

SERVICE

Artificial Intelligence

Osler is widely recognized for having Canada's leading practices aimed at the industries of the future



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Artificial Intelligence (AI) is transforming the world around us. What once seemed like science fiction is increasingly becoming part of our daily lives. From using facial recognition to access our phones to generating answers to complex questions, we have a glimpse of AI's potential to transform how we work and live.

At Osler, our team of legal experts in Technology, Privacy and Data Management, Intellectual Property and Emerging and High Growth Companies understand the opportunities and challenges AI presents. AI solutions are designed to perceive, learn, reason and make independent decisions in ways that are similar to humans. This raises critically important legal, ethical and governance issues. For example:

- **Data** – Data is the new oil of the digital economy. Nowhere is this more evident than in AI. AI solutions require access to large, often massive, volumes of data. Access to data, and who controls and benefits from it and its derivations, are crucial and often contentious issues that need to be addressed head-on. Additionally, the type of data that is used to build an AI solution can have implications on how it functions. Including whether a solution creates bias or other forms of harm.
- **Intellectual property (IP)** – Is it an infringement of copyright to reproduce a lawfully accessed work for the purposes of information analysis? Can an AI solution be an author and create a work in which copyright exists? Can an AI solution be an inventor of a patentable invention? Critical questions, without clear answers, that need to be addressed in any project involving the development, distribution or use of AI.
- **Privacy and data protection** – AI makes privacy compliance and regulation exponentially more complex. Applying fair information principles – including consent, reasonable purposes and accountability – in the context of AI creates new challenges and uncertainty that can't be ignored.
- **Allocation of risk** – Who is liable when an AI solution makes a decision that causes harm? How should IP and privacy risks be allocated? The commercialization and use of AI solutions requires a new paradigm for thinking about and allocating risks.
- **Ethics and compliance** – For AI to be accepted within society, AI solutions must be

trusted. The basis for decisions made by AI solutions must be understood and must not be biased or discriminatory. Self-regulatory regimes and standards are emerging as legislators are also looking to regulate harmful uses of AI. The legal and reputational stakes are high, making a commitment to strong governance and guardrails more important than ever.

Why Osler AI?

Hands-on experience and expertise.

Osler is widely recognized for having Canada's leading practices aimed at the industries of the future. Our clients are at the epicentre of change. And so are we. We work with clients across the AI ecosystem, including global tech giants, unicorns, startups and users of AI systems, to help them develop and realize their AI strategies.

Key Contacts



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Awards and Recognition

- Canada's Leading Lawyers for Business: Recognized in Information Technology (Band 1); Startups & Emerging Companies (Band 1) and Privacy & Data Protection (Band 1).

—**CHAMBERS CANADA:**

- Named 'Technology Law Firm of the Year', 2020.

—**CHAMBERS CANADA AWARDS**

- Recognized for Technology Transactions.

— **THE CANADIAN LEGAL LEXPERT DIRECTORY**

- Recognized in Technology (Tier 1).

—**LEGAL 500**