ANTONIN SCALIA LAW SCHOOL
George Mason University®

Course Number: 758-001
Course Title: Emerging Law of Artificial Intelligence
Credit Hours: 2
Grading Mode: Letter grade
Meeting Time(s):   WED 6:05P-8:05P
Meeting Mode: ON CAMPUS
Exam Time(s):   N/A
Exam Mode: N/A
Prerequisite(s):   N/A
Corequisite(s):   N/A
Instructor(s):

  JAMES GATTO

Contact Info:

  jgatto@gmu.edu

I am also happy to correspond by email or zoom, or to set up alternative meeting times.

Reading(s) & Supplement(s):

  There is no textbook for this class. Readings and any assignments for each class will be posted in advance. Sample readings are included below. As this is a rapidly developing area, updates to the readings will likely occur as the class progresses.

Course Overview

 In this class we will study and discuss legal, policy and ethical issues with AI, including generative AI (GAI). We will identify the legal issues that can result from different uses of AI, how existing laws apply to these issues, pending lawsuits that involve unanswered legal questions and the aspects of AI for which new regulation may be needed and what that regulation should cover. We will primarily cover US law and policy, but will address some foreign laws, particularly where there may be some impact in the US. We will cover ethical issues with AI, including algorithmic bias, lawyers use of AI in performing legal services and when use of AI constitutes unauthorized practice of law.

Course Learning Outcomes

 The students in this class will earn how existing law applies to AI, identify legal questions that have yet to be answered and consider what aspects of AI should be further regulated and how. They will also engage in practical exercises (for example, drafting a corporate policy on how to mitigate legal risks when using AI) that simulate the work they will do as lawyers.

Grading Policies

 Grades will be based on:
  • Valuable class participation and timely submission of weekly assignments (25%)
  • AI use policy (25%)

- research paper (35%)
- in-class presentation of your research topic (15%)

Work Product:

You will complete two major projects and some smaller weekly assignments relevant to the class topics. The first major project is to draft a corporate policy for use of AI by employees and vendors based on legal risk factors discussed in class. This project will require you to distill what you learn about the legal issues into practical advice for a fictitious company, details of which I will provide. The objective is to develop policies that mitigate legal risks with AI while maintaining an ability to leverage its benefits. A good policy will be relatively comprehensive regarding the legal issues it addresses while ensuring it is clear and easy to implement by employees. It will identify the key business and legal considerations upon which the policy is based. We will discuss additional details in class. This paper will be due **October 13**.

The second major project will be to prepare a research paper (10-12 pages) on an unresolved legal topic related to AI. Each student will pick a different topic. The paper should evidence thorough research on and consideration of the topic, state a position on the topic and the legal rationale for the position, identify likely alternative positions and explain why your position should be adopted over those alternatives. You will need to pick a proposed topic and receive my approval for the topic by **October 7**. You should initially propose a topic well in advance of that date in case the topic is already taken or it is not approved for some other reason. The paper will be due **November 7**. Additional details on the paper requirements and topics will be provided.

Presentation of Work Product:

Each student will do an in class presentation on their topic as part of one of the last two classes on November 12 or 19. I will provide additional details on the presentations.

Classroom Policies

Attendance:

Per AR 3-1.4, "maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student's program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements."

Absences:

Per AR 4-1.1, "if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session."

Participation & Preparation:

You will be expected to have read and thoughtfully considered the assigned readings and come ready to discuss the topics. Valuable contributions to class discussions will be a part of the grade and contribute to making the class more rewarding and enjoyable. Consistent failures to prepare for or meaningfully engage in our discussions will be detrimental to your class participation score.

Use of Technology & AI:

  One of the first weekly assignments will be for you to propose a generative AI policy that governs students' use of generative AI. Details will be provided. I will publish the course policy on use of generative AI after that assignment.

Additional Comments:

This is a *preliminary* syllabus, with primary topics, readings and assignments for each class. I will likely intersperse other topics, based on the time available and new developments in the field. *I may change or supplement the readings and/or topics* during the semester to take into account these new developments as the semester progresses.

Virtual Class:

For any virtual classes, you are expected to be on camera for the entire class.

Course Schedule & Assignments

Date/Class Format[1]	Topics	Readings (Tentative)
August 18	Assignment	Prepare a proposed policy for students use of genAI tools for this class
August 20	**Overview of AI** **Overview of AI Legal Issues** **Discuss Proposed AI Policy**	Copyright and Artificial Intelligence Part 3: Generative AI Training *Pages 1-25 (Introduction and Technical Background)*
August 25	Assignment	Prepare a 2-3 page position paper on whether you believe training AI on copyrighted content is (or should be) infringement or fair use with supporting legal rationale
Aug 27 **Class via Zoom** – not in person	**Legal Issues with Training AI Models – Part 1** We will cover various legal issues that arise with training AI models including data access and use;' copyright infringement/fair use; license compliance; DMCA issues and more.	Copyright and Artificial Intelligence Part 3: Generative AI Training Pages 26-108 *Authors Guild v. Google, Inc.,* 804 F.3d 202 (2d Cir. 2015) *Hachette Book Grp. v. Internet Archive,* 20-cv-4160 (JGK) (S.D.N.Y. Mar. 24, 2025) *Thomson Reuters v. Ross Intelligence*
9-3	**No Class -** Monday Schedule Observed	
9-10	**Legal Issues with Training AI Models – Part 2** (continuation of topics from last class)	DMCA Cases Open Source Info
9-17	**Legal Issues with Inputs to and Outputs from GAI Tools** We will cover **input issues** – Confidentiality, Ownership, License Rights; and **output issues** – Ownership, License	*Sony Corp. of America v. Universal City Studios, Inc.,* 464 U.S. 417 (1984) *Walters v. OpenAI* – summary judgement decision Additional readings to come

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[1] All classes are in person, unless otherwise noted.

	Rights, Infringement Issues, Indemnities, Defamation	
9-24 Recorded Lecture - No zoom and not in person	**Topic to Come**	
10-1	**IP Protection for AI generated works** Copyright Patents Trade Secrets Trademarks	[Copyright and Artificial Intelligence Part 2: Copyrightability](#) [Inventorship Guidance for AI-Assisted Inventions](#) Additional readings to come
10-7	Deadline to Obtain Approval for Your Research Paper Topic	
10-8	**Data and Biometric Privacy with AI and Other Regulatory Issues with AI**	*FTC v. Everalbum* [Complaint](#) and [Decision and Order](#) Additional readings to come [Optional: other documents at [FTC Everalbum Enforcement](#)] Optional Reading: *Your Face Belongs to Us: A Secretive Startup's Quest to End Privacy as We Know It* September 19, 2023 by Kashmir Hill

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)
Van Metre Hall, Room 110
Emergency - Dial 911
Escort Services - 703-993-8070
Dispatch – 703-993-2810

[Student Support and Advocacy Center (SSAC)](#)
Mason Square Sexual Assault Services:
Van Metre Hall, Room 222D
703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a "Non-Confidential Employee," and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason's Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason's confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703 -993-2380. Students may also seek assistance or support measures from Mason's Title IX Coordinator by calling 703 -993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)
Van Metre Hall, Room B102
703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)