

Law and Disruptive and Emerging Technologies

UGRA_016649

Departments	Department of Law
Teaching Languages	English
ECTS	6
Teacher responsible	Ignacio Costas Ruiz del Portal - ignasi.costas@esade.edu

Course Goals

Understand the evolution and adaptation of law to technological developments.

Learn how to use law as a strategic tool for business growth and protection.

Acquire knowledge about the future of law issues that will be key to the society of tomorrow.

Understand the intersection between technology, law and strategy.

Previous knowledge

No prior knowledge is necessary.

Teaching methodology

Lectures on theory and case studies Assessment:

In-class participation, including group simulations: 30% Multiple-choice exam: 30%

Individual final project: 40% Practical project developing a regulatory strategy for a fictitious company developing cutting-edge technologies.

Description

Short description

This course offers a strategic look at the impact of digital transformation on law, exploring how emerging technologies are reshaping the regulatory framework, legal practice and individual rights, using a combination of legal concepts which are primarily based on a continental European perspective, but with significant cross-jurisdictional relevance in other main jurisdictions such as the United States.

Throughout the course, students will develop the ability to anticipate and manage the legal impacts of innovation, structure business models from a

solid legal foundation, and play an active and strategic role in building a more secure, equitable, and efficient digital environment, from an advanced legal perspective connected to the real challenges of the present and the future.

Content

#	Topic
1	Unit 1: Introduction. Law and digital transformation Technological innovations and their legal implications • The dynamic adaptation of law to technological advances. • Law as a lever for the growth of the digital ecosystem. • Pillars of the European and international regulatory framework for technology. • Digital rights: freedom, privacy, and access. • Risks of the online environment: identity, reputation, and security Legal structuring of disruptive business models • People: Fundamental pillars for the creation of solid and scalable legal structures. • Regulation: Prohibited activities and regulated sectors. Operating in grey areas. • Technology: Legal strategies as a tool for growth and protection of disruptive business models • Funding. • Law as a driver of innovation and start-up growth.
2	Unit 2: Lifespan of a Digital Business Key founder agreements to a disruptive business model • The shareholders agreement as a key element of growth • Founders' commitments and consequences of departure. • Key features and differences with investor shareholder agreements. • Key issues in founders' agreements. • Stock option plans and phantom shares. Growing a digital business model • Investment agreement structures. • Start-up governance with investors. • Incubators and accelerators. • Corporate venturing and intrapreneurship programs Start-up investment instruments and their regulation • Collective investment undertakings and venture capital funds. • Crowdfunding. The business after the founding team • Exit strategies: sale, IPO, and other exit possibilities. • Share vs. asset purchase. • SPA structure and clauses.
3	Unit 3: Technology and regulated sectors Technology and financial regulation • The Fintech sector. Basic aspects of banking regulation and payment services. • Regulatory requirements for operating: authorisation processes, compliance, and money laundering. • Interaction with financial consumers and digital transparency. Blockchain and crypto assets • Blockchain technology and its challenges. DAOs, wallets and custody: new legal agents and emerging obligations. • Introduction to blockchain-based contracts, their application and legal challenges. • Asset tokenisation: financial instruments, utility tokens and NFTs. • MiCA and its impact on Web3 start-ups.
4	Unit 4: Protecting intangible assets in the face of technological advances The protection and exploitation of technological assets and their evolution • Legal protection of software and copyright in digital content. • Licences for use and exploitation. Technology patents. • Trade secrets. • Technology transfer. Artificial intelligence and its impact on intellectual property rights • AI-generated works: human, shared or non-existent authorship? • Rights over datasets, algorithms, and trained models. • Licences, fair use, and training data. • New categories: inputs, outputs and models as protectable assets. • AI systems and their regulation.
5	Unit 5: Sustainability, ESG, and technology Ethics and technology • Ethical principles of design and use of disruptive technologies. • Algorithmic governance: transparency,

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5	accountability and explainability. • Combating automated bias: impact and correction mechanisms. Digital sustainability and European regulation • Green technologies and the role of law in the ecological transition. • European taxonomy, ESG reporting and its impact on start-ups.
6	Unit 6: Technology, and the future of law and justice AI, robotics, and civil law • The future of AI, robotics, and civil law. • Legal, patrimonial, and contractual capacity of autonomous agents. The “artificial intelligence” as a holder of rights and obligations. • The liability of autonomous agents. Technology and criminal law • The perpetration of crimes by artificial intelligence systems. • Challenges in the attribution of criminal responsibility: Problems in identifying the responsible party when AI acts autonomously or is used as a tool. • Deepfakes and cybercrime: AI as a means of falsifying identities, manipulating information or committing fraud. The legal system of the future • Use of AI in litigation: jurimetrics, prediction, and procedural automation. • Digital evidence and its admissibility. • Intelligent legal assistants: limits and opportunities.

Assessment

Tool	Assessment tool	Category	Weight %
Participation in program activities	Participation	Ordinary round	30.00%
Written and/or oral exams	Multiple-choice exam	Ordinary round	30.00%
Final individual project	Individual final project	Ordinary round	40.00%
Written and/or oral exams	Others	Retake	100.00%

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)
113 Year 1 (Optative)

GBD20-Double Degree in Business Administration and Law (Undergraduates: Law)
GBD20 Year 5 (Optative)

GDL20-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)
GDL20 Year 5 (Optative)

GED20-Bachelor in Law (Undergraduates: Law)
GED20 Year 4 (Optative)