analyzing publicly available information is more relevant (as opposed to areas where books are more useful (but are protected by copyright) or where it is possible to collect information not through internet platform research tools like LEXIS). In addition, using GAI for preliminary work in relation to translation tasks generally results in higher quality outcomes, perhaps other than for the rare individuals who are extremely proficient in both languages.

9. **How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?**

N/A

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

In Japan, discussions about GAI in legal services have (apart from in the case of IP and data protection concerns) primarily revolved around GAI's relationship with Article 72 of the Attorney Law. The issue being considered is whether providing legal services via GAI (such as suggesting amendments to contracts using GAI) constitutes "unauthorized practice of law", which is prohibited by Article 72. This law aims to prevent unqualified individuals from handling legal affairs, which could potentially disadvantage clients. In August 2023, the Ministry of Justice released guidelines to clarify what constitutes the legal and illegal uses of GAI in legal services, together with urging compliance with Article 72 by businesses providing GAI-based legal services. These guidelines, primarily focused on contract review services, are intended to have a broad interpretation which would cover other uses as well.

On the other hand, there are no specific guidelines or regulations for lawyers or law firms providing legal services using GAI. As of now, we are not aware of any impending regulation of legal services provided by lawyers or law firms using GAI, nor are there any legislative facts leading to such regulation.

10. **Is GAI adoption an established trend or practice in your jurisdiction?**

N/A

a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

In Japan, some law firms already offer services such as contract review utilizing GAI. Currently, these services are mainly provided by large law firms or those focusing on technology and intellectual property. However, it is believed that the widespread adoption of GAI in various legal tasks will increase as tools become more user-friendly, cost effective and are developed into easily deployable packages.

11. **Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?**

In Japan, there are committees and other organizations that have been created with the aim of discussing or regulating the use of GAI in the field of law, broadly as follows.

- https://ai-contract-review.org/

The lawyer that acts as representative director is a member in A&S' Policy Research Institute.

- https://www.ai-governance.jp/

A member of the study group of A&S' Policy Research Institute serves as a director of this organisation.

- https://www.aiandlawsociety.org/

Mr Ochiai, who is the director of A&S' Policy Research Institute, participates in this group. Generally, the Ministry of Internal Affairs and Communications and the Ministry of Economy, Trade and Industry develop the government's unified guidelines, but Mr Ochiai and members of the Policy Research Institute's study group also participate as members of the development team.

12. **In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?**

In the context of privacy and data protection, the Personal Information Protection Law (**PIPL**) applies to data collected and used by GAI tools. When inputting personal information into GAI tools or using the output results, it is essentially required to comply with the following rules:

The PIPL requires the purposes for using personally identifiable information (hereafter "personal information") to be clearly specified as far as possible at the time of its use (Article 17, Paragraph 1 of the PIPL). The PIPL also prohibits the handling of personal information beyond what is necessary to achieve the specified purposes (Article 18, Paragraph 1 of the PIPL). Additionally, when acquiring personal information, it is necessary to notify

the individual concerned or publicly announce the purposes (Article 21, Paragraph 1 of the PIPL). Machine learning is permitted within the scope of these purposes, but creating "pseudonymized information" restricts its provision to third parties (however, it is possible to lift the usage restrictions depending on the purpose). However, algorithms that are generated through this process are treated in a similar way to statistical information and, except for cases where they directly replicate the original personal information, are not subject to personal information regulations.

Moreover, the use of personal information via inappropriate methods is prohibited (Article 19 of the PIPL), and the acquisition of such information must be conducted using proper methods (Article 20, Paragraph 1 of the PIPL). In the case of the acquisition of sensitive personal information, prior consent from the individual is required, subject to specific exceptions (the second paragraph of the PIPL). The issue of acquiring such information via internet trawling arises. For OpenAI, concerns related to the process of acquiring personal and sensitive personal information became a crucial factor in the Privacy Protection Commission's administrative guidance.

Furthermore, when providing personal data (referring to the personal information that makes up databases, etc.) to third parties, the general rule is that prior consent from the individual concerned is necessary, subject to certain exceptions (Article 27, Paragraph 1 of the PIPL). In the case of transferring personal information to third parties in foreign countries, prior consent for such transfer needs to be obtained (Article 28, Paragraph 1 of the PIPL), along with an obligation on the transferor to provide information on the personal information protection system that operates in the relevant foreign country, together with other relevant information for the individual (the second paragraph of the same article). Additionally, when personal information is provided to a third party, other than in cases where the equivalent of consent has been given by the individual themselves, there is a requirement to create records related to this third-party provision (Article 29 of the PIPL). The persons receiving personal data from third parties are also required to verify the circumstances of the acquisition of the personal data (Article 30 of the PIPL).

13. With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction? How about intellectual property rights as to the user's queries?

Regarding the relationship between GAI and copyright, the Agency for Cultural Affairs has published guidelines titled "Perspectives on AI and Copyright" (hereafter referred to as "Copyright Guidelines"). These guidelines provide examples of cases where the existing provisions of Article 30-4 of the Copyright Act regarding the use of AI fall outside the scope of its application.

The Copyright Guidelines aim to organize thoughts on the interpretation of copyright law, address concerns related to the relationship between GAI and copyright, and serve as a reference for realizing rights. Following the affirmation of the principles of a human-centered AI society in the Hiroshima AI Process, the guidelines propose that the responsibility for actions associated with using AI as a tool rests with the individual using the AI. This premise aligns with traditional copyright perspectives and organizes thoughts on the development and learning phases of GAI, as well as its generation and usage stages.

Although there is currently no discussion about amending copyright law or legislative theories that suggest such amendments should be made, considering instances of copyright infringement associated with the use of GAI, the development of technology, and the examination status in other countries, it seems possible that such discussions could occur in the future.

14. How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?

N/A

a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

It is anticipated that the legal industry in Japan will undergo significant changes due to GAI. Specifically, GAI is expected to replace many of the research tasks that

have traditionally consumed vast amounts of lawyers' time. Equally, it is believed that GAI will take over a considerable portion of the work related to document formatting and discussions on general legal principles. A&S certainly intends to actively pursue the use of GAI in such areas, as previously stated, with the aim of advancing in aspects such as adherence to appropriate use, development of practical workflows, system maintenance, and general enhancement.

Within this context of societal transformation, it is considered crucial for lawyers to make appropriate use of GAI and integrate it into their practice. This includes having skills in prompt engineering in order to create necessary outputs and the ability to verify the accuracy of the results produced by GAI, as well as to make necessary additions or corrections. This requires a wealth of legal knowledge and a legal mindset, similar to that needed to carrying out traditional legal tasks. Furthermore, since humans are the users of AI, the ability to discern and resolve problems remains essential, which is thought to be cultivated through experience and knowledge.

A&S has an open mindset to embrace new technological advancements and has been proactive in implementing IT tools and leading digital transformation (DX) efforts. Regarding GAI, the firm is conducting joint research and development in collaboration with Deloitte Tohmatsu and the Graduate School of Kyoto University. A&S lawyers actively take on new challenges in line with changes in society and seek to continuously develop their understanding of GAI through in-house training and study sessions.

China Hong Kong

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

   a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

   N/A

   b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

   Currently, our firm's policy allows for the utilisation of GAI within the scope outlined in our internal policy. Our GAI policy is regularly reviewed to keep up with the constantly changing laws and regulations. Staff members may use GAI and Large Language Model (LLM) provided that they comply with the guidelines of our policy and any legal and regulatory requirements (such as Hong Kong Law Society guidelines). GAI is adopted in low-risk tasks.

   Due to confidentiality concerns associated with current GAI and LLM technologies, including potential data leakage and intellectual property right issues, we have implemented internal guidelines restricting confidential or sensitive information from leakage. Staff members are regularly reminded that GAI and LLM service providers may record the input of users and use them to train the GAI, and such users' input may be reviewed by GAI developers. Furthermore, contents generated by GAI require independent fact-checking. Any use of AI tools must be reported to the supervising partner and our Information Systems Department, which is responsible for data security issues.

   We are monitoring the potentials of integrating GAI to our firm's processes through an in-house AI and/or private solutions in order to mitigate data privacy concerns.

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

   a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

   Some of our lawyers are testing GAI in their works. These include drafting of standard correspondences, where the input information is specific and the output correctness can be verified. We refrain from using GAI for tasks where errors typically occur, such as legal research and drafting legal advice. However, we are investigating solutions from legal solution providers.

   The main benefits of adopting LLM include convenience, as they can process ideas in bullet points into full passages, and their ability to polish the language of a given passage.

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

   a. What safeguards would you put in place to mitigate these risks?

   When implementing GAI technologies and tools within our law firm, we anticipate challenges, such as accuracy and completeness of the responses. Additionally, some of the GAI services, such as OpenAI end points, are not currently available to our region.

   We are closely monitoring the development of GAI and LLM and reviewing how we can better utilize and integrate GAI into our firm's process. Users are regularly reminded that they are responsible for their work and should ensure the accuracy and logical coherence of the outcome.

4. **In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?**

   a. How do you address these concerns and provide transparency to your clients about the technology's role?

   N/A

b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

N/A

c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

We noted that certain clients may have reservations, particularly about the potential that their data may be utilised for other purposes. On the other hand, some clients are keen to adopt GAI for efficiency.

In addressing these concerns, we foresee the potentials of adopting in-house private solutions. These platforms would ensure that the data remains confidential, without sharing it with external parties or other users as is the case with some GAI service providers.

Furthermore, clients are also concerned about the reliability of GAI outcomes. Therefore, if in-house private solution is in place, users will still be required to manually review and vet the AI-generated contents to avoid any potential errors.

5. What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?

a. If your firm is not currently using GAI, how would you go about this, in general terms?

Currently, our firm does not use GAI to interact with clients, and we do not foresee adopting client-facing chatbots for this purpose.

6. How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

Users are regularly reminded not to rely on GAI outputs, and they are always responsible for the quality and accuracy of their works.

7. How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

Our firm has developed an internal guideline that sets out acceptable and unacceptable use cases for GAI, taking into account the ethical standards and professional responsibilities of legal practitioners.

8. Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?

Firstly, law firms may find it beneficial to customise LLM models using their own data. This would allow them to address their specific needs on a case-by-case basis.

Secondly, arranging training sessions for lawyers to grasp the working principles of GAI before its wider application allow help lawyers exploring the full potential of GAI.

9. How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

In Hong Kong, there is no specific law addressing GAI generally. Existing laws and regulations are applicable to GAI providers, users, and contents, such as the Personal Data (Privacy) Ordinance (Cap. 486) ("**PDPO**") which governs personal data collection and processing (to be discussed further below), the tort of defamation, which attaches liability to the intentional spreading of false and defamatory contents about a person, and the intellectual property laws which protects, amongst others, trademarks, copyrights, patents, registered designs, and goodwill.

In terms of general guidelines, the Office of the Privacy Commissioner for Personal Data (the "**PCPD**") has issued the Guidance on the Ethical Development and Use of Artificial Intelligence (the "**Guidance**") which aims at providing ethical principles of using AI and practical steps to manage AI systems. In the Guidance, PCPD recommends establishing an internal AI committee, conducting risk assessments, imposing security measures for the AI systems and being transparent for the use of AI.

The Office of the Government Chief Information Officer has also published the Ethical AI Framework (the "**Framework**"), which serves as a guideline suggested best practices in using GAI. For instances, it set out twelve Ethical AI Principles:

1. Transparency and Interpretability;
2. Reliability, Robustness and Security;
3. Fairness;
4. Diversity and Inclusion;
5. Human Oversight;
6. Lawfulness and Compliance;
7. Data Privacy;
8. Safety;
9. Accountability;
10. Beneficial AI;
11. Cooperation and Openness; and
12. Sustainability and Just Transition.

In relation to law firms, the Law Society of Hong Kong (the "**Law Society**"), a self-regulatory body and professional association for solicitors in Hong Kong, issued the Impact of Artificial Intelligence on the Legal Profession – Position Paper of the Law Society of Hong Kong (the "**Position Paper**") in January 2024. While acknowledging the advantages of GAI, the Law Society reiterated the following salient points about solicitors' professional conduct when using GAI:

- the duty of serving the public ethically, diligently and competently remains the same no matter what tools a lawyer uses;
- where lawyers adopt GAI, they should be competent, having adequate knowledge of the practice and procedures beyond understanding the legal principles;

- the legal practitioner should be ultimately responsible for the quality of the works and decide the extent of reliance to be placed on the GAI; and
- while AI tools may augment the value-added work of legal service providers, AI tools should not be promoted as a mechanism for "self-help legal advisory service" or replacing human discretion.

The Position Paper envisions that law firms would require key personnel in implementing AI systems, such as legal knowledge engineers and legal technologists. Apart from the knowledge of machine learning and natural language processing, such personnel would also be required to have legal knowledge so as to explore the integration of AI and the legal practice.

Regarding the regulatory framework of GAI, we foresee that there may be amendments to existing laws to keep up with the technological advancements.

10. Is GAI adoption an established trend or practice in your jurisdiction?

a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

Although GAI has sparked significant interest among peer law firms, we believe that there are challenges to be overcome for the profession to fully embrace the technology. Nonetheless, we maintain optimistic, anticipating a potential increase in GAI utilisation as the technology continues to advance.

11. Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?

As discussed above, the Law Society is recently issued the Position Paper setting out its stance and vision over the use of GAI in the legal sector.

12. In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?

In Hong Kong, data protection is governed by the PDPO and the six data protection principles ("**DPP**s") set out

therein, which mandate, amongst others, fair and informed data collection, secure retention, and limited usage aligned with the informed purpose of collection of personal data.

While there are specific laws on cross-border data transfers out of Hong Kong, the relevant provisions under the PDPO are not yet in operation.

PDPO is primarily enforced by the PDPC. Upon receipt of a complaint or on its own initiative, PDPC may launch an investigation. If PDPC considers that a data user has contravened certain provisions of the PDPO or DPPs, the Commissioner may issue an enforcement notice. Contravention of an enforcement notice is a criminal offence which may result in fine and/or imprisonment.

Violation of certain provisions of PDPO, such as failure to erase personal data that is no longer required for the purpose, are criminal offenses. Depending on the nature of the case, PDPC may pass the case to the Police or the Department of Justice for further investigation or criminal prosecution.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction?   How about intellectual property rights as to the user's queries?**

Complex issues revolve around the questions of copyright subsistence in and copyright ownership of GAI-generated contents, and the legal position is far from settled and vary significantly across different jurisdictions across the globe.

In Hong Kong, there is currently no decided case on point about copyright subsistence in and ownership determination of GAI-generated contents. Unlike the position in some other jurisdictions, the Copyright Ordinance (Cap. 528)("CO") in Hong Kong does not prohibit the subsistence of copyright in computer-generated works. S.11(3) of the CO provides that, in the case of a literary, dramatic, musical, or artistic work which is computer-generated, the author is taken to be "the person by whom the arrangements necessary for the creation of the work are undertaken". It is however unclear as to whether the GAI platform providers or the

GAI users will be considered as the person who have made the necessary arrangements, particularly in the absence of an express copyright ownership provisions in the contracts.

In addition, the issue as to whether the GAI contents or the prompts leading to such GAI contents can survive the test of copyright originality is also an issue to be tested in the court.

Before there is any legislative change to the copyright legal regime addressing GAI issues in Hong Kong, we anticipate that the complex intellectual property issues surrounding GAI will be decided by judge-made laws on a case-by-case basis.

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

   a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

We foresee that there would be an upsurge in the application of GAI within the legal industry, given the efficiency and convenience brought by GAI.

We are closely monitoring the development of GAI, and exploring the potentials of GAI solutions. For some departments without our firm, AI pilots have been established to explore how to better unitize GAI to suit the needs of particular practice groups. Seminars are arranged for our colleagues for legal and technological issues updates and to equip them with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI.

Mainland China

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

   a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

   N/A

   b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

   We have not employed GAI on large scale within our legal operations, but we do have plans to develop and/or purchase GAI tools to be used in our legal work. We plan to adopt GAI technology in certain standard legal work first, such as due diligence, case search and pitchbook preparation.

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

   a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

   We purchased a translation tool for our lawyers. It improved efficiency in legal translation work.

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

   a. What safeguards would you put in place to mitigate these risks?

   One challenge we may face when using GAI technologies supplied by outside AI firms is data security. To prevent leakage of clients' confidential information, we will require GAI technologies to be localized.

4. **In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?**

   The use of GAI technologies in law firms may raise clients' expectations on the efficiency, accuracy and cost-effectiveness of legal services. Concerns may arise about data security and limitations of AI technologies. Clients may want to reassure the data confidentiality and accountability for errors. Law firms must balance the benefits of AI technologies with attentions to client specific needs. Clear communication and transparency are crucial for managing client concerns and building trust in AI-powered legal services.

   a. How do you address these concerns and provide transparency to your clients about the technology's role?

   To address concerns and provide transparency, we can explain how GAI is integrated in legal services, and our data security measures and quality control procedures. We will continue to address clients' specific needs.

   b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

   If we are not using GAI, we expect clients may worry about our work efficiency and time spent on standard legal work.

   c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

   N/A

5. **What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?**

   a. If your firm is not currently using GAI, how would you go about this, in general terms?

   We currently do not use GAI tools to interact with our clients. We meet our clients in person, or contact them through telephone / video conference or Wechat.

6. **How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?**

It is our firm's policy that if any GAI tool is used in legal work, the outcomes generated by the GAI tool should be carefully verified by our lawyers to ensure the accuracy and correctness

a. **If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?**

N/A

7. **How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?**

Same above. GAI should be a tool to improve work efficiency, lawyers are not allowed to simply rely on the GAI-generated content in providing legal services. Any outcome generated by GAI tools should be reviewed and verified to ensure it is correct and accurate, and aligns with our firm's ethical standards.

a. **If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?**

N/A

8. **Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?**

N/A

9. **How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?**

In China, current regulations on GAI primarily focus on general fields. GAI is governed by measures like the Provisional Measures for the Administration of Generative Artificial Intelligence Services. There are no provisions specifically addressing GAI in legal services, meaning law firms utilizing GAI must adhere to the general rules. As enforcement strengthens, the government may issue GAI-related laws and regulations on specific fields in the future, particularly concerning its use in legal services. This evolution reflects the growing importance of regulating emerging technologies within specific professional domains.

a. **If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?**

N/A

10. **Is GAI adoption an established trend or practice in your jurisdiction?**

a. **Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?**

Yes, as far as we know, law firms have started to develop and/or purchase GAI tools, currently, many GAI tools are employed for due diligence and case search.

11. **Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?**

At present, there are no industry-specific committees or organizations in our country dedicated to discussing or regulating the use of GAI in the legal sector.

12. **In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?**

In China, transparency is a fundamental rule regarding privacy and data protection in the context of GAI tools. This entails fully informing users about how their data is processed during GAI usage and providing them with the option to consent. As for liability determination, it

may involve assessing compliance with transparency requirements and ensuring that user consent is obtained appropriately. Additionally, accountability measures may be implemented to address any mishandling of data by entities utilizing GAI tools.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction? How about intellectual property rights as to the user's queries?**

There have been some cases in China regarding the copyright arising from using GAI. The legal framework in this area is still dynamic and we are monitoring closely the development. We will carefully devise the IP allocation provisions in our engagement with clients by factoring into both the firm and the client's interests.

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

    a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

Looking ahead, we anticipate GAI to significantly impact the legal industry in our country, revolutionizing various aspects of legal practice such as research, document review, and even client interactions. To ensure our law firm remains at the forefront of these developments, we are proactively taking steps to adapt and equip ourselves with the necessary skills and knowledge.

Firstly, we hold training programs to familiarize our team with GAI technologies and their applications in legal services. Secondly, we are communicating with some GAI providers and experts to stay abreast of the latest advancements and best practices in GAI integration. We are also testing some AI tools provided by them. Furthermore, we are investigating lawyers' needs for AI and exploring ways of incorporating GAI into our legal work while ensuring the highest standards of legal expertise and ethics.

Overall, our firm is committed to embracing GAI in our legal services, and we are dedicated to continuously improving our capabilities to meet the evolving needs of our clients in this dynamic landscape.

Thailand

1. Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?

a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

We have adopted the use of GAI on an interim and limited basis in our constant search for new technologies that amplify the legal skills that our lawyers possess, such usage guiding the development of a forthcoming formal and comprehensive policy governing the use of GAI in our firm.

A non-exhaustive list of areas or tasks in which we might use GAI is the following.

I. To assist in drafting correspondence.

All of our lawyers are multilingual and our lawyers are qualified in many jurisdictions. Equally diverse is our client base; as we serve both inbound and outbound work relating to Thailand. In order to effectively interface between these differing cultural and national perspectives, GAI assists our lawyers to produce templates of correspondence often involving complex, nuanced legal issues.

Diversity on both ends poses a challenge when trying to ensure communications are prepared in a localized style that is familiar to its intended audience. While the core of the message will inevitably involve a trained, qualified lawyer's insight derived from their education and industry-specific experience (e.g., the exact mechanics and step-by-step process to effect a share transfer under Thai law), GAI gives our lawyers choices in expressions of concepts across language barriers whilst simultaneously granting the capability to adjust syntax, tonality and diction to suit the client's predilections.

II. To provide a starting point for legal research.

Being at the cutting edge of the most complex deals in Thailand means that we are often asked to opine on multifaceted issues involving a host of potentially obscure points. Thailand is a civil jurisdiction, which means that prior superior court precedents are persuasive but not definitive. Paramountcy is given to the Constitution, the various Codes (e.g., the Civil and Commercial Code, etc.) and the Acts of Parliament. GAI, whether in course of preparing a legal memorandum of advice or a due diligence report, can broadly identify the main issues relating to a client's concerns across a multitudinous assemblage of legislative instruments, allowing our lawyers to double check that they have comprehensively scoped a particular issue.

III. To amass sample clauses.

In our search for the most tailored and effective legal solutions for our clients, we are often asked to confront a set of facts and client needs that are not best served with common contractual precedents. Our lawyers welcome the challenge of drafting intricate yet lucid contractual clauses that artfully and exactingly address our clients' interests. Aiding in that endeavour, GAI can quickly collect an assemblage of similar clauses for our lawyers to consider when constructing a bespoke clause that is both legally sound and commercially sensible.

We are also interested in deploying GAI in the following manner.

To summarize complex, voluminous bodies of information.

Whether in the course of a mega-litigation or a cross-border acquisition, we regularly confront the task of isolating and elucidating patterns on the face of and buried within huge bodies of information. For example, an M&A target or prospective borrower may be party to hundreds of supply contracts prepared off a template, each manifestation of which may slightly differ from one another. It is the lawyer's task to explain to the acquirer or prospective lender, in an incisive, intuitive way, the patterns within that body of obligations (e.g., how many have counterparty termination for convenience clauses, how many have change of control clauses, etc.). Some forms of GAI can produce summaries of batches of

information quickly and accurately and this is an area that we are interested in.

This potential application of GAI, unlike the preceding examples, may involve the storage of confidential information to an external server. Consideration is being given to the protection of confidential client information such as through anonymization.

As mentioned in the beginning of our response to this question, we are currently in the nascent stages of developing a comprehensive internal governing policy framework to guide and regulate the use of GAI within our firm which makes use of this technology while upholding our professional obligations, such as client confidentiality. Such policy will also revolve around the perspective that we are keenly aware that GAI is an assistive tool that cannot do more than be an aid to qualified and experienced lawyers. Our policy will emphasize that sound, erudite human judgment must permeate every facet, and to the deepest levels, of all our work.

b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

Not applicable, see our response to question 1.

2. Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?

The following are two examples of the use of GAI in the areas and tasks described in our response to question 1, and their attendant benefits.

I.   To assist in drafting correspondence.

We are satisfied with no less than excellence when serving our clients. This standard applies to our correspondence; our expectation being that such correspondence will not only contain sound advice, but will also be written in a style and manner that the audience finds both familiar and readily comprehensible.

To achieve that goal, we previously employed the services of a human English language reviewer to adjust correspondence prepared by non-native English lawyers but found that GAI could perform the task equally well in many instances. The use of GAI to adjust the syntax, tonality and diction of template correspondence has the benefit of cost-savings, as we obviated the need to maintain dedicated personnel for English language review functions. Furthermore, whereas the attention of one human can be effectively focused on one task at a time, GAI is able to function simultaneously without any reduction in output or quality for multiple lawyers. Additionally, GAI is adaptive, meaning that it retains the preferences of its user over time and often in a more particularized and consistent way than with a human assistant.

II.   To provide a starting point for legal research.

The scope of a legal due diligence exercise, particularly in code states such as Thailand, must be carefully calibrated. On the one hand, any advisory document must not be so broad as to dilute the message, noting that key business decision-makers in the modern age demand concise, yet insightful advice. On the other, it must not be so parochial as to omit consideration of relevant pieces of primary and delegated legislation.

For example, a simple land acquisition may involve not only the direct process of transfer of ownership on the official registrar maintained at the relevant office of the Land Department, but also may involve a host of satellite issues including mortgage discharges, land ownership restrictions applicable to foreigners under the Foreign Business Act B.E. 2542 (1999) (which may intersect with exemptions to such restrictions granted by the Board of Investment of Thailand), taxation issues, title deed issues, zoning issues, stamp duty issues, etc.

Previously, a lawyer may have had to conduct many hours of legal and precedent research to comprehensively scope a question. GAI is a useful tool in the legal diligence context as a scoping tool to provide an initial list of legislation relevant to an issue. This tool can be deployed as a starting point from where experienced, trained lawyers can adjust the scope as needed to suit the industry, budget and needs of the client, or later in the legal diligence process to verify that key areas applicable to the situation are addressed.

The benefit is that GAI provides a comprehensive, unbiased and objective view of the scope of a legal question, untainted by the natural propensities of the attendant lawyer's specializations. This view serves as a useful foil to aid the human perspective, a sort of "blindspot check", in a manner of speaking.

a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

Not applicable,as we are using GAI on an interim and limited basis.

3. What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?

a. What safeguards would you put in place to mitigate these risks?

We have observed three challenges with respect to implementing GAI: the subpar results when operated by an unsophisticated user, inaccurate results and maintaining client confidentiality.

Regarding subpar results, we are developing means of systematically training our lawyers on how to leverage GAI to its fullest potential. GAI is an adaptive tool which builds on iterations of prompts and commands. Another way of looking at it is that GAI must be "trained" to generate context-appropriate results. For example, when drafting template correspondence, GAI often requires multiple prompts to adjust the output to have a natural, flowing prose resembling a skilled human writer. To safeguard against subpar results, we emphasize to our lawyers the need for patience and inquisitive exploration when using GAI; encouraging them to prompt GAI to layer refinement upon refinement on its outputs. Additionally, we counsel our lawyers that the human element must be applied

vigorously and thoroughly to any GAI work product, noting that GAI is merely an aid to a task that could otherwise have been achieved, albeit in a more time-consuming way, by the lawyer.

Inaccurate results is another concern. The practice of law is referred to as a "practice" as lawyers deal in shades of grey, rarely encountering a bright line dividing black and white. GAI, at time of writing, has a proclivity towards shading over these gradations, expressing its outputs with a certainty that requires lucidity and scrutiny. To safeguard against inaccurate results, we instruct our lawyers to be critical and evaluative of GAI outputs, not taking what is generated at its face and to always validate GAI-generated results with the discernment borne out of their training and experience.

Lastly, maintaining the confidentiality of confidential client information is of the utmost importance for us. Law firms must ensure that any use of GAI must strictly adhere to the highest standards of client confidentiality. GAI tools must be designed and operated in a way that prevents any unauthorized access or disclosure of client information. Firms should implement robust security measures and adhere to stringent data protection regulations to safeguard client confidentiality at all times. We make it very clear that any use of GAI cannot involve the disclosure or use of confidential client information.

4. In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?

Clients are concerned over a loss of trust in the client-lawyer dynamic. The legal profession is built on a foundation of trust, such trust not earned but built and undergirded by professionalism, human capability, a service mindset and attention to the needs of the client. There is a risk that unfettered and careless use of GAI technology may lead to lawyers churning out, at best, passable but soulless work product or, at worst, the wrong advice. As noted in our response to question 3(a), above, we take great care to ensure that any work product is the outcome of well-reasoned human deliberation at every level and we never lose sight of the limitations of any assistive technology.

GAI has only lubricated the interface between clients and our firm. We encounter barriers in geography, language

and culture on a consistent basis. GAI has proved itself, in careful hands, to be an indispensable tool in penetrating those boundaries. Whether it is serving a foreign investor looking to make its first market entry into Thailand or paving the way for a Thai client to renegotiate its contracts with its foreign business partners, GAI helps our lawyers acclimate to the vernacular and cultural milieu of our clients, no matter the distance. It does so, as described in our response to question 1(a), by quickly and efficiently presenting a range of expressions and styles of template communications attuned to the background of the client. Whereas large multinational companies might have assumed a firm with only one in-country office would face difficulty in communicating past certain cultural barriers, GAI promptly allows KAP to bring its deeply rooted insights in the Thai market to an international audience.

a. How do you address these concerns and provide transparency to your clients about the technology's role?

Our clients expect and we deliver prompt, quality advice and service. We describe the safeguards we implement around GAI in our response to question 3(a). Through instructing our lawyers to scrutinize GAI outputs and constantly striving for excellence in both substantive advice as well as the style in which it is communicated, without us necessarily describing each aspect of our process, our clients trust us to deploy the myriad tools available in this digital age to deliver the most cost-effective but effective legal solutions.

b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

Not applicable, as we are using GAI on an interim and limited basis.

c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

Not applicable, as we are using GAI on an interim and limited basis.

5. What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?

As we note in our response to question 3(a) and as we describe with reference to using GAI to assist in drafting template correspondence in our responses to both question 1(a) and 2, we are profoundly cognizant that GAI has the risk in the hands of an unwitting user to produce mundane, lifeless correspondence, the excessive use of which has the potential to undermine the client-lawyer trust that is the currency of the legal profession. To that end, we describe the safeguards that we deploy in our response to question 3(a), which is predicated on the irrevocable principle that GAI, like the predecessor technologies such as the typewriter that came before, is merely an assistive tool that should not dilute the integrity of the human perspective which should ring loud, true and clear in all of our dealings.

a. If your firm is not currently using GAI, how would you go about this, in general terms?

Not applicable, as we are using GAI on an interim and limited basis.

6. How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?

We identify in our response to question 3(a) that inaccurate results is one of our concerns regarding the use of GAI and describe therein how we safeguard against inaccuracy. To further elaborate on the topic of validating GAI-generated results: we emphasize that we never rely solely on GAI-generated results. Any GAI-generated result is merely a starting point, which is further double-checked on questions of law by a human being against legislation or a governmental authority.

To elaborate on the specific verificatory measures, the front line step are checks of GAI-generated results conducted by the lawyer using GAI itself. The lawyer using GAI is expected to authenticate the veracity of any GAI-generated result using the established protocols of the legal profession, including, but not limited to: researching and reviewing any GAI-generated result

against the text of the legislation, confirming the modern, prevailing interpretation of the legislation as it is currently enforced whether against recent Thailand's Supreme Court decisions or by consulting an officer of the enforcing regulator (e.g., the Securities and Exchange Commission, the Ministry of Commerce, etc.), tapping into their own repository of experience to ensure the GAI-generated result aligns with their own human logic and, finally, to adjust and modify the language of any GAI-generated template text to be succinct, and easily comprehended by the intended audience. These checks are conducted in duplicate, and often in triplicate, up to the supervising senior associate and partner levels.

We do not lose sight that the human must guide the practice of law and any facilitative technology merely focuses or abets that human will, never allowing ourselves to be led by something that is meant to support.

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

Not applicable, as we are using GAI on an interim and limited basis.

7. How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

We expect that our lawyers produce work of a quality that is commensurate with both their qualification as lawyers as well as to the rigorous internal standards of our firm. We describe the specific monitoring and quality assurance standards in our response to question 3(a) and 6.

Like in many countries, the practice of law is a regulated profession in Thailand. All legal practitioners in Thailand are regulated as "lawyers" and the regulatory body is the Lawyers Council of Thailand under the Royal Patronage (the "**Lawyers Council**"), which issues lawyers' licenses in Thailand. A subset of lawyers who have undertaken additional licensing requirements and have been admitted as barristers who may seek appointment as a judge or serve as a public prosecutor are additionally regulated by the Thai Bar under the Royal Patronage. Note that all lawyers

have the right to appearance in courts, though additional requirements exist in certain forums.

Legal professional responsibilities of lawyers are set out in the Lawyers Council's Rules on Lawyer's Etiquette B.E. 2529 (1985) (the "**Rules**"), enacted pursuant to the Lawyers Act B.E. 2528 (1984) ("**LA**"). The Rules govern only duties in court and litigation proceedings and are only applicable to lawyers under the LA (i.e., lawyers who have received a lawyer's license). The Rules are silent on the use of GAI and, as such, we do not consider any material infringement of legal professional responsibilities provided that such lawyers adhere generally to their professional responsibilities.

8. Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?

We are pleased to share the following tips on using GAI in the legal field.

I.   Know its applications.

GAI mobilizes computing processing power to execute a narrow field of pseudo-cognitive tasks that would take a great number of man-hours and therefore is suited for laborious, time and data intensive tasks that require none, or a modicum, of insight or judgment. Exercises such as researching and collecting variations of the same clauses from contracts stored across multiple databases lend itself well to this tool, as well as organizing thoughts and facts into basic template prose and adjusting a long template email to, for example, increase the level of formality.

II.   Know its limitations.

As covered in our various responses, GAI can be dreary and unartistic in its delivery compared to a well-versed subject matter human expert. Furthermore, it can present factually incorrect information as true without the epistemological qualifications or reservations that a human might expressly enunciate or implicitly insinuate. GAI is essentially a cost and time saving tool, and does not replace the expert's touch.

III.   GAI must be "trained".

GAI's potential is unlocked with human guidance and the standard to which it performs depends on the standard demanded by its user. Outputs should be

refined by clear, precise instructions, with repeated fine-tuning. For example, when instructed to draft template correspondence, the first output is rarely the best that GAI is capable of producing. Users should ask GAI to present alternative forms of articulation, reorganize the concepts more intuitively and adjust the prose and diction to suit the user's requirements.

9. How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?

See our response to question 7. We are not aware of any specific regulations currently governing the use GAI in the legal field in Thailand at time of writing. Law firms are not required to adhere to any specific guidelines or regulations in this regard.

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

We are not aware of any press release or statement by the Lawyers Council regarding impending regulation of the use of GAI in legal services in the near future.

However, the Office of the National Digital Economy and Society Commission, a government commission charged with developing national plans and policies on the development of the Thai economy and society, has published the Royal Decree on Business Operation which Deploys Artificial Intelligence in February 2023 (the "**Royal Decree on AI**"). The draft proposes general regulations on GAI service providers on the basis of the risk that GAI might pose to the general public and imposes measures such as prohibition of use, registration requirement and disclosure obligations on service providers that use GAI.

If regulation by the Lawyers Council were to materialize, we anticipate those regulations would target GAI's effects on national security or fundamental rights in line with the general approach outlined in the Royal Decree on AI. For example, on fundamental rights, we view that it is possible that future regulation may address lawyers' disclosure of sensitive information to external servers from which GAI operates.

10. Is GAI adoption an established trend or practice in your jurisdiction?

We have noticed an increasing trend of GAI adoption in private practice in Thailand. While we do not possess any concrete statistical data, we have observed that law firms have begun to utilize public GAI models (e.g., GPT-4) for their day-to-day operations. Some law firms have taken further steps to develop in-house GAI models for more advanced legal tasks.

For instance, Allen and Overy has officially integrated Harvey, a GAI specifically tailored for legal work which operates across multiple languages, in February 2023. Harvey deployment extends all of their offices, including one in Thailand

a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

See our response to the first part of question 10 above.

11. Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?

We are not aware of any current industry-specific committees or organisations in Thailand which are particularly established to discuss or regulate the use of GAI in the legal field at time of writing.

12. In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?

The Personal Data Protection Act B.E. 2562 (2019) ("**PDPA**") is the primary law of particular application addressing the issue of personal data[1] protection. As a general rule, any collection, use or disclosure of personal data requires explicit consent by the data subject or must otherwise be permitted in the cases set out in the PDPA (e.g., processing data in the public interest).

Legal obligations under the PDPA extend to both the data

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1 "Personal Data" is functionally defined in the PDPA as any information relating to a natural person, which enables the identification of such person, whether directly or indirectly, but not including information of deceased persons.

controller[2] and data processor[3] in Thailand or, generally, those that deal with the personal data of Thai residents.

For the PDPA to apply, there must be a data controller. A person will be deemed as a data controller if that person has the power to make decisions regarding the collection, use or disclosure of personal data. This means that a person who instructs GAI to harvest personal data (whether directly or indirectly) will likely be subject to the PDPA as a data controller. Data collection, processing and disclosure activity carried out by the sole autonomy of GAI systems will remain unregulated under PDPA.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction? How about intellectual property rights as to the user's queries?**

The Copyright Act B.E. 2537 (1994) ("**CRA**") is the law of particular application relating to copyright in Thailand.

Copyright protects "works", which must be an expression of an idea that is (i) original, (ii) contains the author's capacity, knowledge or judgment, and (iii) not illegal. Examples include literary works, artistic works, audio-visual works and cinematographic works.

Authors of works are granted copyright by virtue of their creation of the work. Copyright are certain exclusive rights (such as for reproduction, public dissemination, licensing rights) relating to such work which is created automatically upon creation of the work. Although authors of copyright works have automatic copyright protection, they may register such their work with the Department of Intellectual Property to serve as an official record.

The CRA defines an author as "a person who makes or creates any work, which is a copyright work under CRA". As such, the CRA only recognizes authors as "a person", who must be either an ordinary person or a juristic person who is capable of bearing legal rights and obligations. The CRA does not explicitly address GAI ownership in any copyright works. However, we view that the CRA will be

interpreted to grant the user of GAI who creates a work using GAI a copyright, if that such work essentially fulfills the aforementioned minimum requirements of copyright work, given that GAI is merely a tool to express the user's intent, not dissimilar from automatic photo or video editing programs. The user's prompt itself may also be a "work".

However, no Thai precedents exist in this area.

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

    a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

We expect that GAI will play a greater role in the industry in Thailand over the coming years and, as noted in our response to question 1(a), we are focused on finding novel uses for GAI technology.

While not the sole determinant of an enterprise's success, a market typically rewards enterprises with efficiency advantages. Corporate legal departments in the modern age generally demand more of their external counsel and the extent to which a firm can cater to those needs in a more cost and time efficient manner is a tremendous advantage. As long as the demand for better service, at an appropriate price, exists, the impetus to use technology will continue.

We are a forward-looking law firm and anticipate remaining at the forefront of GAI's influence in Thailand by exploring new ways to deploy GAI. As described in our response to question 1(a), we are interested in utilizing GAI in the legal due diligence context in a manner that respects client confidentiality. Legal diligence is indispensable in lifting the fog of uncertainty around risks underpinning a business decision to acquire or invest, whether those risks are proximate or remote. In some deals, the sheer quantity of the information that must be analysed may prove a hurdle in the timing of a deal or, at least, creates significant costs that previously were unavoidable. GAI, properly trained and backed by human checks, is able to execute repetitive, rote tasks with a consistency and accuracy borne out of its indefatigability that surpasses

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2 "Data Controller" is defined in the PDPA as:
"*a Person or a juristic person having the power and duties to make decisions regarding the collection, use, or disclosure of the personal data*".
3 "Data Processor" is defined in the PDPA as:
"*a Person or a juristic person who operates in relation to the collection, use or disclosure of the Personal Data pursuant to the orders given by or on behalf of a Data Controller, whereby such Person or juristic person is not the Data Controller*".

the limitations of a human operator. We anticipate that only those firms that apply GAI appropriately to exceed human limits will be successful in the long term.

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1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

   N/A

   a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

   We use AI tools in IT management and cyber security but these are not really generative AI.

   Lawyers may use AI chatbots as part of their search and research activity but they must ensure that chatbot content is used only as a guidance and that they must access original sources to verify content.

   Our firm pioneered in development a document automation tool for our clients. However, we disbanded this practice some years back.

   b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

   We have not seen systems that are robust enough to use generative AI. We are concerned about inaccuracy and misrepresentation as a result of using generative AI. We believe generative AI can be used as a guidance but not a definitive means of legal work.

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

   N/A

   a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

   As mentioned above, lawyers may use AI chatbots as part of search in the same manner as they may use Google but they must then access original content in order to verify accuracy.

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

   N/A

   a. What safeguards would you put in place to mitigate these risks?

   The main safeguard is as of now, GAI should be used as a guidance but we should access original content and sources in order to ensure complete accuracy.

4. **In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?**

   N/A

   a. How do you address these concerns and provide transparency to your clients about the technology's role?

   We have not seen clients express concern over use of AI so far.

   b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

   We are concerned that in due diligence, clients may prefer we use AI tools in order to reduce lawyer time and fees even clients may understand that accuracy may be compromised. We are still evaluating this.

   c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

   We have not decided on a policy on this so far.

5. **What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?**

   N/A

a. If your firm is not currently using GAI, how would you go about this, in general terms?

We would communicate the same thing we have stated here. That some forms of GAI such as chatbots can be used for guidance purposes only but one cannot rely on their content but most source and verify original content.

6. **How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?**

   N/A

   a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

   We insist that lawyers must access and verify original content and use GAI only for guidance.

7. **How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?**

   N/A

   a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

   It is important that lawyers use original content. In the past they may review articles or use search. In these situations, they must still use original content. So the same applies to GAI also.

8. **Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?**

   Please see above.

9. **How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?**

   There are no specific guidelines or regulations that law firms need to adhere to for use of GAI in legal services, and the regulatory framework in India does not specifically address the use of GAI in legal services.

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

Although there is no law in India specifically governing use of GAI including in legal services, various provisions under the Information Technology Act 2000 and rules notified thereinunder, and the Indian Penal Code 1860, could potentially apply to misuse of GAI, for instance in case of publication of deepfakes.

The government had recently issued an advisory to intermediaries regarding use of identifiers for synthetic media or deepfakes, prevention of bias or discrimination or threat to electoral democracy due to use of AI systems, obtaining permission from the government for deploying AI systems which are being tested or are unreliable, etc. Although it appears that the advisory does not have the force of law, the government has reportedly stated that future regulations governing AI would be on similar lines.

It is expected that India will soon have a specific law governing AI. The government may possibly take reference from the EU AI Act and adopt a risk-based approach for governing AI. Considering India's large technology services industry and its growing AI market, regulations governing AI must ideally take a light touch approach to enable innovation.

10. **Is GAI adoption an established trend or practice in your jurisdiction?**

    N/A

    a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

    We believe some law firms are using GAI for due diligence and document generation.

11. **Are there any industry-specific committees or organisations in your country dedicated to discussing**

or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?

There is a lot of discussion in the IT industry. However, there is no specific forum dealing with this that has gained credibility over others. We follow the discussions generally and participate in discussions on legal implications of the use of AI.

12. **In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?**

India's presently has minimal data privacy laws which solely prescribes payment of a compensation if an entity handling sensitive personal data (which are financial information, health information, biometrics, passwords, sexual orientation) is negligent in implementing reasonable security measures to protect such data. However, to our knowledge, India's current data privacy laws has not been enforced till date.

Collection and repurposing of personal data by GAI tools, would be governed by India's new data protection law, i.e., the Digital Personal Data Protection Act 2023, as and when it comes into force. The new law prescribes among others, notice and consent requirements for processing personal data, and all obligations under the new law applies to a data fiduciary which is the entity that determines the purpose and means for processing personal data. Therefore, the relevant data fiduciary would be held liable for processing of personal data in violation of the law. The new law can however be considered reasonably friendly to AI, and for instance does not apply to processing of personal data made publicly available by a data subject and does not include a right to be not subjected to automated decision making.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction? How about intellectual property rights as to the user's queries?**

Indian copyright laws do not specifically deal with copyright ownership of GAI generated works, and AI as an author. In general, the law deems an author of a copyrightable work to be a human being. For instance, in case of literary, dramatic, artistic, and musical works, the term of copyright is 60 years from the lifetime of the author.

To our knowledge, there has also not been any case law in India regarding copyright ownership of GAI content. However, we are aware of one instance wherein the Indian copyright office has rejected a copyright application where an AI system was listed as the sole author.

In our view, the IPRs on the user's queries, will be owned by the user.

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

We believe AI could have a profound impact on due diligences. We also believe that AI will improve and could become a force to reckon with in document generation.

a. **What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?**

As mentioned above, we allow lawyers to use GAI for guidance only. We are adopting a wait and watch approach.

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

   N/A

   a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

   Yes, lawyers in our law firm currently utilise GAI. LCS attorneys primarily use GAI for translation, both from Chinese to English and from English to Chinese. GAI is also used to summarize documents, such as court cases and government regulations. Lastly, GAI is also used to assist in writing general correspondence and generating marketing materials and presentations.

   We currently do not have a comprehensive policy in place, but have established basic rules that are task specific. For example, for translation, we require attorneys to remove client specific information in a document first. For summaries, we require attorneys to only summarize generally public information such as court cases, laws and regulations. We prohibit attorneys from using GAI to conduct legal research due to concerns over hallucinations. We neither encourage nor discourage attorneys from using GAI to draft agreements, although to date many attorneys are dissatisfied with GAI contract drafting, especially in Chinese.

   b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

   N/A

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

   At LCS, the most successful usage of GAI has been in translation and preparation of general correspondence.

Often, in connection with legal advice, large sections of Taiwan laws and regulations must be translated as a part of our analysis. LCS attorneys often also need to translate sections of contracts part of a legal due diligence exercise, or an entire agreement if required by clients on deals. Mandarin Chinese, especially as used in contracts, laws and regulations, are cumbersome to translate and GAI has proved to be far superior than prior translation tools. It is also tedious work that formerly required long hours. While older translation software, such as Google Translate, maybe passable in other language, the older software tools are generally terrible with translating legal Chinese. While GAI also has some difficulty in translating legal Chinese to legal English, or vice versa, the ability of GAI to quickly translate with passable accuracy allows our attorneys to devote more time and focus on review and analysis. Consequently, just on translation alone, GAI has dramatically improved the quality of our work product and our work lives.

In the translation of contracts, as we require client information to be removed before querying a GAI tool to translate a contract, younger attorneys have developed better habits at drafting using defined terms and markers which will allow them to quickly re-insert client information after a contract has been translated. So in an indirect way, GAI has helped with the training of some of our corporate associates in drafting more efficiently and learning habits that could minimize mistakes.

On the topic of using GAI to assist in the preparation of general correspondence, GAI has also helped tremendously as not all LCS attorney are fully bilingual in both Chinese and English. Having GAI prepare a draft correspondence in another language while using prompts, or simply drafting correspondence in one's best language first and then having it translated, saves time and also allows attorneys to focus their time on research, advice and analysis.

Victor I. Chang, Partner   **Alan Huang**, Associate   **Ann Ting**

a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

N/A

3. What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?

N/A

a. What safeguards would you put in place to mitigate these risks?

For the aforementioned three areas of LCS's current uses of GAI, namely translations of laws and contracts, summaries (of generally public content) and assistance with general correspondence, the main issue is sending client or law firm sensitive information to a cloud-based software tool with no guarantees that such information will not be disclosed outside our attorneys' specific use.

To prevent this from happening, LCS has conducted in-house seminars to educate its attorneys on this topic and standard procedures to efficiently remove sensitive content and then repopulate such sensitive content once the translation is done.

Another well known danger arising from the use of GAI is in legal and factual research, as GAI will tend to hallucinate answers that are misleading or simply incorrect. LCS attorneys are generally prohibited to use GAI for conducing legal research and are cautioned when using GAI for non-legal research as well (for example, GAI may be useful as an initial research tool as it would quickly generate relevant ideas and key words that could then be used to conduct a more accurate research without using GAI.

4. In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?

We have not noticed a general trend or view from our clients concerning our attorneys' use of GAI. However, we have also not conducted any surveys, whether formal or informal, of our clients to learn of such views, if any.

Anecdotally, we are now better able to accommodate work that requires much larger portions of translation. For several years, we had turned down some legal due diligence projects and standard forms contracts projects which involve voluminous translations, because our attorneys generally spend just as much time editing poor translations delivered from local translation firms or older translation software versus doing fresh translations themselves. Since most GAI tools are generally adequate in providing first translations, we have begun to take on more of these types of work, as attorneys no longer need to spend so much time reviewing and editing the first translation drafts.

a. How do you address these concerns and provide transparency to your clients about the technology's role?

We have not noticed a general trend or view from our clients concerning our attorneys' use of GAI. However, we have also not conducted any surveys, whether formal or informal, of our clients to learn of such views, if any.

Anecdotally, we are now better able to accommodate work that requires much larger portions of translation. For several years, we had turned down some legal due diligence projects and standard forms contracts projects which involve voluminous translations, because our attorneys generally spend just as much time editing poor translations delivered from local translation firms or older translation software versus doing fresh translations themselves. Since most GAI tools are generally adequate in providing first translations, we have begun to take on more of these types of work, as attorneys no longer need to spend so much time reviewing and editing the first translation drafts.

b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

N/A

c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

N/A

5. **What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?**

Historically, LCS has not been systematic in seeking out client feedback on our work. We intend to use the current opportunity of GAI use to seek out the opinion of clients. In addition, internal partner meeting is necessary to discuss the risks and benefits of marketing our AI policy. However, this could also raise discontent among current clients who hold a preference for the status quo. Nevertheless, such policy should be shaped by the feedback received from clients, ideally through structured interviews and surveys, to ensure that LCS can be better aligned with their needs and preferences.

As GAI use becomes more prevalent in the market, perhaps GAI software tools will become more useful and cause clients to no longer need to engage with a human attorney. We currently do not have a formal strategy to deal with this possibility.

a. If your firm is not currently using GAI, how would you go about this, in general terms?

N/A

6. **How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?**

LCS currently observes two major ways to improve the quality and accuracy of legal work when incorporating GAI. Firstly, establishment of a general guideline for our employees and lawyer would be needed. This is not yet in place, however we are working towards one. The first step in this process was the preparation of a GAI White Paper last year, which presented a number of recommendations to the firm. One suggestion was a systematic survey of clients, and this will be done this year. Afterwards, we hope to put together a formal policy based on this groundwork.

The second method is to provide more GAI guidance during our periodic in-house seminars, which we have and will continue to provide.

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

N/A

7. **How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?**

As mentioned previously, LCS has prepared a GAI White Paper to educate the firm as a whole, and will supplement it this year via a systematic client survey. This work will then assist the firm to produce a policy and a set of standards.

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

N/A

8. **Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?**

GAI is quite useful in generating alternative versions of emails in varying tones and styles. I have found this aspect especially useful in preparing correspondence asserting claims and rights, as such correspondence often undergo several exchanges which may require attorneys to write and repeat essentially the same points but with increasing or decreasing intensity.

GAI is also useful for generating ideas and angles for persuasion. An attorney can include in a prompt the basic negotiating situation and a basic background of the other side, and then prompt the GAI tool to either write a persuasive statement to reach a certain goal, or generate a list of arguments that would be persuasive to reach a certain goal. Often the responses will contain ideas and angles that the user has not though of before.

When prompting a GAI tool to assist in brainstorming ideas, it is often better to require it to generate a specific number of ideas. Without a specific number, the GAI often only gives a few bland ideas that everyone has already thought of.

9. **How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?**

There are currently no specific guidelines or regulations governing or addressing the use of GAI in legal services in Taiwan, or in any other services.

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

The Taiwan government had announced, in 2023, that a draft framework for an AI Basic Law would be forthcoming, and that such draft would then lead to a formal set of laws and regulations as the AI Basic Law. However, such draft framework is still pending, and there is no expected dates for further progress.

10. **Is GAI adoption an established trend or practice in your jurisdiction?**

Yes. GAI tools are widely used by the general public, and schools are forced to be very vigilant in connection with educating students about misusing GAI.

a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

GAI could theoretically be applied to handle some routine, regular, and basic legal tasks, such as traffic violations, contract review, legal information retrieval, etc., and there are a growing number of legal services apps for general public to conduct simple research or consult AI-based "legal adviser" before appointing a lawyer.

Attorneys, especially younger attorneys, do experiment with such apps but usually become quickly aware that those services are inadequate and in some cases dangerous as they can provide incorrect information and advice due to GAI hallucination.

The most common integration of GAI into actual practising attorneys is translation, from English to Chinese or vice versa, with the most popular GAI tool being the most updated version of ChatGPT.

11. **Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?**

To our knowledge there does not yet exist any association dedicated to establishing laws or regulations for the use of GAI in the legal sector.

12. **In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?**

Currently, the most important law governing privacy and data protection in Taiwan is the Personal Data Protection Act, whose regulations would encompass the collection and repurposing of personal data in Taiwan, including via AI. Under article 6 of Personal Data Protection Act, the collection, processing and use of a natural person's medical records, healthcare, genetics, sex life, physical examination and criminal records are prohibited, with unless the conditions for various exemptions are satisfied.

It is also noteworthy that a regulatory commission regarding the regulation of privacy and personal data is estimated to establish before August of 2025, and as mentioned above there was a proposal for the eventual drafting and adoption of an AI Basic Law for Taiwan.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction? How about intellectual property rights as to the user's queries?**

There are currently no regulations or laws that determines the ownership and licensing right in relation of GAI-generated content. We note with interest that an interpretation published by Intellectual Property Office states that according to Article 3, paragraph 2, and Article 10 of the Copyright Act of our country, an author refers to a person who creates the work, and an author enjoys copyright upon completion of the work. In other words, for a work to be protected by copyright, it may need to be created by a natural person or a legal entity.

Additionally, another interpretation by Intellectual Property Office suggests that using others' work to train AI may infringe on reproduction rights of the underlying work by others, and if AI uses such content to reproduce new material, the copyright still belongs to the author. However, this interpretation is non-binding and may change in the future as the Taiwan government makes more progress on the AI Basic Law.

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

We foresee that more and better GAI tools for providing general legal advice and for quickly preparing simple, usable contracts will be available and will be widely used by Taiwanese overall. This could also help our younger attorneys, as simple and usage contracts are generally not the core practice of LCS, but we do still need to prepare them for clients from time to time. We are also identifying far more sophisticated contract and other legal tools that are directed for use by sophisticated clients and law firms. We will need to be able to take advantage of such tools but in a careful manner as the technology becomes more mature.

a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

We are in the process of adopting a policy, beginning with the preparation of a GAI White Paper last year, and following up with a planned client survey this year.

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

Yes.

a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

We have identified 5 core foundation skills for generative AI, where the technology can add significant value and enhance our excellent client service: content analysis, content summarisation, content generation, question answering and complex problem solving. We have working solutions utilising the first 4 skills and are exploring the application for complex problem solving. As a purpose-led firm, we are committed to using AI responsibly and ethically, aligning with our values and professional obligations, as such we have developed AI Lighthouse Principles and Guidelines. We also adopt a human-in-the-loop methodology with all our GAI applications so we can ensure that our people maintain the accountability for any output generated by the technology.

b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

N/A

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

We are one of only 90 companies in Australia and New Zealand and one of 2 law firms in Australia on the Microsoft Copilot Early Access Program. We have 300 Copilot licenses deployed across the business including client-facing professionals. We have also built our own version of ChatGPT - ChatwithME and MinterEllison Advice Generator, which helps develop first cuts of legal advice in under a minute. We also have other proprietary and off-the-shelf solutions using GAI currently in pilot within the business.

a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

We guide our employees about specific GAI solutions as to their use with client or other commercially-sensitive data.

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

While some elements of the large language models are housed offshore, data sovereignty will remain a challenge. Looking at ways to use tools without breaching privacy, talking to clients about use of tools and their permission to use it for specific tasks. There are several other potential barriers to AI adoption, including:

- Lack of understanding and conviction about the importance of AI and its potential impact on businesses.
- Resistance to change and lack of digital fluency among employees and leaders.
- Insufficient investment in skills development and digital culture.
- Inadequate data management and governance.

a. What safeguards would you put in place to mitigate these risks?

Regarding data sovereignty and privacy, we have our lighthouse principles and are also working with our General Counsel team to ensure a consistent approach to client work and permissions. For any use cases that may include client data, we ensure that only locally hosted LLMs are being used and architecture ensures data security through encryption. We also established an AI Data Centre of Excellence which aligns with our existing data governance standards, quality, and data security requirements to ensure a proven data framework is leveraged for AI related data we feed into our models.

This is a rapidly evolving landscape and these will remain living – rather than set and forget – principles and frameworks for the foreseeable future.

We also have a robust program in place for uplifting digital fluency including a Digital Academy. From January – March 2024 our Executive Leadership Team and Board also signed off on Dedicated Generative AI Time providing 12 hours of fee relief for timekeepers to engage in GenAI learning opportunities over that period. We have established a reverse mentoring digital program for our partnership to receive digital mentorship, to allow them to get up to speed and encourage their teams to continue to develop through initiatives like the Digital Academy.

Our AI strategy has also been endorsed by the firm's Executive Leadership Team and Board and they remain committed to education and engagement of tools developed.

4. **In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?**

Biggest concerns are data sovereignty and privacy. Some of our clients have placed restrictions around using GenAI as well. However, there are also many clients interested in the use of GAI and have engaged with us to understand what we are doing.

Conversations around utilisation of GAI in our interactions with clients have begun. There will be obvious tasks we undertake for clients where GAI can undertake tasks that junior lawyers have typically undertaken e.g. drafting, research etc.

a. How do you address these concerns and provide transparency to your clients about the technology's role?

Transparency, security and integrity with clients and of client data and service deliverables is of utmost importance to us. Where we propose to utilise a GAI solution, we share with clients a high level architecture and the as-a-service partners involved. We have informed our people that they should not use publicly available solutions that we have not formally validated for use.

b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

N/A

c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

N/A

5. **What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?**

For us it's about collaborating with clients on how we can co-create solutions that benefit our partnership. It's not a one size fits all approach. Every client is exploring this technology differently, so our strategies are bespoke to their needs.

As an example, we have recently workshopped with a client to share insights on Copilot learnings and to understand how we can assist in their own digital transformation journey, including:

- **AI capability building** – designing a program to upskill teams and facilitate experimentation.
- **Governance** – Formulating a policy for the legal team to assess when and how to use generative AI, aligning legal, privacy and confidentiality requirements.
- **Technology** – leveraging automation and enhancing efficiency.
- **Operations** – developing support structures and frameworks to create efficiencies and enable innovation.

Regarding the use of GenAI for client deliverables, we

also maintain a 'human-in-the-loop' approach meaning that all GAI output must have a level of human review and sign off before being provided to clients.

a. If your firm is not currently using GAI, how would you go about this, in general terms?

N/A

6. **How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?**

We maintain that a human-in-the-loop is essential to ensure quality, accuracy, and ethics of GAI outputs at all times. Our lighthouse principles are ASPIRE. We look to follow these principles when we use AI in our work:

- **Accountability**: We strive to ensure we have oversight of how AI is used and that the humans driving AI retain accountability and control and ensure we exercise independent professional judgment, as appropriate.
- **Security & Privacy**: We strive to ensure that our AI solutions uphold privacy rights, data sovereignty and data protection laws and comply with our internal Information and Data Governance policy and Information Security policy.
- **Inclusiveness**: We strive to ensure that our AI solutions are accessible and that they support the empowerment, participation and collaboration of our people and our clients.
- **Reliability**: We strive to ensure that our AI solutions are reliable, safe and secure, function as intended and we monitor and account for potential bias and discrimination, where possible.
- **Explainability**: We strive to ensure that our use of AI is clearly explained so our people and clients can understand how they are engaging with AI and how it may be impacting them.

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

N/A

7. **How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?**

As previously discussed, our Lighthouse Principles have been developed with our General Counsel to ensure firm's ethical standards and the professional responsibilities of legal practitioners are maintained.

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

N/A

8. **Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?**

Establish **strategic goals** for implementing AI technologies, such as market competitiveness, profitability, and rapidly growing client and industry expectations.

Create a **roadmap** for AI adoption that aligns with the firm's business objectives and positioning.

Measure the ROI and effectiveness of AI initiatives using data to assess the impact on efficiency, productivity, and profitability.

Ensure there is **buy-in** from leadership and that employees understand the 'how and the why' of AI implementation.

9. **How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?**

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

On June 1, 2023, the Australian government released a discussion paper titled "Safe and Responsible AI in Australia," which sought industry feedback on developing a regulatory framework for AI.

The paper talks about the opportunities and challenges of AI technologies and supports a risk management approach for AI applications The regulatory landscape for generative AI in Australia is still developing, reflecting the global situation where laws and regulations are trying to keep pace with rapid advancements in technology. Some suggest that our regulatory landscape is likely to be

influenced by international frameworks like the European Union's proposed AI Act and Canada's Directive of Automated Decision-Making.

As of now, there is no specific legislation that directly governs the use of generative AI in Australia. However, existing laws and regulations such as privacy laws, intellectual property laws, and consumer protection laws may apply to various aspects of AI use.

10. Is GAI adoption an established trend or practice in your jurisdiction?

a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

Yes. Areas we are seeing and hearing from competitors and peers include; document drafting, legal research, e-Discovery, chatbots and virtual assistants, personalised client service and for learning and training.

11. Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?

Not specifically in the legal sector.

The Commonwealth Scientific and Industrial Research Organisation (CSIRO) has a National Artificial Intelligence Centre. This was established by the Australian Government to further develop Australia's AI and digital ecosystem.

The CSIRO is bringing together partners from government, industry and the research sector to boost exploration and adoption of AI in Australia. Its aim is to drive a new level of understanding, technology development, and adoption of AI in Australia in the years to come. It includes a Responsible AI Network, which brings together experts, regulatory bodies, training organisations and practitioners to promote responsible AI use. Corporates can sign up to this network.

More broadly the Australian Government proposes to adopt a risk-based regulatory approach to AI. Mandatory guardrails for high risk applications of AI would apply in high risk contexts, such as critical infrastructure, medical devices and biometric identification.

These guardrails would have a particular focus on preventive interventions applied early in the AI lifecycle, noting this policy approach broadly aligns with that of Canada and the European Union.

Low-risk AI to proceed largely unimpeded, noting many applications of AI, such as monitoring biodiversity or automating routine internal business processes, do not present risks that require a regulatory response.

The Law Society of NSW has engaged in discussions about generative AI, focusing on its opportunities, challenges, and the application of existing legal obligations to this technology. However, it does appear that any law societies have proposed any formal structures for legal practice as yet.

12. In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?

Data and privacy issues in generative AI: The use of online material as training data or output of generative AI models may raise data and privacy issues, such as the collection and use of personal information, the consent of data subjects, and the anonymisation of sensitive data.

Data protection laws and regulations: Businesses should comply with the relevant data protection laws and regulations in their jurisdictions, such as the Privacy Act 1988 (Cth) in Australia, the General Data Protection Regulation (GDPR) in the European Union, and the California Consumer Privacy Act (CCPA) in the United States.

Data and privacy best practices: Businesses should adopt data and privacy best practices, such as obtaining clear and informed consent from data subjects, minimising the amount and type of data collected and used, implementing security measures, and providing transparency and accountability for data processing activities.

13. With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction?   How about intellectual property rights as to the user's queries?

Ownership of generative AI models and outputs: Businesses should have clear contracts with third parties involved in creating or using generative AI models and outputs, specifying who owns the rights to the model and the output.

Risks of infringement and moral rights violation: Businesses should obtain licenses or permissions from the owners of the online material used as training data or reproduced in the output of generative AI models, as they may face legal action for infringement or moral rights violation.

Lack of protection for AI-generated outputs: Outputs produced by generative AI models may not be protected by copyright, as they may lack human authorship. This may affect the economic value and legal recourse of businesses that use or create AI-generated content.

Industry developments and regulatory changes: Businesses should be aware of the latest industry developments and regulatory changes in relation to generative AI and copyright, as they may affect the availability and cost of licenses, the scope of defenses, and the potential liability for infringement.

14. How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?

a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

Research by OpenAI and University of Pennsylvania has estimated that around 70% of tasks performed by lawyers and 100% of tasks performed by administration roles are 'exposed' to major disruption by generative AI technology.

If this is realised, then the number of hours required to provide legal services to clients may reduce significantly over the next decade and result in additional capacity across the industry.

We have agreed on a **leading edge** position, which aligns to our broader firm purpose, values and ambitions.

Our Board and Executive recognises that Gen AI is not only a disruptive technology but also a transformative one that will create new possibilities and challenges for the legal industry.

We want to be proactive and prepared for this future, rather than reactive and lagging behind.

Over the years we have implemented several initiatives to increase the digital fluency of our people and promote a continuous learning culture.

The biggest commitment by the firm kicked off in January 2024 with the commencement of Dedicated GenAI Time. Over 12 weeks fee earners can use 12 hours of fee credited time to undertake activities to upskill in GenAI. A program has been curated using live and online sessions as well as interactive activities.

Other initiatives include:

- **Destination Digital** – a yearly two week program of digital and innovation activities aimed at democratising skillsets and increasing digital fluency.
- **Digital coaching program** – we have provided digital coaches to our partnership to support them on increasing their digital fluency.
- **Micro lunch and learns** - to demonstrate new technology to our people e.g. we have developed our own chatbot Chat with ME, that uses the latest GPT4 generative AI technology via the standard Teams chat interface that our people can use like you would ChatGPT.
- **Innovation Ideas Exchange** – where our people demonstrate how they are using AI technology to enhance productivity, client experience and people value proposition.
- Recently we have also implemented a **Writing with Gen AI** weekly special that's aimed at teaching our people how to prompt engineer.
- In April 2023, we launched our **Digital Academy program** and our own internal crypto currency Mintcoin. The Digital Academy provides people with the opportunity to undertake training to increase their digital fluency and have the opportunity to earn micro

credentials when they undertake more complex courses such as Legal Project Management.

- **Mintcoin** is MinterEllison's internal digital currency used to reward people for undertaking technology training to increase their digital fluency and to democratise innovation skillsets. Using the freely available Phantom app and linked to our internal learning management system, QR codes are embedded into end of learning modules that when completed, deposit the requisite Mintcoin into the users' digital wallet. They can then redeem Mintcoin through our online Mintcoin shopfront.

- Our digital agenda is a key priority for our Board and Executive and our learning programs and how we equip our people to lean into the challenges and opportunities we face with AI is front and centre to that agenda.

Malaysia

Shearn Delamore &Co.

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

   a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

   N/A

   b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

   Our law firm currently does not utilise GAI in the course of its work and currently, there is no discussion on plans as to how GAI could be inculcated into the practice in the foreseeable future. The general 'unspoken' consensus amongst legal practitioners at large, as reflected from paper published by the Technology, Cyber and Privacy Laws Committee of the Bar Council Malaysia ("the Committee") (titled: "The Risks and Precautions in Using Generative Artificial Intelligence in the Legal Profession, Specifically ChatGPT") (hereinafter, "The Bar Council Papers"), is that the technology is fairly new and all the more so, in terms of how it should (if at all) be applied in legal practices. Amongst the overriding concerns are client confidentiality, intellectual property infringement, and GAI's lack of accuracy or its inability to tailor its output to suit the nuanced needs of clients (there was for example a known case in the US where the GAI was thought to have hallucinated and churned out non-existing case laws).

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

   a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

   Please refer to 1(b) above.

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

   a. What safeguards would you put in place to mitigate these risks?

   Amongst the issues that would require addressing even before discussion on whether GAI ought to be used in the legal setting include confidentiality, intellectual property infringement, and a lack of accuracy. These same issues have also been highlighted in The Bar Council Papers. Other issues that were highlighted in The Bar Council Papers included risks of bias, data privacy breaches, unpredictable behaviour, and security risks, just to name a few.

   In terms of safeguards to be implemented, the Committee had recommended that legal practitioners in the country familiarise themselves with GAI technology and the potential legal implications, as well as independently reviewing GAI output against traditional legal databases to ensure accuracy, failing which, the GAI output should not be relied upon. Precautions should always be taken so as to ensure the non-infringement of third-party intellectual property rights in the GAI output prior to use. Most importantly, the Committee had cautioned that the GAI technology should at the end of the day, only be utilised as a guidance tool as opposed to an authority, and that client information or confidential information should not be included as part of the user's query.

4. **In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?**

   a. How do you address these concerns and provide transparency to your clients about the technology's role?

   If in fact GAI is ever used, this ought to be disclosed to clients. However, see 1(b) and further below.

b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

As the firm has not used GAI, it is not known what clients' sentiments are. Generally, legal advice is sought by clients for a tailored advice that suits the circumstances and situations of the legal predicaments that said clients are facing. Law firms are generally sought for their unique skill set and experience, taking into account the nuances of the situations at hand which are not aligned or not necessarily aligned with the GAI technology user experience. Separately, there may also be concerns regarding breach of legal privilege, including the provisions of the Evidence Act 1950 and Legal Profession Act 1976. All these issues are yet to be reconciled. There remains to be seen what further guidelines may be issued that would in turn translate into the use of GAI and acceptance of the same by clients in the future.

c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

N/A

5. What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?

a. If your firm is not currently using GAI, how would you go about this, in general terms?

Please see 1(b) and 3(a) above.

6. How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

Please see 1(b) and 3(a) above.

7. How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

Please refer to 1(b) and 3(a) above. As with any new technology, GAI technology should be approached with caution and in accordance with the recommendations of The Bar Council Papers.

8. Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?

None at the moment.

9. How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

The Ministry of Science, Technology, and Innovation (MOSTI) is the entity which has been entrusted with the establishing of AI governance, advancing research and development in relation to AI and escalating digital infrastructure to enable AI, among other things. To date, there has been no specific regulatory framework in respect of GAI. However, as of October 2023, it has been reported that MOSTI, in collaboration with educational institutions and the government is developing a code of ethics and governance in respect of artificial intelligence, particularly addressing ethical and transparency concerns, which is due to be ready sometime this year.

10. **Is GAI adoption an established trend or practice in your jurisdiction?**

    a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

    As reflected in The Bar Council Papers, the general mood appears to be one of caution.

11. **Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?**

    The Ministry of Science, Technology, and Innovation (MOSTI) will be playing a crucial role. At the same time, the views of the Committee will be sought if there is a need for input from a legal perspective. There are members from our law firm who are part of the Committee.

12. **In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?**

    Presently, there are no GAI-specific rules, regulations, or legislation nor has GAI specifically been mentioned in our data privacy and protection framework. Hopefully, greater clarity or specific mention would be addressed by the code which is anticipated to be published by MOSTI this year. Absent any specific rules, regulations or legislation, the general provisions of the Personal Data Protection Act 2010 vis-à-vis data privacy which include consent, disclosure, notice, etc. as well as regulations and guidelines issued thereunder could probably still apply, depending on the context.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction?   How about intellectual property rights as to the user's queries?**

    Under the current intellectual property regime, there is arguably no copyright subsisting in the GAI output as authors of copyrighted work are required to be natural persons (as opposed to entities or corporations). Questions would likely arise as to whether the entities or corporations would have, through the process of making use of content available online, infringed such intellectual property rights in the generation of the GAI content. General user queries might not be able to cross the originality threshold in order to qualify for copyright protection. Insofar as output on the other hand, our position is as per the preceding part of this paragraph.

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

    a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

    There are currently no significant discussions as to the incorporation of GAI within the legal industry. However, we foresee that measures as mentioned in 1(b) and 3(a) above would be considered in greater depth.

Philippines

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

   We are still in the stage of studying how GAI may be integrated in our operations where we are able to maximize its potential benefits with the least amount of risks to our operations.

   a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

   We are looking to utilise GAI as a tool in our legal work (such as research and due diligence work).

   b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

   N/A

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

   N/A

   a. Additionally, if you have resticted GAI into your firm's practices, how have you done so?

   N/A

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

   N/A

   a. What safeguards would you put in place to mitigate these risks?

   The key challenge is ensuring that we maintain the quality and accuracy of our work that is produced with the help of GAI. To mitigate this risk, we are studying in which areas of our operations we can safely integrate GAI and the measures that we can put in place to mitigate the

risks associated with the use of GAI. Also, we intend to properly train our lawyers on the proper use of GAI. We will emphasize that GAI should only be used as a tool to make them more productive and that it should not replace them.

4. **In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?**

   N/A

   a. How do you address these concerns and provide transparency to your clients about the technology's role?

   N/A

   b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

   We anticipate that our clients will expect that any benefit that we may obtain from the use of GAI in our operations should also ultimately benefit them without additional cost to them and without lessening our responsibility to them. For example, if GAI should make our work more efficient requiring less lawyer time, then the savings should be passed on to them even if we cannot charge them for the investment. The quality and integrity of our work should not be sacrificed. Thus, to ensure that the use of GAI will benefit us and our clients without sacrificing our work and responsibility to our client, we will have to closely study how we can efficiently and safely integrate GAI in our operations in the most cost-efficient manner.

   c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

   N/A

5. **What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?**

   N/A

a. If your firm is not currently using GAI, how would you go about this, in general terms?

GAI should just be a tool (for research and legal work) and not replace our lawyers. Thus, lawyers should still have the responsibility for client management.

6. How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?

N/A

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

GAI should just be a tool (for research and legal work) and not replace our lawyers. Thus, lawyers should still have the final sign-off on all work products.

7. How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?

N/A

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

GAI should just be a tool (for research and legal work) and not replace our lawyers. Thus, lawyers should still ensure that their work products (produced with the help of GAI) aligns with the firm's ethical standards and professional responsibilities.

8. Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?

None at this moment as our Technology Committee is still studying the use of GAI in our operations.

9. How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?

There is currently no special law regulating the use of GAI in the Philippines, although our data privacy law covers some aspects of automated processing. There are also no specific guidelines or regulations on the use of GAI in the legal profession.

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

Lawmakers have proposed legislation on AI technology, but until these are enacted, general statutes and codes such as those that set out laws on labour and intellectual property, would have to be relied on to resolve any legal issues arising from AI use.[1]

As of date of writing, there are three bills pending in the Philippine Congress seeking to govern AI use.

House Bill No. 7396: Artificial Intelligence Development and Regulation Act of the Philippines (AI Development and Regulation Bill) – This bill defines 'artificial intelligence' as the 'ability of machines or computer programs, systems or software that are designed to perform tasks that simulate human intelligence, such as reasoning, learning, perception, and problem solving.'[2] The bill also proposes to establish the Artificial Intelligence Development Authority to 'oversee the development and deployment of AI technologies, ensure compliance with AI ethics principles and guidelines, and protect the rights and welfare of individuals and communities affected by AI technologies.'[3] The authority will develop a national AI development and regulation strategy,

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1 All three bills are currently pending before the respective committees of the House of Representatives before being transmitted to the plenary for second reading. Under Philippine law, the bills must be approved by the House of Representatives after third reading, and the Senate must also approve the bills after three stages of readings before the bill may be transmitted to the President for signature. The bills will be enacted as law upon signing of the President or the lapse of 30 days from the time the bills were received by the President.
2 Id., Sec. 4
3 Id., Sec. 5.

prescribe and enforce standards and guidelines for legal and ethical AI development and use, and establish licensing and certification requirements for AI developers and deployers.[4] Violations of the AI Development and Regulation Bill and violations of AI ethics principles, 'shall be penalized in accordance with the penalties provided for under existing laws and regulations.[5]

House Bill 7913: Artificial Intelligence Regulation Act (AI Regulation Bill) – This bill defines 'artificial intelligence' as the 'simulation of human intelligence in machines that are programmed to think like humans and mimic their actions.' [6] 'AI system' is defined as 'a computer system or software application that utilizes AI technologies and techniques to perform a task or make a decision such as machine learning, deep learning, natural language processing, and robotics[.]'[7] The bill also provides for an 'AI Bill of Rights', which institutionalises the following rights for Filipinos in relation to AI systems:

1. Right to protection from unsafe and ineffective AI systems;
2. Right against algorithmic discrimination;
3. Right to privacy;
4. Right to know; and
5. Right to remedy;

The AI Regulation Bill will create two government agencies to regulate AI: the Philippine Council on Artificial Intelligence (PCAI)[8] and the Artificial Intelligence Board (AIB).[9] The PCAI will be a 'policy-making and advisory body of experts' aimed to, among others, develop and promulgate an AI governance framework, establish a code of ethics for AI developers, promulgate rules and measures against harmful applications of AI and algorithms.[10] The AIB will exercise regulatory and supervisory authority over the development, application, and use of AI systems.[11]

The bill will prohibit the use of AI systems: (i) that shall cause unnecessary, unjustifiable, and indiscriminate moral or pecuniary damage to individuals, and (ii) that may manipulate, exploit or control any person beyond his or her consciousness to materially distort his or her behaviour in a manner that is likely to cause him or her or another person physical or psychological harm, among others.[12]

Violations of the bill will be punishable with imprisonment of up to six years.[13] If the violation is done by a juridical entity, the penalty of imprisonment shall be imposed on the responsible directors or officers thereof.[14]

House Bill No. 7983: Artificial Intelligence Development Act (AI Development Bill) – This bill defines 'AI' as 'simulation of human intelligence in machines that are programmed to think like humans and mimic their actions.'[15]

The AI Development Bill will establish the 'National Center for Artificial Intelligence Research' (NCAIR), an attached agency to the DOST,[16] which shall be the 'primary policymaking and research body concerned with the development of AI and allied emergent technologies in the country.' [17]

The bill will establish the National Innovation Council (NIC)[18] to prioritise the development of AI in the National Innovation Agenda and Strategy Development.[19] The bill will mandate the government to accelerate innovation with AI,[20] improve data access and data value extraction,[21] and upskill and reskill workers with AI.[22] The bill also provides a Job Displacement Program which protects employees who are terminated 'due to the installation or implementation of AI technologies or systems' by providing compensation and a guarantee to receive benefits from the Social Security Social Security System or the Government Service Insurance System if displaced by AI.[23]

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4 Id., Sec. 7.
5 Id., Secs. 7(d) and 11.
6 Id., Sec. 3(c).
7 Id., Sec. 3(e).
8 Id., Sec. 6.
9 Id., Sec. 9.
10 Id., Sec. 7.
11 Id., Sec. 9(a).

12 Id., Sec. 14.
13 Id., Sec. 15.
14 Id., Sec. 16.
15 Id., Sec. 3.
16 Id., Sec. 4.
17 Id., Sec. 5.
18 The National Innovation Council was created by Republic Act No. 11293 or the Philippine Innovation Act. It is mandated to develop the country's innovation goals, priorities, and long-term national strategy by creating a National Innovation Agenda and Strategy Document which shall 'establish the country's vision and long-term goals for innovation and provide a road map and the strategies for improving innovation governance through clear-cut delineation and complementation of innovation efforts across agencies; deepening and accelerating innovation efforts, including inclusive innovation programs that are targeting the poorest of the poor; and integrating and fostering public-private partnerships, including those with large businesses, [micro, small, and medium enterprises], academe, and [research, development, and extension] institutions.'
19 Id., Sec. 7. We note that the document created under the Philippine Innovation Act is the National Innovation Agenda and Strategy Document.
20 Id., Sec. 9.
21 Id., Sec. 10.
22 Id., Sec. 11.
23 Id., Sec. 12.

10. Is GAI adoption an established trend or practice in your jurisdiction?

Local regulators and key industries have a relatively high awareness of the opportunities and challenges presented by GAI use, with initiatives and strategies in place or being studied. Both the public and private sector have begun exploring and implementing plans for AI use.

a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

The Philippine Supreme Court announced its plans to use GAI 'to improve operations in the judiciary as part of its drive to unclog court dockets and expedite decisions.'[24] The Supreme Court has also initiated digitization and automation projects, which may eventually include the use of GAI. With the Supreme Court taking the lead, it is likely that law firms and legal professionals would follow suit and integrate GAI in their operations.

11. Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?

Technical Working Groups are being formed by the Supreme Court to study the use of GAI in its docket management, but these are in the early stages. The Department of Trade and Industry (**DTI**) has also introduced the AI Roadmap to provide guideposts in helping the Philippines become an AI Centre for Excellence in the region, but this essentially only sets out policy directions.[25] The AI Roadmap aims to improve the utilization and efficiency of AI by providing the overall strategy for the Philippines and notably provides for the establishment of the 'National Center for AI Research', which will serve as the country's shared hub for AI research.[26] Our firm is looking to participate in these discussions.

12. In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?

We currently do not have any special law specifically regulating the collection and re-purposing of data using GAI tools and determining the liability in relation to such actions. We anticipate that these matters will be the subject of future legislation. In the meantime, in the absence of such special law, our general data privacy law in the Philippines will apply.

The Data Privacy Act of 2012 (DPA) and its related regulations and issuances generally apply to any processing of personal information (such as processing by or using a GAI-enabled system), even if the processing is undertaken outside the Philippines, where there is a 'link' to this jurisdiction. Under the DPA's implementing rules and regulations (DPA IRR), one such link is where the personal information is that of a Philippine citizen or resident.

Under the DPA, the processing of personal data may only be allowed if there is sufficient lawful basis.[27] The law makes a distinction between personal information[28] and sensitive personal information[29] (e.g., age, marital status, sexual orientation, race); the lawful bases for processing of each of these categories are not identical, but consent is available for both. Consent must be freely given, express, informed, specific, and evidenced by written or electronic means. Opt-out and bundled consents are insufficient. Data subjects must be provided certain information prior to the collection and processing of their personal data or at the next practical opportunity.

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24 SC to Use Artificial Intelligence to Improve Court Operations, Supreme Court of the Philippines, March 4, 2022, available at https://sc.judiciary.gov.ph/sc-to-use-artificial-intelligence-to-improve-court-operations/.

25 Kris Crismundo, DTI eyes PH as AI powerhouse in region, Philippine News Agency, 5 May 2021, available at https://www.pna.gov.ph/articles/1139198.

26 Id., p. 16.

27 DPA, Secs. 12 and 13.

28 Personal information refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

29 Sensitive personal information refers to personal information:
(1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
(2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
(3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
(4) Specifically established by an executive order or an act of Congress to be kept classified.

On GAI use, the DPA and its regulations have specific rules on automated decision-making and profiling. Automated decision-making 'refers to a wholly or partially automated processing operation that can make decisions using technological means totally independent of human intervention'.[30] On the other hand, profiling means 'any form of automated processing of data consisting of the use of personal data, such as an individual's economic situation, political or religious beliefs, behavioral or marketing activities, personal preferences, electronic communication data, location data, and financial data, among others, in order to evaluate, analyze, or predict his or her performance, qualities, and behavior, among others.' [31] In this regard, the DPA requires that data subjects be informed if their personal data will be subject of automated decision-making and profiling.' [32]

The privacy regulator in the Philippines, the National Privacy Commission (NPC), has issued regulations requiring a personal information controller or processor that employs automated decision-making or profiling to register their systems with the NPC.[33]

The unauthorized processing of personal data and other violations of the DPA are subject to sanctions, including criminal penalties of imprisonment and fines as well as the imposition of additional administrative fines. We are not aware that enforcement actions have been pursued in relation to entities' use of GAI. However, considering the language of the DPA, it is likely that any liability for violation of the DPA and its related regulations would be imposed on the personal information controller or the person processing the data using GAI.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction?   How about intellectual property rights as to the user's queries?**

The determination of ownership and license rights over GAI-generated content may be the subject of future legislation in our jurisdiction. However, until a special law

on GAI-generated content is passed, the main legislation regulating intellectual property in the Philippines is Republic Act No. 8392, as amended, or the Intellectual Property Code of the Philippines ("IP Code").

Under the IP Code, original literary and artistic works are protected from the moment of creation.[34] The IP Code also extends this protection to computer programs, among others.[35] The GAI code may be considered as 'computer program' which is subject to copyright protection under the IP Code. The IP Code penalizes copyright infringement and punishes those who (a) directly commit the infringement, (b) benefit from the infringing activity of another if the person benefiting has been given notice of such infringing activity and has the right and ability to control the infringer's activities, and (c) with knowledge of the infringing activity, induces, causes, or materially contributes to the infringing conduct of another.[36] The use of data sets for AI should ensure that the data sets do not use copyrighted work without the necessary permissions. Otherwise, this would be considered as a violation of a copyright holders rights and would be considered as copyright infringement.[37]

The IP Code further protects derivative works, which include compilation of data.[38] The author or creator of copyright protected works have exclusive copyright or economic rights and may prevent other individuals from infringing on these rights.[39] Thus, theoretically, derivative works created by a natural person using AI would itself be protected under the copyright rules of the IP Code. However, the Intellectual Property Office of the Philippines (IPOPHL), the regulatory agency in charge of enforcing the IP Code, has informally opined that AI-generated works are not copyright protected, taking the position that only natural persons can be considered as authors under the

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30 NPC Circular No. 2022-04, Section 2 (A).
31 Id., Section 2 (L).
32 Implementing Rules and Regulations of the Data Privacy Act (DPA IRR), Sec. 34 (a) (1). The use of AI may be considered automated decision-making which is defined as 'a wholly or partially automated processing operation that can make decisions using technological means totally independent of human intervention.
33 NPC Circular No. 2022-04, Sec. 26.

34 IP Code, Sec. 172.1.
35 Id.
36 IP Code, Sec. 216.
37 Id.
38 Id., Sec. 173.1(b).
39 Id., Sec. 177. The economic rights of an author consist of the exclusive right to carry out, authorize, or prevent the following acts:
1. Reproduction of the work or substantial portion of the work;
2. Dramatization, translation, adaptation, abridgment, arrangement or other transformation of the work;
3. The first public distribution of the original and each copy of the work by sale or other forms or transfer of ownership;
4. Rental of the original or a copy of an audiovisual or cinematographic work, a work embodied in a sound recording, a computer program, a compilation of data and other materials or a musical work in graphic form, irrespective of the ownership of the original or the copy which is the subject of the rental;
5. Public display of the original or a copy of the work;
6. Public performance of the work; and
7. Other communication to the public of the work.

IP Code. Further, copyright in works that are partially AI-generated protects only those parts that are created by natural persons.[40] However, there is no formal issuance that documents the IPOPHL's position on this matter. We anticipate that this may either be subject to judicial interpretation or subsequent legislation.

The IP Code also allows the fair use of a copyrighted work for criticism, comment, news reporting, teaching including limited number of copies for classroom use, scholarship, research, and similar purposes which will not be an infringement of copyright.[41] The IP Code further provides, that in determining whether the use made of a work in any particular case is fair use, the factors to be considered shall include: (a) the purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes; (b) the nature of the copyrighted work; (c) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (d) the effect of the use upon the potential market for or value of the copyrighted work.[42]

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

We expect that the use and influence of AI in the legal profession will grow over the next few years, especially with the Supreme Court leading the charge towards the adoption of new technologies in delivering legal services.

a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

Our Technology Committee is currently studying how we can effectively and safely integrate GAI into our operations and the measures that we will put into place to ensure that our firm is equipped to navigate the GAI landscape.

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40 See Joseph Nacino, Building copyright awareness one reader at a time through the Big Bad Wolf book sale, IPOPHL WEBSITE, 24 August 2023, at https://www.ipophil.gov.ph/news/building-copyright-awareness-one-reader-at-a-time-through-the-big-bad-wolf-book-sale/
41 IP Code, Sec. 185.1.
42 Id.

Singapore

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

N/A

a. **If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?**

N/A

b. **If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?**

While TSMP does not disallow the use of AI tools or chatbots entirely, as of now, we have no concrete plans to formally adopt and utilize GAI within our operations.

The decision not to adopt GAI technology at this time is primarily due to concerns related to confidentiality, data privacy/security, and copyright/intellectual property. These are typical areas of risk associated with implementing GAI technologies, especially in a field as sensitive as law.

- Confidentiality: AI systems are susceptible to leaks or breaches of sensitive information. In March 2023, ChatGPT confirmed its first data breach which exposed a range of information including the questions asked of the tool by other users, and other personal data such as email addresses[1].

- Copyright and Intellectual Property: Training data used by AI tools draws upon a wealth of data that is likely to include copyrighted material. At present, ChatGPT does not provide source references or explanations for output generation, which poses a significant risk for practitioners relying on the data. It also may lead the user to unknowingly violating copyright laws when using its responses[2].

- Data Privacy: As AI products can collect information about the user, unfiltered disclosure of personal information may put lawyers in breach of Singapore's Personal Data Protection Act. For instance, as of August 2023, ChatGPT's privacy policy states that it collects IP addresses and browser information as well as data on the interactions users have with the site. Critically, ChatGPT also states that it may share users' personal information with unspecified third parties, without informing them, to meet their business objectives[3].

Nonetheless, we remain open to reconsidering our stance in the future, especially if advancements are made in GAI technology that address our concerns or if robust safeguards can be implemented to mitigate risks effectively. Additionally, regulatory changes or industry standards that provide clearer guidance on the use of AI in legal practices could influence our decision to integrate GAI in the future.

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes? What benefits have you observed and how has it changed the way legal tasks are approached?**

N/A

a. **Additionally, if you have restricted GAI into your firm's practices, how have you done so?**

While TSMP's policy is to restrict the use of GAI within legal processes, we recognise the potential benefits of GAI and selectively allow its use in specific contexts. Employees are permitted to use GAI for general inquiries or tasks that do not involve inputting sensitive client information. This includes tasks such as obtaining general information from publicly available sources, conducting research on non-legal areas in a non-client-specific context or other mechanical tasks like calculations of complex mathematical sums.

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1 "March 20 ChatGPT outage: Here's what happened" by OpenAi, 24 March 2023. (link: https://openai.com/blog/march-20-chatgpt-outage)
2 "Limitations and risks of using AI in legal practice" by Legal Practitioners' Liability Committee, 17 August 2023 (link: https://lplc.com.au/resources/lplc-article/limitations-risks-ai-in-legal-practice#limitations)

3 "Privacy policy" by Open AI, 14 November 2023. (link: https://openai.com/policies/privacy-policy).

Some restrictions the firm has put in place include:

- Prohibiting the use of GAI for drafting legal documents, conducting case research, or analysing matters related to ongoing cases.
- To safeguard against potential data breaches or leaks, the firm has robust data security measures, including secure storage systems, access controls and encryption/authentication protocols.
- Educate and raise awareness amongst employees of TSMP's usage policy towards GAI, as well as of the ethical implications of using GAI technology should lawyers negligently give client advise based on inaccurate AI-generated information.
- Employees utilising GAI during their work or in the creating of a final output should inform all subsequent users of the work that GAI was employed, so that users can fact-check as needed at, and at a minimum, are made accurately aware of the presence of GAI influences in the work.

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

N/A

a. **What safeguards would you put in place to mitigate these risks?**

The dangers of implementing GAI technologies in an organisation are apparent in the case of Samsung. Just weeks after the company lifted a ban on employees using ChatGPT, it came to light that there were three separate occasions where employees leaked sensitive information to the AI tool. This serves as an important lesson to firms to put in place mitigating measures when allowing their employees to use GAI for the very first time. If TSMP were to implement GAI technologies in our operations, some of the measures we might considering putting in place would be:

- Education and awareness: Issue recurring notices to employees warning them about sharing sensitive information with AI modes, and organise trainings, webinars and workshops on proper and safe usage of GAI[4].
- Restrictions on what GAI systems can be employed: Allowing employees access only to trusted and non-public GAI platforms, such as ChatGPT API or Microsoft's Azure OpenAI Service, which are more secure variations of the basic ChatGPT application so widely used right now[5].
- Restrictions on the ways in which GAI systems can be used: Since April 2023, OpenAI introduced the ability for users to turn off their chat history, such that users conversions with ChatGPT will be permanently deleted after 30 days, during which the data will only be reviewed when needed to monitor for abuse[6]. Firms can mandate that employees disable their chat history so that any data inputted would not be used to train OpenAI's models, thus mitigating data privacy and confidentiality concerns.
- Restrictions on the type of information employees can input into GAI: For instance, after learning that their employees were uploading sensitive client information onto ChatGPT, Samsung limited the byte size of each employee's prompt to ChatGPT to 1024 bytes, which naturally restricted the amount, and thus the depth, of information that each person could upload as a prompt at any one time[7]. Law firms can adopt similar measures.

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4 "Your Employees Are Already Using Generative AI: Here Are Guidelines to Help Them Use It Responsibly" by Glen Cathey, 4 May 2023 (link: https://www.linkedin.com/business/talent/blog/talent-acquisition/guidelines-for-using-gai-responsibly)

5 Ibid.

6 "New ways to manage your data in ChatGPT" by OpenAI, 25 April 2023 (link: https://openai.com/blog/new-ways-to-manage-your-data-in-chatgpt)

7 "Oops: Samsung Employees Leaked Confidential Data to ChatGPT" by Mack DeGeurin, 6 April 2023. (link: https://gizmodo.com/chatgpt-ai-samsung-employees-leak-data-1850307376)

4. In your jurisdiction, what are the client expectations or concerns over use of this technology? How the utilisation of GAI influences the interaction between a law firm and the clients?

N/A

a. How do you address these concerns and provide transparency to your clients about the technology's role?

TSMP has yet to employ GAI in our processes.

b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

Clients may inquire about the firm's approach to data security and privacy, particularly in cases where GAI tools involve processing sensitive information. We would assure our clients of the firm's data security and privacy protocols, highlighting our strict rule against any input of confidential information into GAI tools, as well as the use of redacting or anonymised tools to safeguard client information.

Additionally, there might be concerns about the accuracy and consistency of legal advice supported GAI-generated insights. We would emphasise the restricted usage of GAI to mechanical tasks, and the firm's prioritization of a human centric (as opposed to tech-led) approach to legal solutions.

c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

Yes, we would communicate our firm policy towards GAI to our clients. Transparency builds trust and demonstrates our commitment to upholding ethical standards and prioritizing personalized client interactions. By clearly explaining our rationale for restricting GAI usage and emphasizing our dedication to providing high-quality, personalized legal services, we aim to reassure clients of our commitment to their best interests and the integrity of their legal matters. Ultimately, we believe that open communication fosters understanding and strengthens the client-lawyer relationship.

5. What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?

N/A

a. If your firm is not currently using GAI, how would you go about this, in general terms?

If TSMP were to incorporate GAI into its processes, we would uphold the importance of maintaining a human centric approach, which is integral to the legal profession. Professionalism is reliant on the ability to connect with others, and thus, we would ensure that the integration of GAI does not overshadow this aspect[8]. This would be the starting point and framework under which the firm employs GAI.

In terms of operational mechanics and employee guidelines, the firm would emphasise:

- Conducting open and transparent discussions with clients to secure their consent regarding the use of GAI.[9] This includes clarifying its role in specific tasks and how it enhances efficiency without compromising personalized client attention.
- Educating clients about the benefits and limitations of GAI to foster trust and confidence in the firm's commitment to using innovative technologies responsibly.
- Prioritizing relationship-building efforts with clients – legal transactions are not abstract conundrums but are ultimately people issues which require facilitation, dialogue and sensitivity[10].

6. How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?

N/A

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8 "How important is the retention of the human touch in legal services to clients amid ever-increasing use of technology within law firms?" by Altior. (link: https://altior.co.uk/how-important-is-the-retention-of-the-human-touch-in-legal-services-to-clients-amid-ever-increasing-use-of-technology-within-law-firms/)
9 "Law Firms Wrestle With How Much to Tell Clients About AI Use" by Isabel Gottlieb, 29 November 2023 (link: https://news.bloomberglaw.com/business-and-practice/law-firms-wrestle-with-how-much-to-tell-clients-about-ai-use)
10 Ibid.

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

Given that the validation and review of every piece of work may pose challenges, it would be more realistic to foster a culture of responsibility among the firm's lawyers in order to hold every individual accountable for their personal/individual use of GAI. This could include:

- Implementing a firm-wide GAI Ethics Policy: A GAI Ethics Policy setting forth clear principles to ethical GAI use, and the risks of over-reliance on GAI advice without human verification, may promote responsibility and accountability.

- Reporting mechanism: Additionally, implementing a reporting mechanism whereby staff members can report any ethical concerns related to GAI usage, may serve to deter lawyers from relying on GAI indiscriminately without reviewing the work themselves[11].

- Declarations of reliance on GAI: Recently, a Hawaii federal court issued a general order requiring lawyers who submit anything to court using GAI to file a declaration captioned "Reliance on Unverified Source", acknowledging the use of AI and confirming that the material used is not fictitious[12]. Law firms can implement a similar requirement that lawyers using GAI must declare/confirm that they have reviewed the work and citations for accuracy. This is one way of holding employees accountable for the quality of their work.

7. How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?

N/A

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

Law firms should be proactive in establishing mechanisms to uphold ethical standards and professional responsibilities. Some suggestions include:

- Regular Ethics Training: Conduct regular ethics training sessions for legal practitioners to ensure they are aware of their professional responsibilities and ethical obligations[13]. These sessions should cover topics such as client confidentiality, conflict of interest, and maintaining integrity in legal practice.

- Peer Review and Collaboration: Encourage a culture of peer review and collaboration within the firm, where lawyers can seek feedback from colleagues on their work. This can help identify any ethical concerns or potential issues before they escalate.

- Establishment of Clear Guidelines: Develop clear guidelines and protocols for handling sensitive legal matters and client interactions. These guidelines should outline the firm's expectations regarding ethical conduct and provide practical guidance on how to navigate challenging situations.

- Appointment of Ethics Committee: Establish an ethics committee comprised of experienced practitioners within the firm to review complex cases or situations that raise ethical concerns. This committee can provide guidance and oversight to ensure that ethical standards are upheld.

8. Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?

TSMP has yet to employ GAI in our processes.

9. How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?

N/A

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

- There are no specific laws in Singapore that govern the use of AI specifically. However, it is likely that this will change soon. Already, certain statutes have been modified to address specific applications of AI:
    - (i) Singapore's Road Traffic Act 1961 was amended in 2017 in order to provide a regulatory

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11 "Implementing Responsible AI Usage at Your Law Firm" by LegalPromptGuide. (link: https://www.legalpromptguide.com/5.-implementing-responsible-ai-usage-at-your-law-firm)
12 "Can Lawyers Trust AI?" by Dentons, 20 November 2023. (link: https://www.dentons.com/en/insights/newsletters/2023/december/8/practice-tips-for-lawyers/can-lawyers-trust-ai)

13 "Strategies for Implementing Responsible AI in Business Operations" by Boardsi, 15 January 2024 (link: https://www.linkedin.com/pulse/strategies-implementing-responsible-ai-business-operations-boardsi-wuldc/?trk=organization_guest_main-feed-card_feed-article-content)

sandbox for the trial and use of autonomous motor vehicles, which was previously done by way of exemptions.

- (ii) The Health Products Act 2007 (HPA) requires medical devices incorporating AI technology (AI-MD) to be registered before they are used (see 15.3 Healthcare for further details).

• Additionally, there is a set of voluntary guidelines, A Model Artificial Intelligence Governance Framework (Second Edition)[14], released by the Infocomm Media Development Authority ("IMDA") and the Personal Data Protection Commission ("PDPC") in 2020. The Model Framework states that the use of AI should be fair, explainable, transparent and human-centric.

• The Model Framework is complemented by the Implementation and Self-Assessment Guide for Organisations ("ISAGO"[15]), which provides a set of questions and examples for organisations to use when self-assessing how their AI governance practices align with the Model Framework.

• Regulators also issue guidance notes for industries:

- The Monetary Authority of Singapore ("MAS") released the *Principles to Promote Fairness, Ethics, Accountability and Transparency (FEAT) in the Use of Artificial Intelligence and Data Analytics in Singapore's Financial Sector*[16] for voluntary adoption by firms providing financial products and services.

- The Intellectual Property Office of Singapore ("IPOS") issued the IP and *Artificial Intelligence Information Note*[17] to provide an overview of how AI-inventions can receive IP protection.

- The Ministry of Health, the Health Sciences Authority ("HAS") and the Integrated Health Information Systems co-developed the *Artificial Intelligence in Healthcare Guidelines*[18] in order to set out good practices for AI developers and complement the HSA's regulation of AI-MDs.

• More recently, the IMDA released a paper on 7 June 2023, "Generative AI: Implications for Trust and Governance"[19], that identified the risks of using GAI. Future regulation is likely to address these risks.

- False or erroneous responses: As the knowledge base of GAI is limited by the datasets upon which they are trained, their answers to novel questions or scenarios are merely educated guesses based on their input dataset, leading to potential erroneous responses known as "hallucinations" or "confabulations". This may pose significant risk if a user relies on erroneous responses (e.g. legal submissions) generated by the AI model[20]. In an address to newly called solicitors in 2023, Chief Justice Menon warned lawyers who use GAI that it was important to verify the accuracy of information gathered from such tools[21].

- Threats to privacy, security and intellectual property: GAI poses serious risks to privacy, as they tend to retain information for long periods of time. If users were to insert prompts containing confidential information to the AI model, that information would be out in the wild.

- Combating intellectual property infringements: GAI has made forgery, false attribution, and copyright infringement much harder to combat. This poses questions like whether a system can be considered the author of a work at law, and who should own the intellectual property to original works created by AI.

- Others: Other risks raised in the paper but that may not be as relevant to the use of GAI by lawyers include the increased ease of malicious activities such as malware, and the entrenching of inherent biases present in non-curated databases that are fed to the GAI.

10. Is GAI adoption an established trend or practice in your jurisdiction?

N/A

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14 "A Model Artificial Intelligence Governance Framework (Second Edition)" by IMDA and PDPC, 2020
15 "Companion to the Model AI Governance Framework – Implementation and Self-Assessment Guide for Organizations" by World Economic Forum and IMDA, January 2020.
16 "Principles to Promote Fairness, Ethics, Accountability and Transparency (FEAT) in the Use of Artificial Intelligence and Data Analytics in Singapore's Financial Sector" by MAS
17 "IP and Artificial Intelligence Information Note" by IPOS
18 "Artificial Intelligence in Healthcare Guideline" by Ministry of Health, October 2021

19 "Generative AI: Implications for Trust and Governance" by IMDA on 7 June 2023
20 "Singapore releases discussion paper on the risks associated with Generative Artificial Intelligence" by Dentons Rodyk, 6 July 2023 (link: https://dentons.rodyk.com/en/insights/alerts/2023/july/6/singapore-releases-discussion-paper-on-the-risks-associated-with-generative-artificial-intelligence).
21 "Lawyers should learn AI but must be aware of its ethical risks: Chief Justice Menon" by Straits Time, 21 August 2023 (link: https://www.straitstimes.com/singapore/courts-crime/lawyers-should-learn-ai-but-must-be-aware-of-its-ethical-risks-chief-justice-menon).

a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

• By the Judiciary: The courts are testing the use of GAI in the Small Claims Tribunal, with a view of employing the program in 2 years time. In August 2020, the Singapore courts signed a memorandum of understanding with American start-up Harvey AI to use their GAI technology[22]. It is aimed to help self-representing litigants in the SCT, in two ways:

- (i) Because the AI is fed specific information that is based on Singapore's law, past cases and court systems, self-representing litigants can ask the AI for guidance on potential next steps, deadlines, how much to claim, estimation of legal costs etc.

- (ii) The system would also help litigants with the procedural aspect of proceeding with a claim in the SCT, by pointing the user to the relevant websites and forms.

• By members of the public: There are experimental sites put up where people can raise legal queries to chatbots on what to do for neighbour disputes, crime cases or wills, among others. For instance, LawGuideSingapore is Singapore's first ever legal advice chatbot powered by GAI and was launched on Facebook Messenger in 2017[23].

• By law firms: Some firms have used AI to automate time intensive tasks traditionally performed by lawyers such as document review, due diligence, and basic legal research.

11. Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?

• Key regulatory agencies that oversee the development of Singapore's use of GAI include:

- Smart Nation and Digital Government Office ("SNDGO"): The SNDGO is under the Prime Minister's Office, where it plans and prioritises key national projects and drives the digital transformation of the government. The SNDGO issued the National AI Strategy in 2019[24]. A National AI Office was also established under the SNDGO in order to set the national agenda for AI, as well as partner the research community and industry to implement the National AI Strategy.

- Government Technology Agency ("GovTech"): GovTech is the implementing arm of the SNDGO, in which it develops products for the public and government, in addition to managing cybersecurity for the government.

- IMDA: IMDA regulates the infocommunications and media sectors and drives Singapore's digital transformation. The PDPC is part of the IMDA, where it implements policies to balance the protection of an individual's personal data with organisations' need to use it. The IMDA/PDPC issued the Model Framework, which is sector-agnostic.

- IPOS: The IPOS has initiated fast-track programmes for patent protection and copyright protection to support AI innovation.

• Other bodies have also been set up that will complement the work of the regulatory agencies.

- The Advisory Council on the Ethical Use of AI and Data: Chaired by the former Attorney-General V K Rajah SC and comprising 11 members from diverse industry backgrounds (multinational corporations and local companies, as well as advocates of social and consumer interests) – the Council works with the government on responsible development and deployment of AI, advising on ethical, policy and governance issues.

- AI Singapore: A national programme comprising a partnership between various economic agencies (eg, the IMDA, Enterprise Singapore, and the SNDGO) and academia, was launched in May 2017 to accelerate AI adoption by industry.

• With respect to regulating the use of GAI in the legal sector specifically:

- (i) Ministry of Law ("MinLaw"): MinLaw launched the Legal Industry Technology and Innovation

22 "Generative AI being tested for use in Singapore courts, starting with small claims tribunal" by TodayOnline, 27 September 2023 (link: https://www.todayonline.com/singapore/generative-ai-being-tested-use-singapore-courts-starting-small-claims-tribunal-2268976)

23 "Singapore Has Its First Ever AI Legal Chatbot" by ALM Media, 10 July 2017 (link: https://finance.yahoo.com/news/singapore-first-ever-ai-legal-030526545.html)

24 "National Artificial Intelligence Strategy" by Smart Nation Singapore.

Roadmap ("TIR")[25] in 2020. The TIR is a ten-year plan that will help the legal industry harness technology to increase productivity. AI is seen as a means to reduce or eliminate rote tasks in order to free lawyers up for more valuable work that requires human attention. The TIR also suggested that AI could be used to carry out risk assessments and outcome simulations that would assist litigants on possible outcomes of a case and serve as guidelines for judges.

- (ii) Singapore Academy of Law ("SAL"): SAL's Law Reform Committee has issued two reports that make recommendations on the application of the law to robotic and AI systems in Singapore, namely:

    - Criminal Liability, Robotics and AI Systems[26]; and

    - The Attribution of Civil Liability for Accidents Involving Autonomous Cars[27].

12. **In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?**

- The PDPC published a preliminary draft of advisory guidelines on 18 July 2023 on the use of personal data in GAI systems ("*Proposed Advisory Guidelines On Use Of Personal Data In Ai Recommendation And Decision Systems*"[28]). Key takeaways are set out below.

- Where organizations are considering using personal data to develop, test, or monitor an AI System, they may be able to rely on one of two statutory exceptions in the PDPA instead of obtaining consent for the use of personal data for this purpose.

    - (i) **Business Improvement exception**: In relying on this exception, organisations must consider whether the use of personal data contributes to improving the effectiveness or quality of the AI System as well as "common industry practices

or standards on how to develop test and monitor AI Systems."

- (ii) **Research exception**: In relying on this exception, organisations must consider whether the development of the AI system will improve the understanding of science or engineering or will benefit society by improving the quality of life.

- This reflects the PDPC's relatively accepting stance towards the use of personal data in training AI systems. Organisations are allowed to use personal data instead of anonymised so long as an evaluation of the "pros and cons" of using either type of data is conducted and documented internally.

- The guidelines confirm that the PDPA's consent, notification, and accountability obligations apply to the collection and use of personal data in the Business Deployment of AI Systems. For instance, with respect to obtaining consent for use of personal data, it is recommended that organizations involved in the Business Deployment of AI Systems to provide users with sufficient information on (i) the product feature that requires personal data to be collected and processed, (ii) the types of personal data that will be collected and processed, (iii) how the processing of personal data is relevant to the product feature, and (iv) the specific features of personal data that are more likely to influence the product feature.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction? How about intellectual property rights as to the user's queries?**

- In determining ownership and license rights of GAI-generated content, much of the debate concerns whether AI is seen as a mere tool (akin to a paintbrush) when producing output or, where the machine determines how to implement the human's instructions, whether it is more akin to instructing a commissioned artist.

- Singapore does not yet have reported decisions on Generative AI and the surrounding IP rights, but there are a few UK cases that are instructive on the matter, which may be persuasive in Singapore courts.

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25 "Technology and Innovation Roadmap" by Ministry of Law, 2020
26 "Criminal Liability, Robotics and AI " by SAL, February 2021
27 "The Attribution of Civil Liability for Accidents Involving Autonomous Cars" by SAL, September 2020
28 "Proposed Advisory Guidelines On Use Of Personal Data In Ai Recommendation And Decision Systems" by PDPC, 18 July 2023

- **In relation to copyright**, the current position under the Copyright Act 2021 is that the author must be a natural person. The Singapore Court of Appeal affirmed in Asia Pacific Publishing Pte Ltd v Pioneers & Leaders (Publishers) Pte Ltd [2011] SGCA 37 that copyright protected will only arise where the work was created by a human author or human authors.

- However, the UK High Court case of Express Newspapers Plc v Liverpool Daily Post & Echo Plc [1985] 1 WLR 1089 found copyright to subsist in a computer-generated work on the basis that the programmer who devised the computer program was the author of the work. In coming to its decision, the High Court likened the computer to a mere tool that was used by the author to generate the work, akin to a pen in the hand of a writer. If the Singapore courts are willing to take this approach – that is, to regard AI systems as mere tools which are used by humans to create works, then the requirement to identify a human author would not prevent copyright protection from being conferred on AI output.

- **In relation to patents**, *Thaler v Comptroller General of Patents, Designs And Trade Marks* [2023] UKSC 49 considered whether creations by GAI can be patented. The Supreme Court ultimately denied to allow a patent over inventions that were created by an artificial intelligence machine (ie. DABUS).

  - **Background**: Under the Patents Act 1977 ("**Patents Act**"), a patent applicant can only be brought by a natural person. Further, the inventor of the creation has a right to be mentioned in the application as the actual deviser. In this case, the Appellant, Dr Thaler, had brought a patent application under his name, but named the inventor of the creations as DABUS, an artificial intelligence machine that he owned.

  - **Three key findings**:

    - (i) While machines may have the ability to generate work, these machines are not inventors within the meaning of the Patents Act and are not entitled to the works they generate. In other words, DABUS has no legal personality and cannot be an "inventor" for the purposes of the Patents Act.

    - (ii) Dr Thaler did not have an independent right to patent the creations on the basis of his ownership of DABUS.

    - (iii) Dr Thaler had failed to indicate the derivation of his right to be granted the patent, and his reliance on the fact that DABUS was the inventor meant it was not possible for the machine to transfer rights to him.

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

    N/A

    a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

    - **Automation of legal work**: GAI may help lawyers better perform knowledge work, such as conducting legal research and generating first drafts of documents. Such efficiency gains will free up lawyers' time, so that they can focus on performing higher value work such as crafting case / negotiation strategies, identifying new business opportunities and building relationships with clients.

    - **Increasing access to justice**: GAI can help those who are unrepresented to identify strengths and weaknesses of their case, consider the necessary evidence they can present to a judge, or nudge them towards a settlement or resolution out of a courtroom if that is feasible[29].

    - **Support in the judicial process**: GAI has been used in courtrooms elsewhere to give judicial officers recommendations on setting bail and sentencing, and to help lawyers analyse which arguments have the likeliest probability of success before judges.

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29 "Generative AI could increase access to justice: High Court judge" by Straits Time, 4 August 2023 (link: https://www.straitstimes.com/singapore/generative-ai-could-increase-access-to-justice-high-court-judge)

Vietnam

1. **Does your law firm currently utilise or plan to utilise generative AI (GAI) within its operations?**

   YKVN is currently utilising the Bing Chat Enterprise which is integrated into Microsoft Edge.

   a. If so, could you elaborate on the specific areas or tasks where GAI is employed or would be employed, and what policies your law firm has in place to guide usage?

   Bing Chat Enterprise is presently utilized to streamline research tasks for our lawyers and staffs.

   We already have in place IT policies regarding, amongst others, the use of applications (which generally covers GAI) and information security for such usage. We plan to adopt more specific policies regarding GAI given the use of GAI is expected to grow in the future.

   b. If not, could you share the reasons behind the decision not to adopt GAI technology at this time. Are there specific factors, concerns, or challenges that led your law firm to take this approach? Are there any conditions or developments under which your firm might reconsider integrating GAI in the future?

   N/A

2. **Can you share examples (in general terms) of how your law firm has successfully utilised GAI into its in-house processes?**

   YKVN has introduced the utilisation of Bing Chat Enterprise into the work process. Lawyers and staffs can use this software to assist in their daily tasks, including streamlining legal research processes. This enables our team to receive simplified answers to complex questions and facilitates a quick and efficient orientation to commence legal research processes. For example, should a client request a question regarding a complex topic, instead of researching different sources to provide an answer which could be time consuming, lawyers could first seek a simplified answer from the GAI which they could then use as a starting point to build their answer, providing them with a solid foundation on the issue at hand.

What benefits have you observed and how has it changed the way legal tasks are approached?

Currently, the GAI can facilitate our research tasks, thereby helping to streamline the process of completing the works. However, the GAI has only been implemented recently and we are continuing to observe its effect on our legal tasks.

a. Additionally, if you have restricted GAI into your firm's practices, how have you done so?

N/A

3. **What challenges have you encountered, or do you anticipate encountering when implementing GAI technologies and tools within your law firm?**

   It is anticipated that implementing GAI technology in the law firm will result in various challenges:

   - Given that GAI technology is relatively new, the outcomes it produces is at risk of being inaccurate since it has access to a wide range of diverse data sources, potentially including insufficient or outdated data or even fabricated data invented by the GAI to generate an answer.

   - Ensuring compliance with data privacy regulations and protecting client information is a significant concern. GAI systems typically necessitate access to data and information to formulate responses, raising concerns about data security and confidentiality.

   - Integrating GAI tools with existing software systems of the law firm can be complex.

   - Training staff members to effectively and safely use GAI tools and encouraging adoption across the firm may present challenges. Unfamiliarity with new technology, and the need for ongoing training and support are common obstacles.

   - Managing client expectations regarding the use of AGI in legal services is crucial. Clients may have concerns about the role of AI in decision-making and the potential impact on the attorney-client relationship.

- Another key issue is the potential intellectual property violations that may occur. The attribution of copyrights for AI- generated works in Vietnam is a complex issue as there is no specific legislation regulating GAI yet. Vietnamese Intellectual Property Law regulates that "author" of a copyright is the person who directly creates the work, and that a person who only gives instructions, ideas or materials for others to create work cannot be considered as an author, nor co-author of such work. Without further guidance or regulations governing the use of AI-generated work, it becomes challenging to determine the copyright ownership of AI-generated works. This matter is still under development and subject to the interpretation of authorities.

- Finally, users of GAI may violate the copyrights of the true owner of the data when using a GAI-generated output for their own products.

a. What safeguards would you put in place to mitigate these risks?

Training courses/presentations will be used to teach and introduce lawyers and staffs of how to successfully operate and integrate GAI into everyday working duties whilst explaining the potential risk involved with this new technology and how to avoid it. Moreover, it will be also advocated that the software's outcomes should always be reviewed by lawyers and staffs to avoid inaccurate information and that there should never be a blind reliance on it. As a result, lawyers and staffs will be more aware of the nature of this technology and the potential risk associated with incorrect usage, now being better equipped to use GAI in a successful manner which can be beneficial.

4. In your jurisdiction, what are the client expectations or concerns over use of this technology?

Given that the use of GAI is relatively new in Vietnam, we have not yet received any specific concerns from the client regarding the use of GAI in the legal works.

Currently, we have only received requests from clients for the establishment of policies regarding information security which we already have in place. We are continuing to observe client's needs and expectations and prepared to accommodate GAI to improve our work with clients.

How the utilisation of GAI influences the interaction between a law firm and the clients?

GAI has not, and we believe it should not significantly affect the interaction between YKVN and clients. Outcomes produced by GAI will always undergo thorough review and development by lawyers to ensure accuracy, correctness and completeness of the products delivered to the clients. Generally, responses obtained from GAI are often simplistic, basis and may not adequately and fully address clients' requests. Therefore, without our comprehensive review and development, these outcomes can not be products delivered to the clients. This measure is implemented to maintain the quality of services we deliver to our clients and to ensure that client interactions remain at a standard similar to that before the adoption of GAI technology. YKVN attempts to keep client interaction in a similar manner, ensuring that clients receive the genuine human characteristics in which they are familiar with in meetings and discussion. In short, GAI will only be used to support work duties, enhancing productivity and the quality of work, without interfering with the standards in which clients are accustomed.

a. How do you address these concerns and provide transparency to your clients about the technology's role?

We are willing to disclose to our clients our IT policies which cover information security when using GAI. In addition, we are committed to maintaining the quality of the services we provide to the client, ensuring that they will not experience any adverse change or difference when using our services.

b. If your firm is not yet using GAI, what concerns do you anticipate clients having and how would you deal with these concerns?

N/A

c. If your firm has restricted using GAI, would you communicate this to clients and how do you anticipate clients would react, generally?

N/A

5. **What strategies does your law firm use to ensure that the integration of GAI does not compromise the rapport and personalised client interactions that are vital to the legal profession?**

As noted, all outcomes provided by GAI will be thoroughly reviewed and developed by lawyers to ensure correctness, accuracy, and alignment with the client's request. GAI will not completely alter the way work is conducted given it will only be used as an assistant tool. GAI will only provide a general foundation for lawyers and staffs to commence their research works. This strategy ensures that client's requests are still personalised and does not compromise this integral aspect at all.

a. If your firm is not currently using GAI, how would you go about this, in general terms?

N/A

6. **How do you maintain the quality and accuracy of legal work when incorporating GAI into your processes? What mechanisms are in place to validate the outcomes produced by GAI tools?**

Our lawyers and staffs will consistently review the outcomes generated by GAI to guarantee correctness, accuracy, and alignment with the client's request. GAI should only be used as an assistance tool and should not be blindly relied upon. YKVN will ensure that there will always be a human intervention which examines the GAI outcome to ensure quality and accurate legal work.

a. If your firm is not currently using GAI, how would you go about checking the quality and accuracy of GAI generated work?

N/A

7. **How does your firm try to monitor and assure that GAI-generated content aligns with your firm's ethical standards and the professional responsibilities of legal practitioners?**

The lawyers and staffs are required to carefully review any GAI generated content to ensure that it aligns with YKVN's ethical standards and policies. Any GAI generated content that violates these standards and policies will not be permitted for use under any circumstances. Lawyers and staffs will also be introduced to the professional responsibility they are accountable for when using GAI. This is apart of the training courses/ presentations previously mentioned.

a. If GAI is not currently being used by your firm, what would you suggest law firms do to make sure they still meet their responsibilities?

N/A

8. **Any tips or useful examples on using GAI that you would like to share with other WSG attorneys?**

While GAI is highly useful in assisting legal works, it should not be fully relied upon, and blind reliance on GAI should be avoided. The lawyers and staffs should consistently review and amend GAI's outcomes to align with their work standards and should also raise questions and concerns during their review of the GAI outcomes. Overall, GAI should be treated as merely an assistant tool to aid in the legal works and there remains a significant need for human corrections to carefully examine and adjust its outcomes. Legal professionals should also not allow GAI to completely alter the way they work.

9. **How does the regulatory landscape in your country address the use of GAI in legal services? Are there specific guidelines or regulations that law firms need to adhere to?**

N/A

a. If there are not any regulations currently, do you anticipate this changing soon? How do you believe the regulatory environment will deal with GAI in the future?

Currently, Vietnam lacks any specific regulations governing the usage of GAI in legal services. However, it is anticipated that this will change soon given the recent directives issued by the Government. In particular, the Prime Minister has issued Decision No. 749/QD-TTg

dated 3 June 2020 on National Digital Transformation Program until 2025, aiming towards 2030 and Decision No. 127/QD-TTg dated 26 January 2021 on National Strategy for Research, Development, and Application of AI until 2030 and assigned relevant authorities to build AI-specific legal frameworks, give trainings on AI and prepare adequate IT infrastructure. On 30 January 2022, in Resolution No. 13/NQ-CP, the Government of Vietnam approved a legislation development plan that recognizes the necessity of establishing a Law on the Digital Technology Industry targeting the regulation of AI products. After that, in early 2022, the Ministry of Information and Communications (MIC) circulated the first outline of the draft Law on the Digital Technology Industry for public opinion, in which there is a chapter dealing with AI products. However, no detailed provisions have been announced or circulated yet. In addition, the MIC currently is drafting a national technical regulation for AI, but the schedule for release of the draft remains unclear. As of now, we have not heard of any updates to or on either draft. Even though there is no legislation directly regulating AI or GAI in Vietnam, it appears that there is an anticipation that Vietnam will enter the AI Market drawing inspirations from established approaches from other countries.

10. Is GAI adoption an established trend or practice in your jurisdiction?

N/A

a. Are there any trends or practices that you've observed among your peers regarding the integration of GAI into legal operations?

As we are aware, currently, the usage of GAI in the law industry is still limited. Some law firms, including YKVN, are exploring the possibility and potential usage of this new technology, which is still in the early stages of testing GAI.

11. Are there any industry-specific committees or organisations in your country dedicated to discussing or regulating the use of GAI in the legal sector, and does your law firm participate in these discussions?

Currently in Vietnam, there is no specific committee or organization solely dedicated regulating GAI in the legal sector. However, there are several organizations which actively engage in this topic. For example, the Ministry

of Science and Technology leads research regarding AI development in Vietnam while the Ministry of Justice oversees the Vietnamese legal system regarding AI. Both of the organizations are likely to play an integral part should regulations regarding GAI be implemented in the near future. YKVN is prepared to contribute opinions and share our experience with the use of GAI during the establishment of AI laws to the extent applicable.

12. In relation to privacy and data protection (including data export controls) that are collected and re-purposed by GAI tools, what are the basic rules or issues cover such, and how do you anticipate the determination of liability in such cases unfolding in your jurisdiction?

As noted above, Vietnamese law currently lacks a legal framework specifically regulating the operation of GAI, including its use in the legal sector and other sectors. As such, regulations on data protection under Decree No. 13/2023/ND-CP of the Government (Decree 13) generally apply to the operation of GAI and its uses. According to these regulations, all forms and all stages of data processing require prior consent from the data subject except for very limited cases. Therefore, any personal data collected and processed by GAI would require a prior consent of the data subject. Under Decree 13, data consent, whether full, partial or conditional, needs to be voluntary and explicit to be valid. In particular, the data consent is only considered valid if the data subject provides consent voluntarily and is informed about (i) the type of personal data being processed, (ii) the purpose(s) of the processing, (iii) the person or organization processing the personal data and (iv) the data subject's rights and obligations. Silence or deemed consent is invalid under these regulations.

In term of data export, if the personal data of Vietnamese citizens is transferred abroad, the data controller, data processor, and data controlling and processing entity is required to submit to the Department of Cybersecurity and Hi-Tech Crime Prevention (A05) of the Ministry of Public Security (i) a data processing impact assessment dossier within 60 days from the start date of personal data processing and (ii) a data overseas transfer impact assessment dossier within 60 days from the date of transfer. Additionally, after successfully transferring the data, they are also required to submit a written

notification to the Department of Cyber Security and Hi-Tech Crime Prevention, which includes information about the data transfer and the contact details of the responsible organization and/or individual.

Given that the data collection, processing and export might be done automatically by AI, there is a risk that any such data collection, processing, export would fail to comply with the legal requirements set out above. Given that Decree 13 has only recently come into force, we have yet to see any litigation cases relating to breach of data privacy rules by GAI in Vietnam nor have we seen how the authorities would enforce such requirements in the event of a breach of data privacy rules by GAI and its users in Vietnam.

13. **With regard to GAI-generated content, particularly in relation to copyrights and other intellectual property, how do you anticipate the determination of ownership and license rights in such cases unfolding in your jurisdiction?   How about intellectual property rights as to the user's queries?**

In the absence of specific regulations governing GAI generated content, general regulations relating to intellectual property and copyright will govern this area. Interpretation of these regulations in the context of GAI will be at the sole discretion of the authorities. Please also see our discussion in Question 3.

14. **How do you foresee GAI's influence on the legal industry in your country over the next few years, and what steps is your law firm taking to adapt and remain at the forefront of these developments?**

We believe that GAI will have a significant impact on the legal industry for years to come. In addition to simple legal research, GAI can assist in drafting legal documents such as contracts, agreements, and applications by generating initial drafts based on precedents and templates with specific input criteria. It can also review and revise legal documents by identifying key clauses, potential risks, and discrepancies within large volumes of contracts. Additionally, it can conduct legal due diligence by analysing and summarizing legal documents, information and data associated with transactions. While its usage could be deemed useful in certain aspects of the legal industry, GAI usage in the legal industry cannot substitute for human involvement. There will still be a need for

lawyer interaction, developments and adjustments, as each case and transaction is unique. It is not feasible to apply one set of precedents and templates to all cases and transactions without the need for amendment and adjustment to reflect the structure and commercial intents.

Given this, to adapt and remain at the forefront of these developments, YKVN is considering implementing the following steps:

- YKVN will continue to ensure that it provides adequate training for its lawyers and staffs so that they can understand how to successfully and efficiently integrate GAI into their work duties. This includes enhancing their knowledge, skills and behaviour when using GAI, thereby ensuring that they can actively use and exploit.
- We are encouraging our lawyers and staffs to explore new ideas and approaches for integrating GAI into our legal practice.
- We are working with technology companies specializing in GAI to explore the options for integrating cutting-edge tools and resources. We will also engage with external experts in the field of GAI to gain insights and guidance on best practices and emerging trends.
- We are closely monitoring regulatory developments related to GAI to ensure compliance with any new laws or guidelines governing its use in the legal sector.

a. What measures have you, or will you put in place to ensure that your firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI?

To ensure that our firm is equipped with the necessary skills and knowledge to effectively navigate the evolving landscape of GAI, we are implementing and will implement several measures, including:

- We will continue to provide training programs to our lawyers and staffs to enhance their understanding of GAI technologies, including seminars, workshops, and online courses.
- We are considering to allocate resources for research and development projects focused on exploring the

application of GAI in various legal tasks.

- We closely monitor regulatory developments related to GAI to ensure compliance with any new laws or guidelines that may impact our operations.

Overall, our approach is proactive and multifaceted, aiming to stay ahead of the curve in leveraging GAI technologies to enhance our legal services.

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