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CIVIL-LAW LIABILITY OF THE USE OF ARTIFICIAL INTELLIGENCE TOOLS

SUMMARY

The title of the paper connects two significant institutes, namely civil liability for damage, a classic institute of the law of obligations, and damage from AI tools, which is a result of the rapid development of new digital technologies. In the paper, the authors attempt to answer whether and how the legal regulations that regulate civil liability in the absence of special legal regulations can be applied to damage caused by the use of AI tools. As a hypothesis, the authors offer the claim that the development of innovative technologies must be encouraged, and that those who benefit from innovations must also bear the risk that innovative development brings with it. Thus, an appropriate basis for liability should be determined. Namely, when AI technology operates according to predetermined algorithms and codes, and precisely defined outcomes arise from predictable input data, the issue of liability for damage can be resolved by applying existing rules. If the actions of AI can be reduced to instructions given by a human, the responsibility lies with the human, due to fault or created risk. Which liability regime will be applied depends on the structure of civil liability in national legal systems. But there is a common point: AI has created a new category of risk, which requires not only legal adaptation, but also a new ethics of responsibility – between producers, operators and users themselves.