



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Ai and Media Law

2526-1-F552MI043

Learning objectives

The course aims to provide students with a comprehensive overview of media law in relation to the opportunities and challenges posed by artificial intelligence systems. The course is thus intended to give a general framework of media law and the constitutional and supranational principles on which it is based, and then to focus on issues related to the impact of the internet and AI on the production, circulation, and consumption of media.

Specifically, particular attention will be given to some of the most significant problems that have emerged so far and that often still lack complete regulation at the legislative level: the liability regime for offenses committed by AI systems; generative AI systems and copyright protection; defamation, hate speech, and deepfakes.

Contents

At the end of the course, the students will have an in-depth knowledge of media law both in general and, more importantly, in relation to artificial intelligence systems. The students will have developed skills in analyzing regulatory and jurisprudential data and will have gained an understanding of how media law adheres to certain established principles while also being subject to significant pressures from technological development. The students will have developed the ability to frame the main issues related to AI systems from a legal perspective and will have acquired the skill to identify possible solutions to emerging problems in the field of media law.

Detailed program

The first part of the course is dedicated to introducing students to media law in general. Freedom of expression and the freedom to inform and be informed will be analyzed, including a historical perspective, within European and American constitutionalism, international declarations of rights, and the European Union. Particular attention will be given to the relationship between media and democracy, emphasizing the central role of freedom of expression in

democratic constitutional regimes and the multi-level system of rights protection.

The main focus will be on national and European legislation related to media (press, radio, television, internet, social media...), highlighting how jurisprudence plays a decisive role in media law, even in civil law systems. Special attention will be devoted to current issues such as freedom of the press online, criticism and satire, privacy and personal identity, the right to be forgotten, commercial speech, and copyright. A particular focus will be given to Internet regulation, including the online liability regime, anonymity, the protection of online content, fake news and disinformation, hate speech, the role of digital platforms in controlling and removing illegal content, data protection, and the relationship between technology and democracy. This will be primarily achieved by examining jurisprudential cases from Italian, European, and other foreign courts.

The second part will be dedicated to the influence of AI in the field of law, particularly in media law. The analysis will focus on the influence of machine learning systems in the sphere of communication and information, examining both the threats to fundamental rights and the advantages that AI can bring to the protection and promotion of rights. In particular, the study will focus on both the algorithms that select, sort, or remove content (e.g., the algorithms of Facebook or Google) and those capable of creating content (e.g., ChatGPT).

The first regulatory texts entirely dedicated to AI (such as the European Union's AI Act) will be analysed, as well as specific regulations introduced to govern AI-related phenomena. Given that laws explicitly addressing artificial intelligence are still few and very recent, significant attention will be devoted to the most relevant case law.

The following topics will be specifically analysed: the legal framework of AI; the liability regime for activities performed by AI systems; copyright protection for data used in training AI systems; the possibility of recognizing copyright in relation to outputs generated by AI systems; defamation and AI; regulation of deepfakes; hate speech and AI; AI and personal data protection.

Prerequisites

There are no specific prerequisites other than the general requirements for admission to the Master's Degree.

Teaching methods

The course will be delivered through: (a) lectures; (b) student presentations of cases and legal issues. Active student participation is encouraged, and classes are open to discussion.

Assessment methods

For students who attend classes, assessment will be based partly on the work carried out during the course and partly on a final oral examination.

Non-attending students will be assessed through an oral examination on materials agreed in advance with the instructor; for this purpose, non-attending students are required to contact the instructor well in advance.

Textbooks and Reading Materials

The materials for exam preparation will be announced at the beginning of the course.

Sustainable Development Goals

INDUSTRY, INNOVATION AND INFRASTRUCTURE | PEACE, JUSTICE AND STRONG INSTITUTIONS
