

LTMS

Annual Report 2019

LTMS

home of
TILT & TILEC

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Report
2019

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Department of Law, Technology, Markets, and Society (LTMS)

Home of Tilburg Institute for Law,
Technology and Society (TILT) and
Tilburg Law & Economics Center
(TILEC)

By joining forces, the two centers foster a richer understanding on the effects of socio-technical change on the regulation and governance of economic activity in an age where information technology is a key driver for innovation.

Tilburg Institute for Law, Technology and Society (TILT)

TILT is one of the leading research groups in Europe at the intersection of law, technology, and society. It is premised on the multidisciplinary study of socio-technical change, aiming at understanding the interaction of technology and social and normative practices, in order to clarify how regulatory challenges of socio-technical change can be addressed.

Tilburg Law & Economics Center (TILEC)

TILEC is an internationally renowned center of the Tilburg Law School and the Tilburg School of Economics and Management. It carries out interdisciplinary research on the governance of economic activity in the digital age.

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The integration
of TILT and TILEC
into the new
department LTMS
has continued.

At the time of writing this foreword, we are in the midst of the COVID-19 pandemic. It feels like a terrible time for everyone, but certainly also for academics. From one day in March to the next, the university went from bustling to deserted.

Everyone suddenly had to work from home, classes had to be moved online, conferences that we were hosting (Bileta 2020, PLSC-E 2020) were cancelled, and on top of that staff with small children had to take on additional roles as home-schoolers. We are managing and have gotten our new act together, I believe. The Law & Technology LLM programme has been transformed to an online-only programme within a short time, and student numbers remain constant or are even rising a little. We now have students living in Brazil, California and India, just to mention some of the more challenging time zones for organizing online sessions, as well as many other countries.

However, this is the 2019 Annual report. The contrast between 2020 and 2019 couldn't be sharper. 2019 marked the 25th anniversary of TILT. Its precursor, the 'Centrum voor Recht, Bestuur en Informatisering' (CRBI) had its doors opened in 1994 by prof. Corien Prins and brought together a combination of legal scholars and public administration scholars to study the impact and effects of the digital revolution on public administration, policy and law.

2019 has been a year packed with activities to celebrate TILT's 25th anniversary. Most months focused on one of the themes in TILT's research agenda and featured visiting scholars, public lectures, reading groups, movie screenings and public debates. We teamed up with the public library/Lochal in Tilburg and Pop up Cinema to include Tilburg citizens in the events. Maybe I have been a bit too enthusiastic in asking our team to set up such an ambitious scheme to mark 25 years of TILT, but they have done a great job and I am glad we did.

A second highlight has been *TILTing* 2019. We aimed to achieve a conference similar in scope and size as the hugely successful *TILTing* 2017, and we succeeded. *TILTing* clearly has established itself as an

occasion for law & tech scholars from around the globe to gather, present, listen, discuss and have fun in a three-day packed event with many things running in parallel. The coffee still was problematic and the BBQ was missed, but apart from these small hiccups we look back at a great event.

The integration of TILT and TILEC into the new department LTMS has continued. Both factions still have their own things, such as the unbeatable TILEC seminars, but cross-fertilization and joint projects are emerging now that people are getting used to each other and we have our offices on the same floor.

The department as a whole has grown, and it wouldn't feel right to attribute that to TILT or TILEC—the new members are welcomed first and foremost as LTMS staff. By the end of the year, we had some 65 staff members coming from some 25 countries around the globe (literally) and all continents (except for Antarctica) were represented, often by multiple staff members. This creates an incredibly rich working environment where we learn from legal and social differences between the various jurisdictions, but where we also learn to appreciate (and cook) dishes from around the globe and better understand similarities and differences between people.

I look back at a very rewarding year in which we have celebrated past achievements and started new ventures. In view of the latter, I want to mention two things. One is the Sectorplan SSH, which has funded a 6-year large research project called Digital Legal Studies. In this project, LTMS has 9 sub-projects consisting of PhD studies and PostDocs guided/supervised by various TILT and TILEC members. In the context of the Sectorplan, we collaborate with fellow researchers at the University of Amsterdam, Radboud University Nijmegen and Maastricht University who are also committed to further developing DLS. The

entire project covers some 50 researchers from 4 universities. LTMS is happy to coordinate this larger effort (see <https://www.sectorlandls.nl> for more details).

A second venture we started is the new peer-reviewed online Open-Access Diamond journal Technology & Regulation, or TechReg for short. The journal was launched during the TILTing 2019 conference and now (September 2020) appears to gain traction. It aims to offer a high-quality outlet for academic work in the broad field of technology regulation and features both individual papers and special issues. I want to take the opportunity to thank everyone at LTMS for yet another great year, and I am sure we can pull through the COVID crisis together.

Ronald Leenes, LTMS director



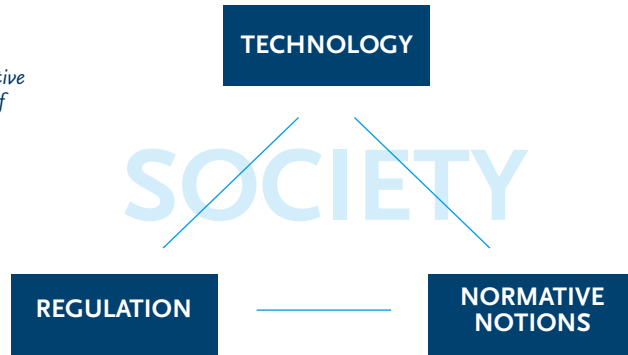
Ronald Leenes

1

Research

1. RESEARCH

Figure 1. The interplay between regulation, technology, and normative notions in the context of society



1.1 RESEARCH OUTPUT AND KEY RESULTS

In 2019 LTMS’ research took the interplay between technology, markets and society as the starting point to explore and (co-)shape the role of law in a world increasingly shaped by technology.

The basis of this research is the recognition that technology, regulation, and normative notions interact, i.e. they continuously adapt to new technological, regulatory, and/or normative environments, and in this process, they mutually shape one another. The ‘LTMS triangle’ of technology, regulation, and normative notions is studied against the background of society, to incorporate insights into human and organizational behavior, markets, social mechanisms and norms, and the context-specificity of certain sectors in society, such as health, commerce, public administration, or law enforcement. Through our research, we hope to better understand the mutual shaping—or co-construction—of technology, regulation, norms, and society.

It goes almost without saying that LTMS’ research is multidisciplinary. Regulation consists of different modalities – law, social norms, market, and architecture – which are grounded in different disciplines: law, social sciences, economics, and science & technology studies. LTMS’ researchers incorporate these disciplines and collaborate with scholars in other disciplines, including the technical sciences.

Table 1 offers a quantitative overview of LTMS’ research output in 2019. A full overview of all LTMS publications is provided in [Appendix 2](#).

Academic publications	107
Journal articles	49
Book chapters	39
Monographs and edited books	4
PhD dissertations	4
Other academic publications	11
Professional publications	34

Table 1: Overview of research output by LTMS members

To showcase the achievements of LTMS’ research in 2019, we provide a qualitative overview of highlights of LTMS’ research, grouped in six thematic clusters. Further details on the publications are provided Appendix 2.

1.1.1 Regulation and Governance of Technologies

The understanding of concepts such as trust, responsibility and acceptance is pivotal in the regulation of novel and emerging technologies and the implementation thereof. This is particularly true where regulated technologies have the potential to significantly impact domains such as data privacy, health, and environmental protection.

The role of trust in governing technologies was studied in several publications by **Esther Keymolen**. She examined the issue from a philosophical and legal perspective and focused on amongst others smart toys and smart cities.

The topic of “responsibility” was researched from many perspectives and in various application spaces. **Linnet Taylor** and **Nadya Purtova** researched the meaning of the concept in relation to data justice. **Tineke Broer** (together with Anne Kerr, Emily Ross, Sarah Cunningham Burley) approached it from a health perspective and analysed the polygenic risk-stratified screening for cancer. **Aaron**

Martin's work examines the use of regulatory sandboxes to support responsible innovation in the humanitarian sector.

Global perspectives on regulation were central in the work of **Eveline Wan**. Eveline's focus of study related to the temporalities and politics of digital culture and algorithmic governance. In 2019 she won the Dissertatieprijs 2019 from De Stichting Praemium Erasmianum for her PhD thesis ("Clocked!: Time and Biopower in the Age of Algorithms"). She examined amongst others the spectral temporalities of Hong Kong in the wake of the official opening of the high-speed rail link in West Kowloon, as well as the creation of docile subjects under mechanical algorithms and digital algorithms. Global perspectives on regulation also featured in the research of **Anna Berti Suman** on Citizen Sensing and multilateral governance of environmental and public-health risks, including, amongst others, an analysis of the Equatorial Asian haze case.

The environment also featured in **Leonie Reins**'s work on energy regulation, discussing nexus of environment, energy and human rights. Leonie also edited the conference proceedings of the 1st International PhD Colloquium on "*Regulating new technologies in uncertain times*" that was published in the Springer Information Technology and Law Series, with several contributions from LTMS colleagues. For Dutch policy-makers, professionals, and academics, **Corien Prins** continued her important agenda-setting work in her Editorials for the *Nederlands Juristenblad*, discussing the legal and policy implications *e.g. action rules for 5G, digitization of administrative law, and cyber wars*.

Several LTMS scholars dealt with a "hot topic" in the area of techno-regulation, namely blockchain. **Maurice Schellekens** inquired whether the regulation of illegal content in the EU needs to be reconsidered in light of this "new" technology. **Lokke Moerel** explained in the *European Review of Private Law* why blockchain and data protection are not on a collision course.

1.1.2 Institutions

Technical standards, and in particular international standards, are fundamental drivers for both innovation and trade. In 'International trade law and technical standardization', **Panos Delimatsis** explains the treatment of standards under World Trade Organization law in light of their trade facilitating functions.

EU authorities are increasingly engaging with private standards in forms that differ from the traditional interplay based on agency relations and incorporation by reference. This phenomenon becomes particularly evident in global value chain regulation, where several EU measures regulating biofuel sustainability, public procurement, non-financial reporting and timber legality permit the employment of voluntary sustainability standards (VSS). In 'Orchestration as a form of public action: The EU engagement with voluntary sustainability standards', **Enrico Partiti** explores the practice and the effects of EU use of VSS.

One of the greatest challenges for the judiciary in the 21st century is the review of discretionary powers exercised by the administrative state. The volume edited by **Saskia Lavrijssen**, with Ernst Hirsch Ballin and Jurgen de Poorter and titled *Judicial review of administrative discretion in the administrative state* discusses the emergence of new modalities of judicial review of administrative discretion.

The phenomenon of EU law exercising regulatory effects beyond EU borders has recently attracted considerable academic interest. The 'global reach' of EU law includes extraterritorial application, territorial extension, and the so-called 'Brussels Effect'. It also encompasses the impact of the EU's bilateral relationships and its engagement with multilateral fora and the negotiation of international legal instruments. In 'The global reach of EU competition law' **Giorgio Monti** studies the extraterritorial implications of EU competition law.

1.1.3 Competition and Innovation

Online display advertising is the second most popular advertising medium after TV advertising. In light of its vital economic importance for both publishers and advertisers, healthy competition in the digital advertising ecosystem is desirable. Yet, in the 'programmatic' era, where ads are sold through computerized decision-making processes managed by 'ad tech' intermediaries, the sector remains characterized by a high degree of opacity. In 'An EU competition law analysis of online display advertising in the programmatic age', **Damien Geradin** and Dimitrios Katsifis explore the display advertising ecosystem and identify a number of pressing competition law concerns.

Differentiated treatment is a key aspect in current competition investigations launched by both the European Commission and national competition authorities against platforms.

Differentiated treatment includes conduct such as a more prominent placement of one's own services in a ranking, preferential access to data, and the favoring of businesses that pay higher levels of commission. In 'Differentiated treatment in platform-to-business relations: EU competition law and economic', **Inge Graef** discusses the multiple modalities of differentiated treatment on online platforms on the basis of their exclusionary and/or exploitative character.

In designing federal systems of competition law enforcement, allocating responsibilities and duties between the federal and the national levels is fundamental for the design and operation of an effective regime. In 'Galvanizing national competition authorities in the European Union' **Giorgio Monti** discusses how, in the EU, the Commission attempts to invigorate and direct national competition authorities (NCAs) in a multi-level system of competition law enforcement.

As tobacco firms are pushing against cigarette packaging laws, they claim that their rights to intellectual property are violated. They claim that the CJEU redefines the 'essence' of fundamental rights and its function in the system of limitations, and it develops a set of core inviolable rights. In 'Essence of intellectual property rights under Art 17(2) of the EU Charter', **Martin Husovec** investigates how intellectual property rights are protected in the EU Charter of Fundamental Rights.

The 'Building a European Data Economy' initiative is based on the notion that the current regulatory environment is not capable of unleashing the full potential of the data-driven economy. In 'Towards a holistic regulatory approach for the European data economy: Why the illusive notion of non-personal data is counterproductive to data innovation' **Inge Graef Martin Husovec**, and **Raphaël Gellert** argue that the idea of non-personal data as a starting-point for new data innovation policies is counterproductive on a number of grounds.

In spite of their considerable impact for innovation, rules and policies of standard development organizations (SDOs) are not always transparent or easily accessible. In 'Making the rules. The governance of standard development organizations and their policies on intellectual property rights' **Martin Husovec**, with **Pierre Larouche** and **Jorge Contreras**, and Justus Baron provide the first comprehensive analysis of the governance of SDOs, with a particular emphasis on organizations developing standards for information and communication technologies. The analysis is based on 17 SDO case studies, a survey of SDO stakeholders, an expert workshop, and a comprehensive review of legal and economic literature.

1.1.4 Artificial Intelligence and Robotics

Perhaps the most prominent development in our field today is the continuously increasing importance of AI, robotics, and automated decision-making. LTMS researched this development from many perspectives and in various application spaces. For instance, **Sascha van Schendel** examined the challenges of risk profiling used by law enforcement with the examples of the COMPAS and SyRI cases. **Lokke Moerel**, together with Marijn Storm, discussed the obligations of controllers with regard to automated decision making and the need to provide individuals with information, an explanation and a justification. **Paul de Hert** and Elena Gil Gonzalez analysed the GDPR provisions and principles in relation to processing and profiling of personal data. **Floris Bex** with some colleagues presented a demonstration of a prototype of an artificial intelligence system that can be used for supporting the processing of messages that the Netherlands National Police receives.

Bert-Jaap Koops, together with Simone van der Hof, Ilina Georgieva and Bart Schermer edited a volume focusing on a cutting-edge topic, namely the use of artificial intelligence to fight online sexual abuse, more precisely Webcam Child Sex Tourism (Sweetie 2.0).

In the area of robotics, **Bert-Jaap Koops** and colleagues provided a framework for responsible research and innovation and **Bo Zhao** discussed a new concept "Home 2.0," as an upgrade of the traditional home ("Home 1.0"), to protect our home from virtual invasions and other non-physical intrusion. Further, the LTMS' AI and Robotics group submitted a written response to the Draft Ethics guidelines for trustworthy AI produced by the European Commission's High-Level Expert Group on Artificial Intelligence (AI HLEG).

1.1.5 Privacy and Data Protection

Privacy and data protection have always been key pillars of LTMS' research and continue to be widely studied, including in ongoing VICI and ERC projects. Of course, much attention was paid to the General Data Protection Regulation (GDPR), which entered into force in May 2018, through project work, academic articles and commentaries of individual provisions of the Regulation. **Bart van der Sloot**, together with Chris Jay van der Hoofnagle and Frederik Zuiderveen Borgesius, explained "What [the Regulation] is and what it means" in *Information & Communication Technology Law*. **Bo Zhao** examined the extraterritorial application of the Regulation in the United States and China. **Irene Kamara** and **Paul de Hert** combined academic and policy agenda-setting work (see

box) with commentaries on several provisions of the GDPR. **Paul de Hert** together with Juraj Sajfert discussed two scenarios of post-GDPR law-making and the actor perspective. **Eric Lachaud**, who defended his PhD Dissertation on the contribution of certification to data protection regulation, also studied the adherence to the GDPR's codes of conduct as a possible option for SMEs to ensure GDPR certification. **Lorenzo Dalla Corte** examined the concept of "personal data" in his contribution entitled "Scoping Personal Data: Towards a Nuanced Interpretation of the Material Scope of EU Data Protection Law".

Of course, the GDPR was not the only focus of study within the data protection and privacy cluster of LTMS. "The right to be forgotten" was studied by both **Silvia de Conca** and **Claudia Quelle**, with a

Irene Kamara, Ronald Leenes, Eric Lachaud and Kees Stuurman, together with Marc Van Lieshout and Gabriella Bodea carried out a study on *Articles 42 and 43 of the GDPR on Data protection certification mechanisms for the European Commission's Directorate General Justice & Consumers*. The overall objective of this study was to assist the Commission in supporting the establishment of data protection certification mechanisms and data protection seals and marks pursuant to Articles 42 and 43 GDPR and to collect all relevant information for the Commission in view of the possible implementation of Article 43(8) GDPR on the requirements to be taken into account for the data protection certification mechanisms and of Article 43(9) GDPR on the technical standards for certification mechanisms and data protection seals and marks, and mechanisms to promote and recognise those certification mechanisms, seals and marks.

focus on the balancing exercise with the freedom of information and the duties and responsibilities of search engine operators. **Ronald Leenes** and **Arnout Terpstra** together with Alexander Schouten and Alwin de Rooij argued in "*Improving privacy choice through design*" that privacy regulation must shift from a purely legal debate and simple one-time yes/no decisions by 'data subjects' to public (debate and) awareness and continuous reflection on privacy and privacy decisions by users of IT systems and services.

Eleni Kosta and **Magda Brewczyńska** studied government access to user data and the way towards more meaningful transparency reports. Further, **Bart van der Sloot** continued his important agenda-setting work in his Editorials for the *European Data Protection Law Review*, discussing the legal and policy implications of amongst others AI, Big Data and profiling.

1.1.6 Cybercrime, Surveillance, and Cybersecurity

In 2019 surveillance and cybersecurity remained a well-researched area of law within LTMS, being studied from various different angles and disciplines. **Aaron Martin** has studied cyber governance, the role of public-private partnerships and mobile money platform surveillance in the financial sector. **Magda Brewczyńska** together with Suzanne Dunn and Avihai Elijahu studied the data privacy laws response to ransomware attacks in the EU, Israel and Canada. **Paul de Hert** together with Dimitra Markopoulou and Vagelis Papakonstantinou evaluated the new EU cybersecurity framework, consisting of the NIS Directive, ENISA's role and the General Data Protection Regulation.

Surveillance in the "smart city" was studied amongst others by **Shazade Jameson** and **Linnet Taylor** (together with Christine Richter), who have analyzed people's perception of datafication and surveillance in Amsterdam Smart City. **Maša Galič**, who also defended her PhD on surveillance and privacy in smart cities in 2019, studied the Stratumseind Living Lab through the lens of surveillance and privacy theory, exploring the implications both for privacy and the public space itself.

Bert-Jaap Koops, together with former LTMS colleague Bryce Newell and **Ivan Skovánek** compared current surveillance technologies used in criminal investigation in eight jurisdictions: Canada, Czech Republic, Germany, Italy, the Netherlands, Poland, the United Kingdom, and the United States. ("*Location tracking by police: The regulation of "tireless and absolute surveillance"*").

Surveillance in a different context was studied by **Marijke Roosen** (together with Kristel Beyens). She carried out a comparative analysis in four jurisdictions (Belgium, Germany, The Netherlands and Scotland) regarding the use of the electronic monitoring technology that allows for the monitoring of the location of individuals via an electronic ankle tag, so as to follow the movements of individuals either in real time or retrospectively.

The regulation of botnets featured in work of **Samantha Adams** (†), **Karine E Silva**, **Bert-Jaap Koops** and **Bart van der Sloot** (“*The regulation of botnets: How does cybersecurity governance theory work when everyone is a stakeholder?*”). **Karine E Silva**, **Bert-Jaap Koops** and **Bart van der Sloot** further also published a Model Code of Conduct on mitigating botnets and infected machines. In December 2019, Karine defended her PhD thesis on “*Mitigating Botnets: Regulatory solutions for industry intervention in large-scale cybercrime*”, as part of Bert-Jaap’s Vici project.

The ‘LTMS triangle’ of technology, regulation, and normative notions is studied against the background of society, to incorporate insights into human and organizational behavior, markets, social mechanisms and norms, and the context-specificity of certain sectors in society, such as health, commerce, public administration, or law enforcement.

These are very exciting times to be doing research in Law.

These are very exciting times to be doing research in law. The growing “datafication” of almost every aspect of our lives is bringing many interesting questions and challenges for legal scholars and rule-makers. In the course of my research, I have observed an important change: we are moving away from a context in which data were considered as company assets that could be used almost discretionarily, towards a context in which data are considered a valuable resource for the overall economy and society, that should be used responsibly and ethically. We are shifting from a context in which data governance was seen solely as an internal organisational matter, towards a notion of data governance as an additional field of public governance, steered by national and supranational legal rules. More interestingly, this change does not only concern “Big Tech” companies: it affects even industries that rely heavily on physical assets, such as the utilities sector, where the increasing adoption of

technologies such as sensors and smart meters is generating growing amounts of data.

Rule-makers have a difficult task before them: creating a regulatory landscape that enables data-based innovation and at the same time protects human rights and other core social values. Such endeavour is far from straightforward, considering that it often entails mediating between competing interests or policy objectives (e.g. the need to process large amounts of data to enable and improve AI vs. the personal data protection principle of data minimisation), and considering the increasing pace and complexity of data processing technologies, which makes new practices more difficult to capture in legal rules. Sound legal research can contribute to such endeavour in at least two ways: by providing evidence to support the development of new policies and legislation and by critically examining the legitimacy and consistency of the rule-makers’ decisions.



Brenda
Espinosa

1.2 PERSONAL GRANTS

1.2.1 REVEAL project (ERC Panos Delimatsis)

REVEAL is carried out by the Principal Investigator, Panos Delimatsis, Assistant Professors Enrico Partiti, Stéphanie Bijlmakers and Konrad Borowicz and two PhD-students, Shanya Ruhela and Zuno Verghese.

The global financial crisis put basic tenets of neoliberalism into question. Previous crises on product safety also exemplified the limits of delegating regulatory power. However, in the medium run, private regulatory bodies re-assume their previous powerful status and continue to exert large, and seemingly unconstrained, influence on the functioning of economic activity.

This research project investigates the origins and causes of the dominance of private rule-making bodies, focusing on their mutability and resilience. It does so by addressing the following research question: what enabling conditions, innate traits and mechanics allow for the transformation, adaptability and resilience of private rule-making bodies amid exogenous regulatory shocks and how does the law perpetuates this dominance?

This project develops a multidisciplinary conceptual framework to analyse structures, institutional design and adaptive/resilience strategies in 10 non-public regulatory bodies and their public law counterparts. Data are collected via qualitative methods (interviews with key individuals, direct observations, historical institutionalism, process tracing) to identify trajectories of change and causation spanning three decades.

This research is groundbreaking in three ways:

- by delving into the peculiarities of private collective action, it sets the basis for a new theory of creation, evolution and resilience of such action;
- by integrating multiple disciplines, it innovates methodologically and offers a multidisciplinary and thus more comprehensive theory of private action in the service of future generations of researchers and policymakers;
- by collecting data and theorizing on a largely unexplored (from an empirical viewpoint) area such as transnational standard-setting, it revisits the promises, flaws and limits of technocratic

rule, results in a more balanced understanding of transnational regulatory governance, and resolutely offers a regulatory theory for private regulatory bodies.

1.2.2 INFO-LEG (ERC Nadezhda Purtova)

Nadezhda Purtova's Starting Grant INFO-LEG ('Understanding Information for Legal Protection of People against Information-Induced Harms') project entered its second stage. Nadya leads a team of 5 scholars: Sebastian Dengler, Raphael Gellert, Evelyn Wan, Tineke Broer and Mara Paun.

In 2019 the team generated new organising notions as possible alternatives to 'personal data'. This was done by studying how legal protection is 'organised' elsewhere in law, in particular, in the EU and US consumer protection law (Mara Paun), how the law of data protection, cybersecurity, and genetic data conceptualises information (Raphael Gellert and Nadya Purtova), and by studying, inter alia by means of case studies, the socio-technical and economic processes involving data (Evelyn Wan, Tineke Broer, and Sebastian Dengler).

1.2.3 The Global Data Justice project (ERC Linnet Taylor)

Linnet Taylor has continued leading the ERC-funded Data Justice project (2018-2023) with Shazade Jameson, Aaron Martin, Helen Mukiri-Smith and the new addition of Gargi Sharma. The team has conducted fieldwork in Kenya, Singapore and around the world on humanitarian action, as well as observing and participating in events worldwide on issues relevant to data justice. Outputs currently published and under review include work on the international data market; corporate data ethics, big data as a source of migration statistics, the ethics of urban living labs, and data practices in the humanitarian sector. Team members have presented in Kenya, Singapore, South Africa, Brussels, Oxford, London, the Hague and Hamburg on the project's findings so far.

1.2.4 PartFin project (Grant Eleni Kosta)

The ParTFin (Public Private Partnerships on Terrorism Financing) project aims at developing and strengthening public-private partnerships (PPPs) in order to enhance information sharing between competent authorities (including regulators) and financial and payment service providers at the national and EU levels and at facilitating the cross-border information exchange between PPPs. To this end, the project will provide best-practice guidance to policy makers at the EU and national levels.

Research activities will include (i) comparative legal analyses of PPP involving eight countries in- and outside the EU in the area of AML/ as well as PPP in other areas of security law; (ii) research spanning security law, data protection law, and public international law; (iii) socio-legal research on PPPs, including interviews with competent authorities and relevant private stakeholders; and (iv) an interdisciplinary investigation into the relationship between law and technology in the context of financial analytics.

In the short term, the project will benefit competent authorities engaged in counter-terrorism investigations in four EU Member States (France, Germany, Italy, and Spain), which form the core of the present pilot project, as well as European agencies. In the mid-term, it will provide guidance for legislators in the four above-mentioned States and for the EU legislator. In the long term, it will contribute to creating or enhancing PPP in other EU Member States and stimulate political action in support of such mechanisms outside the area of terrorism financing.

1.3 PHD DISSERTATIONS

1.3.1 Clemens Willemsen, 1 October 2019, Tilburg University, LTMS

Title: “Identifying suspects and undocumented migrants by law enforcement agencies”
Supervisors: Prof. dr. E.J. Koops and dr. B.H.M. Custers

Clemens Willemsen researched the ability to adequately guarantee the identification of suspects and undocumented migrants by law enforcement agencies. The purpose of establishing an identity is for both criminal law and migration law to determine whether someone is or demonstrates who he says he is or, in other words, to retrieve the identity established by the government and then use it.

The research methods used are mostly desk research based on literature, including interviews with experts in the field of biometrics, establishing identity, record matching, law and informatics. The most important result of the research is a framework that displays, both graphically and in words, the indicators for a law enforcement agency to reach a certain level of quality, maturity or expertise.

The identification of the National Police and the Royal Military Police scores in general more than satisfactory for suspects and undocumented migrants, but insufficiently for suspects if provisional detention is not permitted and (according to the law enforcement agency) there is no ‘doubt’ about the identity. Practical recommendations are intended for the management of law enforcement agencies, legal and regulatory professionals and managers of biographical and biometric data. The recommendations concern briefly:

- Ensure that the knowledge of the legal powers of the police is and stays up to date. Ensure uniform procedures for all police units.
- Provide (if possible automatically generated) management information for the operational manager to manage the law enforcement officers.
- Recognize the risks of human error and take countermeasures.
- Do not only look at the one-year and four-year criterion for including a biometric characteristic,

but also consider for which type of offense it is really necessary to determine the physical identity.

- The quality of biometric data such as fingerprints must be monitored so that a complete and integral image can be reasoned.
- Provide a fallback option, not only for the biometrics recording process, but also for the other parts of the identification process.

1.3.2 Maša Galič, 19 November 2019, Tilburg University, LTMS



Figure 2: PhD defense Maša Galič

Title: “Surveillance and privacy in smart cities and living labs: Conceptualising privacy for public space.”

Supervisors:
Prof.dr. R.E. Leenes,
Prof.dr. E.J. Koops and
Prof.dr. E. Kosta

This research is about privacy and big data-based security in public spaces. It is connected to the ongoing Living Lab “Stratumseind 2.0” project on the prominent Stratumseind nightlife street in Eindhoven. The Stratumseind project is a public-private partnership in principle established to increase security so as to renovate the public area, bars and restaurants. Innovative solutions such as lighting, social media and gaming technologies are being deployed and tested in order to meet the goals. Through these solutions a great amount of data will become available for mining, leading to serious privacy concerns beyond data protection (eg. discrimination when used for decision making, unfair treatment, exclusion, stigmatization, de-individualization, loss of autonomy and confrontation with unwanted information). These issues are further complicated by the fact that

this is happening in public space, since the need for privacy protection in public spaces is likely not adequately covered by existing legal frameworks. Masha’s research will delve into such and similar issues, emphasizing which actions and acts pose an actual threat to and harm human rights and freedoms (and people’s lives in general) and consequently develop a more adequate normative framework in this context.

1.3.3 Eric Lachaud, 2 December 2019, Tilburg University, LTMS



Figure 3: PhD defense Eric Lachaud

Title: “What could be the contribution of certification to data protection regulation?”

Supervisors:
Prof.dr. R.E. Leenes
Prof. dr. C. Stuurman

This research questions the contribution of certification to data protection. When this research was initiated mid-2012, only a few data protection certification schemes were available on the market. The contribution of certification to data protection had never been evaluated and barely discussed in scholarly literature, especially in legal studies. The above reasons convinced the author that a research should be initiated to determine whether, how and to what extent certification can help data controllers and data processors comply with data protection principles. This desk research, completed with a market scan of data protection certification schemes available in the EU and Switzerland, aimed to clarify the theoretical and practical contributions that certification could offer to the regulation of data protection. It seeds to identify direct and indirect contributions, short-term

and long-run ones, positive and negative ones. It also intended to identify the types of certification contributing the most to the protection of personal data. The objective was to determine which functional and geographical scopes would be the most suitable for data protection certification to contribute to the protection of personal data and identify limitations inherent to certification itself, the subject matter (data protection) and the regulatory framework applying to it. Lastly, the research seeker to evaluate the methodological, technical and legal shortcomings of data protection certification.

1.3.4 Karine E Silva, 3 December 2019, Tilburg University, LTMS

Title: “Mitigating Botnets: Regulatory solutions for industry intervention in large-scale cybercrime”

Supervisors: Prof. dr. E.J. Koops, Dr. N.N. Purtova LLM MSc

1.4 EVENTS AND DISSEMINATION OF RESEARCH

LTMS in 2019 has intensified its academic activities. Tuesdays and Wednesdays are reserved for presentations and discussions. These include reading groups where the aim is to read and discuss books and or papers that lie slightly outside of one’s core expertise to lower the barrier of picking up these works and learn from each other’s perspectives. The work in progress meetings are set out in order to receive feedback by other LTMS’ members. These meetings help improve our scholarly work before submitting it to journals and publishers and helps keeping colleagues up to date with LTMS’ research. Visiting scholars and guests provide guest lectures and seminars which are open to students and others. TILEC researchers continue to hold TILEC Seminars on Wednesdays with work-in-progress presentations, discussion of recent developments and monthly external speakers. In 2019 we have seen a growth in attendance by students and ‘outsiders’. Highlight of the year include:

- The 6 edition of the TILTING Perspectives conference: ‘Regulating a world in transition’ which brought over 250 guests to Tilburg!
- A conference hosted by TILEC and titled “Governance of Big Data and Artificial Intelligence: Economic, Legal, and Political Perspectives,” co-organized together with the Governance and Regulation Chair at the University Paris-Dauphine
- The conference “Patent pools 2.0: Modernizing collective licensing mechanisms in the IoT context”
- An LTMS workshop on “Governing Data as a Resource”
- ‘PhD Colloquium on: “The Regulation of New Technologies”’.

A full overview of the events organized by LTMS in 2019 can be found in [Appendix 3](#).

2

Education

EDUCATION

2.1 EDUCATION IN TILT

Even though TILT is historically a research institute, education is considered to be a very important pillar of TILT. The cornerstone of TILT's education program is its Master's program in Law and Technology. This LL.M. course started in September 2005. Since 2015 TILT is also extensively engaged with education in the new data science programs of JADS. Alongside these major involvements many of TILT staff members are active in one or more other programs, including the bachelor Global Law, the bachelor Liberal Arts, the master Rechtsgeleerdheid, TIAS and other Post Academic Programs.

2.2 EDUCATION IN TILEC

Although TILEC is not formally responsible for running any of the university's educational programs, it plays a key role in a number of them. TILEC members are very active in the Global Law Bachelor, the Data Science Bachelor, the International Business Law Master, the Master in Law and Technology and the Master in International and EU law. Additional courses are also offered at the PhD level. In 2019, on top of general courses, many courses directly linked up with the TILEC research program.

Examples include the master courses 'Regulating Competition'; 'International Competition Law'; 'Competition Law and Technology Industries'; 'Banking and Security Regulation'; 'Advanced EU Competition Law and Economic Regulation'; 'Crisis and the EU'; 'Trade and WTO Law' 'Law and Economics'; 'Trade and Development'; 'EU Internal Market Law'; 'Making and Shaping of Markets'. TILEC TLS members are also involved in several bachelor courses including: the Data Science Bachelor course 'Innovation and Regulation', the Bachelor of Liberal Arts course 'European Public Law and Public International Law', the Global Law Bachelor courses 'Methods and Techniques of Legal Research', as well as the Rechtsgeleerdheid Bachelor course 'Mededingingsrecht'.

2.3 MASTER L&T

While the master program started out as a small-scale niche program with only few students a year, the trend is now that the program is attracting over 100 students per year from all over the world. The intake is spread over two periods, in September (ca 80 students) and in January (ca 35 students). The program takes regulation of and by technology as a starting point. There are three main components of the program: 1 mandatory course as a foundation to the entire program. This course is called REAL: Regulation, Ethics, Acceptance and Legitimacy. 6 Electives to choose from a total of 12 electives. The electives within the program are clustered in two ways. First, into three main pillars of the program, all consisting of an introduction and an advanced course, where the advanced course is only available to students who participated in the introduction. These pillars are: privacy and data protection, intellectual property, and competition law (as a result of the merger between TILT and TILEC into LTMS). Second, besides these three main pillars, the program has two clusters of electives: an IT law cluster and a Societal cluster. The IT law cluster consists of the following courses: Contracts and ICT; Global E-Commerce and Internet Liability; Cybercrime. The societal cluster consists of the courses: Climate Change Law; Law, Technology and the Environment; Health, Care, Regulation and Technology. Even though these pillars and clusters provide students with the opportunity to, in combination with their master's thesis, specialize in certain domains within the broad field of Law & Technology, students are entirely free to pick and choose the electives as they wish. On top off the program electives can be chosen from other master programs.

Within the program students are trained in assessing the mutual relationships between law, technology and normative outlooks within society. The program is interdisciplinary in nature, starting from the perspective of regulation, students are challenged to consider the interplay of different disciplines in solving complex societal issues in relation to the ever-evolving technological landscape.

Even though internships are not a mandatory component of the Law & Technology Program, students are encouraged to engage in internships and other extracurricular activities. Practice is involved in the Law & Technology Program by way of guest lectures and extracurricular activities

such as seminars and so-called TILT Clinics – assignments commissioned by practice executed by small groups of students – which are highly valued by both students and practice. See more on the 2019 TILT Clinics below.

2.4 INVOLVEMENT IN OTHER TLS PROGRAMS: MASTER RECHTSGELEERDHEID, BACHELOR'S PROGRAMS IN GLOBAL LAW AND LIBERAL ARTS

TILT offers various courses in other TLS programs. In the Master Program Rechtsgeleerdheid an elective course on privacy and data protection is offered. Students learn about the differences and similarities in privacy and data protection, they get acquainted with the notions of a harm-based and risk-based approach and explore the GDPR in theory and in practice, on the basis of real-life cases. In the Bachelor Global Law TILT staff teaches a course on Technology and Society. The aim of this course is to develop students' knowledge of important trends in technological developments to the degree that these developments are relevant for regulation, legislation, and enforcement. In the program Liberal Arts TILT hosts a distance course on Liability and the Internet, focusing on the implications of online environments for the applicability and enforceability of traditional legal frameworks. Liability in relation to Internet Service Providers and jurisdictional issues regarding online defamation are used as illustrations of how internationalization, dematerialization and technological turbulence pose regulatory challenges.

2.5 JADS

Tilburg University is one of the founding partners of the Jheronimus Academy of Data Science (JADS). TILT lecturers are involved in both the Bachelor's Program and Master's Programs that fall under JADS. The courses taught by TILT staff aim to provide data science students with a strong legal and ethical foundation that will stay with them throughout the rest of their careers. The majority of JADS students do not have a legal background. However, over the course of their careers, they will inevitably face circumstances in which they will benefit from an understanding of the legal and ethical frameworks that come into play when one deals with (big) data.

The following courses were taught by TILT lecturers as part of JADS:

- **Joint Bachelor in Data Science:** (Tilburg + Eindhoven)
 - Law and Data Science
 - Perspectives on Data Science
 - Data Science Ethics
 - Data challenge
- **Joint Masters: Data Science and Entrepreneurship** (Den Bosch)
 - IP and Privacy
 - Law, Ethics and Entrepreneurship
- **Masters in Data Science: Business and Governance** (Tilburg)
 - Mandatory: Data Science Regulation and Law
 - Elective: Data Science: Sustainability, Privacy and Security

The primary aim of the courses TILT provides is to ensure that data scientists of the future are aware of the legal and ethical duties that come with the great potential of (big) data. The legal courses provide insight into both legal and ethical considerations relevant to data science. Besides a general introduction into law and ethics, students get basic knowledge of different fields of law such as privacy and data protection and intellectual property law, aiming to make students aware of challenges, risks and opportunities that may derive from these legal frameworks. The courses aim to make students aware that legal and ethical frameworks impact data science. Students are challenged to reflect upon moral and ethical factors which may influence a decision not to analyze or publish certain information, even in cases where it is already publicly available.

JADS also offers some Post Executive Programs in which TILT has a role. In the Data expert program and the KPMG program legal and ethical courses are taught by TILT staff.

2.6 TIAS AND PAO

One of TILT's success programs is a Post Executive Specialization Course in the field of Privacy and Data Protection. During 4 days (all Fridays) the participants gain a foundational understanding of the General Data Protection Regulation (GDPR) and learn how to work with this complex legal

framework in practice, by handling data protection issues via case studies. Special attention is given to issues prominent in an international setting of data use, including the scope of application of the Regulation and compliance with the EU data transfer rules. Another PAO program in which TILT participates concerns Big Data. In this program a full spectrum on the emerging field of both the law on big data as well as the use of big data in the law is offered. The participants get a comprehensive view on the latest developments in big data and artificial intelligence (AI) related to the law and legal practice. A wide range of topics is covered, including the GDPR, ethical issues of big data and AI, contractual protection of data and IP-rights.

Besides these stand-alone PAO courses, TILT is also active in Post Academic Programs offered by TIAS School for Business and Society. TILT is involved in courses on Privacy and Data Protection, Ethics, ICT-contracts and Intellectual Property in a variety of programs such as the Executive Master of IT-Auditing and the short programs 'Waardecree met Big Data Analytics' and 'Transformeer naar een data gedreven organisatie'. For the Executive Master of IT-auditing TILT on occasion is involved in graduation trajectories providing supervision to small groups of students.

2.7 TILT CLINICS

TILT Clinics are short term projects (4 weeks in a row for 2 days a week typically) in which 4 Law and Technology students work on a commissioned study under supervision of TILT senior staff and the project commissioner. The days and number of students can vary depending on the wishes of the commissioner of the assignment.

2.7.1 TILT Clinic in cooperation with UNSense

(March 2019)

UNSense and Brandevoort 2.0

UNSense is a spin-off from UNStudio; a leading international architectural firm, with 30 years of international experience in architecture and urban development.

UNSense explores, designs and implements strategies and technologies to improve people's living conditions, and to make buildings and cities more humane and healthier. One of the recent projects UNSense is working on is Brainport Smart District, a project aimed to develop the most innovative city of the future. The baseline idea is to develop the first 100 houses of Brandevoort 2.0 in co-creation with the people living in these houses by creating a real-time test environment. The residents can live for free in exchange for qualitative and quantitative data sharing. These data form the bases for "learning by doing" and will be translated to systemic solutions that can be deployed at a larger scale within Brandevoort 2.0.

Assignment: Data brokering in a smart city concept

The goal of the Clinic was to help develop insight into the (im)possibilities of data brokering as underlying model of the smart city housing project, answering the following questions:

1. What type of data will be collected that fall within the realm of the GDPR?
2. Which parties are involved and which roles do they have in terms of data controllers and data processors?
3. How do these parties relate in terms of data ownership?
4. What risks and/or restrictions may arise from the GDPR regarding data brokerage as underlying model for Brandevoort 2.0?
5. What kind of measures need to be taken to mitigate these risks and restrictions?

These main questions resulted in an advisory report of about 15 pages. Besides, based on the report, a 3-page management summary in Dutch was delivered. The Clinic was concluded with a presentation of the main findings.

2.7.2 TILT Clinic in cooperation with Louwers IP|Technology Advocaten

(November – December 2019)

Louwers IP|Technology Advocaten

Louwers IP|Technology Advocaten is a modern niche firm in the field of IT/internet, privacy and intellectual property, and especially at the intersection of law and technology. Since 2006, the firm is established in design and technology region Brainport Eindhoven and from August 1, 2014 also in the equally innovative region of The Hague.

Assignment of the Clinic: Assist in the development of an educational tool for engineers

The engineers of the future faced a faster pace of technology development and increasingly complex problems. They needed both in-depth discipline expertise and cross-disciplinary insight. When developing technology for society, a basic understanding of legal subjects was of great importance. As the Eindhoven University of Technology is primarily a university of technology, the 'legal' discipline was currently limitedly taught to students.

The opened Eindhoven University of Technology innovation Space hosts several student teams and spin-offs which experience a lack of understanding on their legal position. According to similar institutions at other (technical) universities, these universities face similar problems. The key objective of this project was to educate (future) engineers about their legal position through an education tool.

The goal of the Clinic was to help develop and test the content of an education tool. This tool was used to help engineering students answer the questions:

1. have I created intellectual property?
2. who owns the intellectual property I have created?
3. what are legal topics to consider when starting a business?

Students worked at the law firm Louwers IP|Technology Advocaten and at the Eindhoven University of Technology Innovation Space, both located in Eindhoven.

2.7.3 ehvLINC Team & Louwers IP|Technology Advocaten

(November 2019 – May 2020)

ehvLINC Team & Louwers IP|Technology Advocaten

Besides being active in TILT Clinics, several students of the Law & Technology program also engage in a longer-term project guided by the ehvLINC Team & Louwers IP|Technology Advocaten.

In the early stages of their existence, startups rarely pay attention to legal or tax issues, which often leads to significant future problems. Moreover, their scarce funding does not allow them to pay for

traditional legal services. ehvLINC brings together startups, law students and law firms to resolve this pressing issue.

Startup Incubator Internship

At the beginning of each academic semester, students can apply and commit for 6 months to being part of ehvLINC. During these months, the students work on average 8 hours per week, for innovative and mostly high-tech startups. The students devote their time to resolving specifically IP & Privacy-related legal problems that the startups encounter. They won't be working alone but with the partner law firm Louwers IP|Technology Advocaten. Students acquire practical experience in what is currently one of the most exciting legal fields (startup law), startups will be safe and sound with top-notch legal advice and law firms will get a unique chance to meet their potential future clients and/or employees.

From this project another TILT Clinic spin off emerged, as Eindhoven University of Technology innovation Space hosts several student teams and spin-offs which experience a lack of understanding on their legal position. Therefore, ehvLINC and Eindhoven University of Technology Innovation Space started a collaborative project called Suitless, which is an online platform where startups can obtain a clear view of what they need to arrange legally. Through intelligent questionnaires (modules), Suitless simulates the conversation between legal advisors and entrepreneurs. After finishing a module, the system automatically creates an overview of to-do's, classified on urgency. If it is necessary for a startup to hire a professional, he or she can help the startup - based on the already formulated bottlenecks - more efficiently.

The goal of this special TILT Clinic project, which was carried out in November 2019, was to:

1. Research which legal knowledge would be relevant for Eindhoven University of Technology startups;
2. Develop new modules about intellectual property and privacy subjects; and
3. Validate the legal content of the modules with lawyers and teachers



Aaron Martin

Can Big Tech save humanity?

One of the key concerns motivating our work on the Global Data Justice project is the ongoing transformation of humanitarian aid through innovative uses of digital data and technology. How are humanitarian crises being reconceived as problems that can be solved, at least in part, with digital data? And what role should the private sector play in driving this digital transformation? Last year brought a number of high-profile announcements that have forced the humanitarian community to reflect deeply on different issues: the role of regulation in governing data use in humanitarian interventions, whether digital technology is capable of solving humanitarian conflicts that are intractably political, and the extent to which private sector players ought to be involved in the humanitarian enterprise.

In February 2019, the UN World Food Programme (WFP) announced a five-year partnership with the data analytics firm Palantir “to streamline the delivery of food and cash-based assistance in life-saving emergency relief operations around the world”. While the partners took strides to present the project as complying with data protection principles, many observers remain concerned about the involvement of Palantir in essential humanitarian work.

In a separate development last year, WFP announced that it would be suspending food aid in parts of war-torn Yemen unless the local population accepted the agency’s introduction of a biometric registration system for aid distribution, which local leaders had objected to on sovereignty and security grounds.

Then in June 2019, Facebook, in partnership with 27 other organizations including the humanitarian NGO Mercy Corps, launched a new cryptocurrency known as Libra with the explicit aim of addressing barriers to “financial inclusion” globally. Since then, a number of Libra’s high-profile partners have withdrawn due to regulatory pressure, forcing the project to rethink its aims.

The consequences of each of these developments surely will be felt for years to come, particularly as the world responds to the massive humanitarian crisis of COVID-19. We should learn from these recent experiences as we ask ourselves what role we want digital data and technology to play in this response. Can Big Tech save humanity?

3 Finances

LTMS is funded through a mix of internal funds provided by Tilburg University (40%), as well as external funds (60%). Large international projects are funded by the European Commission (EU) and by the Netherlands Organization for Scientific Research (NWO), public authorities and private firms.

TILBURG UNIVERSITY:

for the education:

- in the Master in Law & Technology program;
- Data Science education, both in the joint Eindhoven University of Technology and Tilburg University joint Bachelor, as well as in the Data Science and entrepreneurship at JADS and the Master Data Science and governance at Tilburg University;
- LTMS contribution to the Bachelor Global Law with the Law, Technology and Society course;
- as well as contributions in the Master European Law and Master “Rechtsgeleerdheid”.

for research:

- TILT’s 5 year research program, Understanding the Mutual Shaping of Regulation, Technology, and Normative Notions;
- into the Law & Technology signature plan;
- the Sectorplan programs (Digital Legal Studies – From regulating behavior to regulating data);
- into Regulation, Ethics and Accountability in Data Partnerships for Humanitarian Aid;
- for research into how data portability in big data affects individuals, innovation and competition.

EUROPEAN COMMISSION (EU):

European Research Council (ERC), for the project *Understanding information for legal protection of people against information-induced harms (INFO-LEG)*.

European Research Council (ERC), for the project *A framework for Data Justice on the global level*.

The European Research Council (ERC), for research on *the resilience of non-State regulatory bodies in times of crisis*.

Directorate-General for Justice and Consumer, for a study on *certification ex art. 42/43 GDPR*, under the frame-work contract N° JUST/2014/DATA/FW/0038.

Directorate-General Migration and Home affairs for the project *Public-Private Partnerships on Terrorism Financing (ParTFin)*.

JRC Sevilla, for research on *the interplay of SDO and IPR systems in the ICT industry*.

European Horizon 2020 scheme, for the project *MicroMole: Sewage monitoring system for tracking synthetic drug laboratories*.

Research Executive Agency, for the project *CSI-COP: Citizen Scientists Investigating Cookies and App GDPR compliance*.

Jean Monnet Centre of Excellence, for the network: *Consumers and SMEs in the Digital Single Market*.

Netherlands Organization for Scientific Research (NWO):

The Dutch National Research Agenda (NWA) - *INTERSECT – An internet of secure things*.

VENI grant – **Eleni Kosta** *Back to the typewriters? - Rethinking informational self-determination in the era of mass state surveillance*.

VICI grant – **Bert Jaap Koops** *Privacy Protection in the 21st Century*.

BotLeg project for research on the legal boundaries of public-private actions against botnets.

In cooperation with the think tank NGInfra, for research into *legal and organizational network and governance aspects of data-driven innovations in infrastructure management*.

4. VISITORS AND OTHERS *(fully or partially staying at LTMS in 2019)*

Visiting professors – 25th Anniversary TILT 2019

- Geoffrey Manne (International Center for Law & Economics, Portland, United States of America)
- Maria Hellen Murphy (Maynooth University, Maynooth, Ireland)
- Teresa Scassa (University of Ottawa, Ottawa, Canada)
- Sapna Kumar (University of Houston Law Center, Houston, United States of America)
- William G. Staples (University of Kansas, Lawrence, United States of America)
- Carlo Botrugno (Florence University, Florence, Italy)
- Joanna Bryson (University of Bath, Bath, United Kingdom)
- John Danaher (Law School, National University of Ireland, Galway, Ireland)
- Sven Nyholm (Eindhoven University of Technology, The Netherlands)
- Francesco Sindico (University of Strathclyde School, Glasgow, United Kingdom)
- Jonathan Verschuuren (Tilburg University, The Netherlands)
- Robert Rosenberger (School of Public Policy at the Georgia Institute of Technology)
- Dan Svatesson (Bond University, Gold Coast, Queensland, Australia)

Research visitors

- Anu Masso (Tallinn University of Technology, Tallinn, Estonia)
- Huang-Chih Sung (Graduate Institute of Technology, Innovation and Intellectual Property Management, Chengchi University, Taiwan)
- Ignacio Cofone (McGill University, Montreal, Canada)
- Nicolo Zingales (University of Sussex, Brighton, United Kingdom)



Merel Noorman

In 2019 Merel Noorman's research focused in particular on exploring how ethical guidelines and principles can become part of the practices in which AI technologies are developed and embedded.

As part of this research, she worked with Linnet Taylor and Shaz Jameson on a collaboration with the Amsterdam Institute for Metropolitan Solutions in a series of trial Data Governance Clinics for a Smart City Project in Amsterdam. The aim of these clinics was to help the project team reflect on how public values could be made a key part of the governance of their project and the technology itself. An important take away of these clinics was that although there are institutional structures in place to ensure compliance with legal requirements concerning privacy and data protection, such structures are largely missing when it comes to other public values like fairness and individual autonomy. In the Data Governance Clinics the participants explored ways to address this gap and to ensure that safeguarding public values can become part of their existing practices. Noorman also looked at machine-learning-based AI systems in the context of medical diagnosis to explore how these technologies are developed and implemented in shared decision-making practices. These AI technologies

and the companies behind them are relatively new mediating elements in the evolving relationships between doctors and patients, further complicating the distribution of responsibilities. In her research, Noorman looks at what the negotiations about responsibility in this context mean for the development, deployment and governance of these technologies. She also worked with her colleagues at LTMS on two projects for the Wetenschappelijk Onderzoek en Documentatie Centrum of the Dutch Ministry of Justice and Security to explore how privacy between citizens can be better protected in light of the increasing availability and sophistication of face recognition systems, hobby drones and spy products with which citizens can secretly observe others. Although, the current legal frameworks offer some protection for privacy, the researchers have offered several suggestions for the government on how to improve privacy safeguards, including a pallet of regulatory options for face recognition, categorized per type of relationship between citizens and per context in which the technology is used.



Bart van der Sloot

What I found is a fundamentally new approach the European Court of Human Rights has adopted in cases revolving around mass surveillance activities by intelligence agencies. For more the 50 years, the Court refused to scrutinize acts and legislative proposals as such, only looking at concrete violations in an individual case. Suppose a Member State had in place a law or policy through which the legislative power granted the executive power the authority to violate the Convention. Under its standards approach, the ECtHR would not rule that that law or policy should be changed or amended, but only that the violation in

“What I found is a fundamentally new approach the European Court of Human Rights has adopted in cases revolving around mass surveillance activities by intelligence agencies.”

a concrete matter was in violation of the Convention. Although the implicit message was clear, several countries simply refused to change their laws and rather payed continues damages to victims. This approach had two consequences. First, as the underlying problem was not addressed by the Court as such, a continuing violation of the Convention could persist. Second, and following from that, this sometimes resulted in a high number of cases before the Court, on occasions reaching a number of several thousand individual applications per underlying issue. Now, it has radically changed its course. It is willing to assess laws

and policies as such and even issues guidance to the national legislator on how to revise or restructure its legislation. Laws and policies can be evaluated on, inter alia, whether the attribution of power to the executive branch is clear, is subject to sufficient safeguards and conditions and whether the use of powers is subject to adequate oversight mechanisms. Doing so, the European Court of Human Rights is turning into a supranational European Constitutional Court, focusing on aspects related to the rule of law and separation of power and assessing laws and policies on their ‘conventionality’

Appendix

APPENDIX 1 – MEMBERS PER 31 DECEMBER 2019

Seniors

RGT: Regulation and Governance of Technologies
 II: Institutions
 CP & IN & IP: Competition, Innovation and Intellectual Property
 AI & R: Artificial Intelligence and Robotics
 P & DP & DS: Privacy, Data Protection and Data Science
 CS: Cybercrime, Surveillance, and Cybersecurity

Senior members

		RGT	II	CP & IN & IP	AI & R	P & DP & DS	CS	FTE
Floris Bex	Full Professor			*	*			0.2
Stephanie Bijlmakers	Assistant Professor		*					1.0
Konrad Maciej Borowicz	Assistant Professor		*					1.0
Tineke Broer	Assistant Professor	*						1.0
Franciso Alves Da Costa-Cabral	Assistant Professor			*				0.6
Colette Cuijpers	Associate Professor	*			*			0.4
Panos Delimatsis	Full Professor		*	*				1.0
Sebastian Dengler	Researcher		*		*			1.0

Senior members

		RGT	II	CP & IN & IP	AI & R	P & DP & DS	CS	FTE
Maša Galič	Researcher					*	*	1.0
Raphael Gellert	Researcher					*		1.0
Damien Geradin	Full Professor			*				0.2
Inge Graef	Assistant Professor			*		*		1.0
Leigh Hancher	Full Professor			*				0.2
Paul de Hert	Associate Professor					*		0.2
Martin Husovec	Assistant Professor			*		*		1.0
Esther Keymolen	Assistant Professor	*			*			1.0
Bert-Jaap Koops	Full Professor					*	*	1.0
Eleni Kosta	Full Professor					*		1.0
Tetyana Krupiy	Researcher				*			1.0
Ronald Leenes	Full Professor, Director LTMS	*			*			1.0

Senior members		RGT	II	CP & IN & IP	AI & R	P & DP & DS	CS	FTE
Aaron Martin	Researcher				*	*		1.0
Saskia Lavrijssen	Full Professor	*	*					0.6
Lokke Moerel	Full Professor			*	*			0.2
Giorgio Monti	Full Professor		*					1.0
Merel Noorman	Assistant Professor			*				0.8
Enrico Partiti	Assistant Professor		*					0.9
Robin Pierce	Associate Professor	*						1.0
Corien Prins	Full Professor				*			0.2
Nadezhda Purtova	Associate Professor				*			1.0
Leonie Reins	Assistant Professor	*	*					1.0
Marijke Roosen	Researcher			*				1.0
Alex Ruiz-Feases	Researcher			*				1.0

Senior members		RGT	II	CP & IN & IP	AI & R	P & DP & DS	CS	FTE
Maurice Schellekens	Assistant Professor			*	*			1.0
Bart van der Sloot	Assistant Professor				*			1.0
Kees Stuurman	Full Professor				*			0.4
Linnet Taylor	Assistant Professor	*			*			0.8
Evelyn Wan	Researcher				*			1.0
Bo Zhao	Researcher				*	*		1.0

RGT: Regulation and Governance of Technologies
 II: Institutions
 CP & IN & IP: Competition, Innovation and Intellectual Property
 AI & R: Artificial Intelligence and Robotics
 P & DP & DS: Privacy, Data Protection and Data Science
 CS: Cybercrime, Surveillance, and Cybersecurity

Support staff

Leonie de Jong, Managing Director

Femke Abousalama, Secretary

Maartje van Genk, Secretary

Ghislaine van den Maagdenberg, Secretary

Heidi van Veen, Secretary

Juniors

Junior members		RGT	II	CP & IN & IP	AI & R	P & DP & DS	CS	FTE
Can Atik	PhD Researcher		*					1.0
Emre Bayamlioglu	PhD Researcher			*	*			1.0
Anna Berti Suman	PhD Researcher	*			*			1.0
Jasper van den Boom	PhD Researcher		*					1.0
Magda Brewczyńska	PhD Researcher				*			1.0
Tom Chokrevski	PhD Researcher			*		*		1.0
Silvia De Conca	PhD Researcher			*	*			1.0
Lisa van Dongen	PhD Researcher		*					1.0
Brenda Espinosa Apráez	PhD Researcher	*	*					1.0
Aviva de Groot	PhD Researcher			*	*			1.0
Olga Hrynkiv	PhD Researcher		*					1.0
Shazade Jameson	PhD Researcher				*			1.0

Lucas Jones	Lecturer	*						1.0
Irene Kamara	PhD Researcher					*		1.0
Charmian Lim	PhD Researcher					*		1.0
Hellen Mukiri-Smith	PhD Researcher					*		1.0
Mara Paun	PhD Researcher					*		1.0
Tjaša Petročnik	PhD Researcher	*		*				1.0
Piergiuseppe Puscedu	PhD Researcher			*	*			1.0
Shanya Ruhela	PhD Researcher			*				1.0
Sascha van Schendel	PhD Researcher					*	*	1.0
Gargi Sharma	Researcher					*		0.4
Zuno Verghese	PhD Researcher			*				0.8

RGT: Regulation and Governance of Technologies
 II: Institutions
 CP & IN & IP: Competition, Innovation and Intellectual Property
 AI & R: Artificial Intelligence and Robotics
 P & DP & DS: Privacy, Data Protection and Data Science
 CS: Cybercrime, Surveillance, and Cybersecurity

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APPENDIX 3 – ACTIVITIES 2019

EVENTS LTMS 2019

TILT 25th Anniversary

In 2019, TILT celebrated its 25th anniversary with a year full of keynotes, workshops and events. Every month was devoted to a different theme. Please find below the theme of each month and the programming committee.

January 2019

organized by Colette Cuijpers, Sebastian Dengler and Inge Graef.
Economic Power

February 2019

organized by Maša Galič, Sascha van Schendel and Ivan Škorvanek.
Risk Scoring & Profiling Citizens

March 2019

organized by Lorenzo Dalla Corte, Shazade Jameson and Hellen Mukiri-Smith.
Smart and Dumb Cities

April 2019

organized by Martin Husovec and Maurice Schellekens.
Data and Ideas for Innovation

May 2019

organized by Raphael Gellert and Nadya Purtova.
Future of data protection

June 2019

organized by Robin Pierce and Tineke Broer.
Health

September 2019

organized by Silvia de Conca, Aviva de Groot, Merel Noorman and Linnet Taylor.
Reconfiguring Human-AI relationships

October 2019

organized by Anna Berti Suman and Leonie Reins.
Climate Change

November 2019

organized by Emre Bayamlıoğlu, Tom Chokrevski and Esther Keymolen.
Hacking the Electorate

December 2019

organized by Bo Zhao.
Conflicting laws and jurisdictions

Please find below all the events that were organized for the 25th anniversary year. These events are divided into: Book discussions, films, public lectures and keynote lectures. TILT started the 25th Anniversary year with a kick-off event on 18 January 2019.

Book discussions

Every month, a book has been discussed.

8, 15, 22, 29 January 2019

'*Virtual Competition: The Promise and Perils of the Algorithm-Driven Economy*' by Ariel Ezrachi and Maurice E. Stucke.

5, 12, 19, 26 February 2019

'*The Rise of Big Data Policing: Surveillance, Race and the Future of Law Enforcement*' by Andrew Guthrie Ferguson.

12, 19 March 2019

'*The Life & Death of Great American Cities*' by Jane Jacobs.

9, 16, 23 April 2019

'*The Patent Crisis and how the court can solve it*' by D.L. Burk and M.A. Lemley.

11, 18, 25 June 2019

'*Life Exposed: Biological Citizens after Chernobyl*' by Adriana Petryna.

5, 12, 19, 26 November 2019

'*Mindf*ck - Cambridge Analytica And The Plot To Break America*' by Christopher Wylie.

5, 11 December 2019

'*Solving the Internet Jurisdiction Puzzle*' by Dan Svantesson.

Films

Every month, we watched a movie selected in collaboration with Pop Up Cinema.

15 January 2019

Theater De Nieuwe Vorst, Tilburg: '*The Cleaners*'.

19 February 2019

Zwijzen Building, Tilburg University: '*PRE-CRIME*' and afterwards a debate by **Marc Schuilenburg**. (Department Criminal Law & Criminology, VU University Amsterdam, The Netherlands)

26 March 2019

Stadskantoor 6, Gemeente Tilburg: '*Her*'.

16 April 2019

Vincent's Tekenlokaal, ontdekstation in Spoorzone: '*The Next Rembrandt*' and a presentation by **Julia Janssen**. (Studio Julia Janssen, Amsterdam, The Netherlands)

14 May 2019

Theater De Nieuwe Vorst, Tilburg: '*Black code*'.

18 June 2019

Woonlandschap de Leyhoeve: '*Ik ben Alice*' and a lecture by **Maartje Niezen**. (Rathenau Instituut, The Hague, The Netherlands)

17 September 2019

FutureLab Tilburg: '*More Human Than Human*'.

15 October 2019

Kringloop, Tilburg: '*Downsizing*'.

19 November 2019

Theater De Nieuwe Vorst, Tilburg: '*Risk*'.

17 December 2019

Theater De Nieuwe Vorst, Tilburg: '*Das Leben der Anderen (The Lives of Others)*'.

Public lectures

Each month, the public library of Tilburg hosted a Public Lecture together with us.

22 January 2019

Lochal, Tilburg: '*Documentary TOEGANG!*'

26 February 2019

Lochal, Tilburg: '*Privacy Walking City Tour*'.

14 March 2019

Lochal, Tilburg: '*Public Lecture on: "The Right to the Smart City"*' by **Rob Kitchin** (Maynooth University, Maynooth, Ireland).

21 May 2019

Lochal, Tilburg: *'Building your own climate data sensor'*.

25 June 2019

Lochal, Tilburg: 'Public Lecture by **Adri Wischmann** (Intelligent Investment Solutions, Emmen, The Netherlands) (he introduced his Care Cube), **Claudia van Erven & Annelein van Sluijs & Corrie Aarts** (De Wever, Tilburg, The Netherlands) (they work at a healthcare institution for elderly people and they joined the public lecture) and a panel discussion by **Robin Pierce** en **Tineke Broer** from TILT.

24 September 2019

Lochal, Tilburg: 'Public Lecture on: "*Welcoming Robots into the Moral Circle*" by **John Danaher** (Law School, The National University of Ireland, Galway, Ireland) and **Sven Nyholm** (Eindhoven University of Technology, Eindhoven, The Netherlands)'.
 University of Technology, Eindhoven, The Netherlands'.

22 October 2019

Lochal, Tilburg: 'Public Lecture on: "*Climate Change Tipping Point: Civil Society Turns to Litigation*" by **Francesco Sindico** (University of Strathclyde, Glasgow, United Kingdom)'.
 University of Strathclyde, Glasgow, United Kingdom'.

12 November 2019

Lochal, Tilburg: 'Public Lecture on: "*Why micro targeting does not work and nevertheless disrupts the public sphere*" by **Mireille Hildebrandt**' (Faculty of Law and Criminology, Vrije Universiteit Brussels (VUB))
 Faculty of Law and Criminology, Vrije Universiteit Brussels (VUB)

Keynote lectures

Each month, an internationally renowned Professor stayed at TILT and gave a keynote lecture.

24 January 2019

Geoffrey Manne (International Center for Law & Economics, Portland, United States of America)
How to tame the market power of digital giants like Google, Facebook, Amazon and the like?

12 February 2019

Maria Helen Murphy (Maynooth University, Maynooth, Ireland)
Language, Power and Privacy

12 March 2019

Teresa Scassa (University of Ottawa, Ottawa, Canada)
Smart Cities Data Governance - Lessons from Quayside

30 April 2019

Sapna Kumar (University of Houston Law Center, Houston, United States of America)
Innovation Nationalism

28 May 2019

William Staples (University of Kansas, Lawrence, United States of America)
Real-Time Grade Books and the Metric Culture of Schooling

27 June 2019

Carlo Botrugno (Florence University, Florence, Italy)
Information technologies in healthcare: towards a new geography of right to health

10 September 2019

Joanna Bryson (University of Bath, Bath, United Kingdom)
The Role of Humans in an Age of Intelligent Machines

29 October 2019

Jonathan Verschuuren (PLG, Tilburg University)

Achieving food security under climate change: regulatory challenges ahead!

26 November 2019

Robert Rosenberger (School of Public Policy at the Georgia Institute of Technology)

Hostile Design: Philosophy, Architecture, and Policy

3 December 2019

Dan Svantesson (Bond University, Gold Coast, Queensland, Australia)

The Internet Jurisdiction Tipping Point

TILT Seminars

TILT invites people working in the domain of law, technology, and society to give guest seminars on a regular basis.

4 April 2019

Eduard Fosch Villaronga, (eLaw Center for Law and Digital Technologies, Leiden University, Leiden, The Netherlands) and **Cesar Augusto Fontanillo Lopez** (eLaw Center for Law and Digital Technologies, Leiden University, Leiden, The Netherlands) TILT Seminar on: *“Challenges and Opportunities of Robots, AI and Brain-computer Interface in Healthcare”*

30 April 2019

Laura Savolainen, (PhD candidate at the Consumer Society Research Centre (KTK), the University of Helsinki)

TILT Seminar on: *“Revaluing data as an asset”*

19 June 2019

Ignacio Cofone, (McGill University, Faculty of Law, Montreal, Quebec, Canada)

LTMS seminar on: *“Beyond Ownership: How to Treat Data Entitlements to Achieve Meaningful Protection”*

13 September 2019

Huang-Chih Sung (Graduate Institute of Technology, Innovation and Intellectual Property Management, Chengchi University, Taiwan)

LTMS seminar on: *“Prospects and challenges posed by blockchain technology on the copyright legal system”*

8 October 2019

Mark Leiser (Center for Law and Digital Technologies, Leiden University, The Netherlands)

TILT seminar on: *“Regulatory pluralism in a world of deceptive content and fundamental rights”*

29 October 2019

Alessandro Mantelero, (Private Law and Data Ethics & Protection, Polytechnic University of Turin, Italy)

TILT seminar on: *“Regulating AI: the European perspectives”*

WIP Meetings – LTMS

WIP Meetings are internal events where LTMS members present their own work at an early stage, for comments and discussion.

17 September 2019

Nadya Purtova

Code as personal data

26 November 2019

Enrico Partiti

Dynamism as source of resilience of transnational private regulators

Workshops and conferences – TILT

TILT organizes larger *conferences and workshops*, devoted to specific topics open to everyone interested in our research themes and activities. More often than not, those larger events are used to bring together researchers, practitioners, policy makers, and civil society at the intersection of law and regulation, technology, and society to share insights, exchange ideas and formulate, discuss and suggest answers to contemporary challenges related to technological innovation.

14 May 2019

Tilburg University: ‘Pre-event GIKII’

Speakers:

Matteo Nebbiai, Scuola Superiore Sant’ Anna

Nicolo Zingales, University of Sussex

Gijs van Maanen, Tilburg University

Amy Thomas

Gerard Jan Ritsema van Eck

Robbert Coenmans, Tilburg Law School - Dept. of Labour Law and Social Policy

Angela Daly, Chinese University of Hong Kong

Sascha van Schendel, LTMS - Tilburg University

Janos Meszaros

Jiahong Chen, University of Nottingham

Niels ten Oever, University of Amsterdam

Linnet Taylor, LTMS - Tilburg University

Silvia De Conca, LTMS - Tilburg University

Smarika Kumar

Caroline Calomme, Catalina Goanta, Kody Moodley

Rossana Ducato, Arianna Rossi

Megan Rae Blakely, Lancaster University Law School

Ronald Leenes, LTMS - Tilburg University

14 May 2019

Tilburg University: ‘Privacy protection in the 21st century, New concepts, theories, and applications’

VICI symposium

Speakers:

Bryce Newell, University of Kentucky

Tjerk Timan, TNO

Robin Pierce, LTMS - Tilburg University

Bert-Jaap Koops, LTMS - Tilburg University

Maša Galič, LTMS - Tilburg University

Bo Zhao, LTMS - Tilburg University

Ivan Škorvánek, LTMS - Tilburg University

Jaap-Henk Hoepman, Radboud University

Michael Fromkin

Seda Guerses

15-17 May 2019

Tilburg University: ‘Conference TILting Perspectives 2019 on: “Regulating a world in transition”’.

Keynote Speakers:

Karen Yeung, University of Birmingham (Keynote)

Niva Elkin-Koren, University of Haifa (Keynote)

Lee Bygrave, University of Oslo (Keynote)

Alexandre de Stree, Namur University (Keynote)

Virginia Dignum, TU Delft / Technology Policy and Management (Keynote)

Geert van Calster, KU Leuven (Keynote)

Seda Gürses, KU Leuven, Belgium (Keynote)

20 June 2019

Tilburg University: ‘PhD Colloquium on: “*The Regulation of New Technologies*”’.

Speakers:

Ronald Leenes, LTMS - Tilburg University
Brenda Espinosa Apráez, LTMS - Tilburg University
Martin Husovec, LTMS - Tilburg University
Max van Drunen, University of Amsterdam
Raphael Gellert, LTMS - Tilburg University
Dimitra Stefoudi, Leiden University
Bo Zhao, LTMS - Tilburg University
Francesca Michetti, G. d’Annunzio University
Tineke Broer, LTMS - Tilburg University
Lauren Tonti, Max Planck Institute for Social Law & Social Policy
Marta Fasan, University of Trento
Vasiliki Koukouloti, Centre for Commercial Law Studies, Queen Mary, London University
Alyson Berrendorf, University of Liège
Laura Drechsler, Brussels Privacy Hub, LSTS, VUB
Eleni Kosta, LTMS - Tilburg University
Aviva de Groot, LTMS - Tilburg University
Esther Keymolen, LTMS - Tilburg University
Simone Farrer, University of Glasgow
Jenneke Evers, Leiden University
Inge Graef, LTMS - Tilburg University
Oscar Borgogno, University of Turin
Alon Jasper, Tel Aviv University
Joyce Vandenbulcke, KU Leuven
Andrew Lockley, University College London
Irakli Samkharadze, KU Leuven
Leonie Reins, LTMS - Tilburg University

12, 13 September 2019

Tilburg University: ‘Workshop 25th anniversary on:

Reconfiguring Human-AI relationships: machines cooperating with humans in the work place?

Speakers:

Joanna Bryson, Computer Science, University of Bath
An Jacobs, Communication Science, VUB/SMIT
Andreas Theodorou, Responsible AI Research Group, Umeå University
Aviva de Groot, TILT, Tilburg University
Evelyn Wan, TILT, Tilburg University
Maaike Bleeker, Theatre Studies, Utrecht University
Marije Baalman, Freelancer Interactive sound artist & developer
Marije Kanis, Hogeschool van Amsterdam
Merel Noorman, TILT, Tilburg University
Olya Kudino, Philosophy, TU Delft
Raphael Gellert, TILT, Tilburg University
Robbert Coenmans, Labour Law and Social Policy, Tilburg University
Ruth Aylett, Computer Science, Harriot Watt
Silvia de Conca, TILT, Tilburg University
Sven Nyholm, Philosophy and Ethics, Eindhoven University
Vidushi Marda, Article 19
Zeerak Waseem, Computer Science, University of Sheffield

20 September 2019

Utrecht: ‘Workshop on: “*Gezichtsherkenning en horizontale privacy*”’.

Speakers:

Merel Noordman, LTMS - Tilburg University
Bart van der Sloot, LTMS - Tilburg University
Anne de Laat, LTMS - Tilburg University
Marc van Lieshout TNO/PI.lab
Lotte Houwing, Bits of Freedom

Vincent Böhre, Privacy First
Inge Bremmer NLDigital
Hans Bos, Microsoft
Jurriën Hamer, Rathenau Instituut
Christiaan Roorda, Raad van State
Koen van Nol, Schiphol
Stefan Kulk, Universiteit Utrecht
Gerard Ritsema van Eck, Universiteit Groningen
Victor Klos, Autoriteit Persoonsgegevens
Olya Kudina, TU Delft

30 September 2019

Tilburg University: ‘Meeting on: “*Humanitarian Data Partnerships: Expert Discussions on Regulation, Ethics and Accountability*”’.

Speakers:

Alexandrine Pirlot de Corbion, Privacy International
Amos Doornbos, World Vision
Samantha Watson, Flowminder
Josje Spierings, Leiden University
Joanna van der Merwe, Leiden University
Laura De Jong, International Committee of the Red Cross (ICRC)
Stuart Campo, United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)
Jos Berens, United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)
Gina Pattugalan, World Food Programme (WFP)
Joanna Lopatowska, Mastercard

20 November 2019

Symposium on: “*Freedom, moral responsibility, and human rights*”

Anita Allen (University of Pennsylvania, United States of America)

21 November 2019

Dies Natalis 92nd on “*Science under pressure*”.

Speakers:

Anita Allen (University of Pennsylvania, United States of America)
John P.A. Ioannidis (University of New York, United States of America)

22 November 2019

Symposium WRR/ LTMS’.

Speakers:

Cateljine Muller (Member of the EU High Level Expert Group on AI)
Anita Allen (University of Pennsylvania, United States of America)
Sander Dekker (Minister voor Rechtsbescherming)

6 December 2019

Geneva: ‘2nd meeting on: “*Humanitarian Data Partnerships: Expert Discussions on Regulation, Ethics and Accountability*”’.

Speakers:

Anna Bacciarelli, Amnesty International
Madeleine Maxwell, Engine Room
Dragana Kaurin, Localization Lab
Irina Bolgari, Alliance4Impact
Georgia Banjo, UK Foreign and Commonwealth Office
Laura De Jong, International Committee of the Red Cross (ICRC)
Massimo Marelli, International Committee of the Red Cross (ICRC)
Britt Charlotte Nathalie Huveneers, International Committee of the Red Cross (ICRC)
James De France, International Federation of Red Cross and Red Crescent Societies (IFRC)
Gina Pattugalan, World Food Programme (WFP)
Bineta Mbacke – Gavi, the Vaccine Alliance
Sherif Elsayed-Ali, Element AI

Paul-Olivier Dehay, PersonalData.IO

Jean-Yves Art, Microsoft

Alexandre Pinho, Microsoft

Ilia Siatitsa, Privacy International

Ain Aaviksoo, Guardtime

Wouter Lueks, EPFL

TILEC Seminars

A Seminar is devoted to a specific topic within the TILEC research program. It is organized for the benefit of faculty members and other researchers at Tilburg University.

17 January 2019

Konrad Stahl, University of Mannheim

Relational Contracts, Competition and Innovation: Theory and Evidence from German Car Manufacturers

30 January 2019

Patricia Funk, Università della Svizzera Italiana

Policy Choices in Assembly versus Representative Democracy: Evidence from Swiss Communes

6 February 2019

Henry Hu, University of Texas Law School

A Regulatory Framework for Exchange-Traded Funds

3 April 2019

Caio Mario da Silva Pereira Neto, FGV Law School, São Paulo – Brazil

Towards a layered approach to relevant markets in multi-sided transaction platforms

29 May 2019

Assaf Kovo, Hebrew University

Inferring Market Definitions and Competition Groups From Empirically-Estimated Demand Systems: A Practitioner's Guide

12 June 2019

Or Brook, University of Leeds

Priority setting as a double-edged sword: how modernisation strengthens the role of public policy

4 September 2019

Jorge Lemus, Illinois University

Pay-for-delay with Follow-on Products

18 September 2019

Theo Koutmeridis, Glasgow University

Shaking Criminal Incentives

2 October 2019

Victoria Daskalova, Twente University

Competition law in human resource markets

23 October 2019

Pierre Larouche and **Martin Husovec**

Making the Rules: The Governance of Standard Development Organizations and their Policies on Intellectual Property Rights

30 October 2019

Pinar Akman, University of Leeds

Online Platforms, Agency, and Competition Law: Mind the Gap

20 November 2019

Evgenia Motchenkova, VU Amsterdam

Mergers and Innovation Portfolios

11 December 2019

Josephine van Zeben, Wageningen University and **Ana Bobic**, Hertie School of Governance, Berlin

Polycentricity in the EU

Workshops and conferences - TILEC

TILEC organizes larger conferences and workshops, devoted to specific topics open to everyone interested in our research themes and activities. More often than not, those larger events are used to bring together academics, policy-makers and representatives from the business world.

26 April 2019

Conference on Patent pools 2.0: Modernizing collective licensing mechanisms in the IoT context

Speakers:

Damien Geradin, EUCLID Law & TILEC, Tilburg University

Robert Pocknell, N&M Consultancy

Michael Mattioli, Indiana University

Kirti Gupta, Qualcomm

Carter Eltzroth, DVB Project

Avantika Chowdhury, Oxera

Tim Pohlmann, IPlytics GmbH

Rob Merges, UC Berkeley (Keynote)

Rafal Sikorski, Poznan University, SMM Legal

Nicholas Townsend, Sky

Thomas Chia, Via Licensing

Mathias Hellman, Ericsson

Matthias Schneider, Audi

Ief Daems, Cisco Systems

Rudi Bekkers, Technical University of Eindhoven

Nikolaus Thumm, European Commission

Dylan Lee, Huawei

Jan Sandstrom, NSN

Martin Heinebrodt, Bosch

Guillaume Ménage, France Brevets

6 and 7 June 2019

A joint TILEC – GovReg Workshop on Governance of Big Data and Artificial Intelligence: Economic, Legal and Political Perspectives

Speakers:

Jens Prüfer, TILEC, Tilburg University

Eric Brousseau, Paris Dauphine

Viktor Mayer-Schönberger, Oxford University (Keynote)

Federica Liberini, ETH Zürich

Francesco Sobbrío, LUISS Rome

Sergio Pastorello, Bologna University

Tobias Klein, TILEC, Tilburg University

Wolf Sauter, ACM

Freek van Gils, TILEC, Tilburg University

Molly Roberts, UC San Diego (Keynote)

Antoine Bordes, Facebook Research (Keynote)

Yigitcan Karabulut, Frankfurt School of Finance & Management

Madina Kurmangaliyeva, TILEC, Tilburg University

Inge Graef, TILEC, Tilburg University

Lapo Filistrucchi, Florence and TILEC, Tilburg University

Ruben Durante, U Pompeu Fabra, (Keynote)

Mario Milone, Imperial College

Jan Boone, TILEC, Tilburg University

6 September 2019

European Law Institute (ELI) and TILEC organised Workshop on: The Remedies in Intellectual Property Law: Do We Need Common European Principles?

Speakers:

Alessandro Cogo

John Golden

Tomasz Targosz

Thibault Gisclard
Rafa Sikorski
Willem Hoyng
Martin Husovec
Lisa van Dongen
Orit Fischman-Afori
Norman Siebrasse
Vadym Semenov
Matej Myska
Franz Hofmann
Andreas Wiebe

10 September 2019

Conference on Data Sharing & Management of Critical Infrastructures: opportunities and challenges
A Research Project LONGA VIA funded by the “Responsive Innovations” Program of NWO and NGInfra

Speakers:

Geert Vervaeke, Tilburg University
Saskia Lavrijssen, TILEC, Tilburg University
Wendy van der Valk, Tilburg University
Tom Aben, Tilburg University
Brenda Espinosa, TILEC, Tilburg University
Ruud Berndsen, Alliander
Chiel Bakker, VEMW
Rian Kloosterman, Vitens
Inge Graef, TILEC, Tilburg University
Fredo Schotanus, University of Twente
Robert van der Linden, Port of Rotterdam

5 November 2019

“The Resilience of Private Collective Action in Finance and Manufacturing: Theoretical Challenges”
 Workshop organised by the Tilburg Law and Economics Center (TILEC) and supported by the European Research Council (ERC Consolidator Grant Agreement 725798 – REVEAL)

Speakers:

Panos Delimatsis, TILEC, Tilburg University
Stephanie Bijlmakers, TILEC, Tilburg University
Konrad Borowicz, TILEC, Tilburg University
Enrico Partiti, TILEC, Tilburg University
Shanya Ruhela, TILEC, Tilburg University
Zuno Verghese, TILEC, Tilburg University
Fabrizio Cafaggi, Council of State, Italy
Linda Senden, University of Utrecht
Alessandra Arcuri, Erasmus University, Rotterdam
Jens Prüfer, TILEC, Tilburg University

22 November 2019

Workshop on ‘*Governing Data as a Resource*’

Speakers:

Michael Madison, University of Pittsburgh
Charlotte Ducuing, KU Leuven
Giorgio Monti, TILEC, Tilburg University
Teresa Scassa, University of Ottawa
Alina Wernick, Alexander von Humboldt Institute for Internet and Society
Daithí Mac Síthigh, Queen’s University Belfast
Linnet Taylor, LTMS TILT, Tilburg University
Alexandre de Streel, University of Namur
Thomas Tombal, University of Namur
Michal Gal, University of Haifa
Damien Geradin, TILEC

Club Med / Club IO - TILEC

Club Med (for Club Mededingingsrecht – or competition law, in Dutch) meetings have long been a cornerstone of TILEC’s weekly activities. In the Club Med, recent legal and policy developments are discussed, including Commission decisions, judgments of the European or US courts, legislative initiatives, and policy guidelines. In the Club IO, recent advances in the economic analysis of institutions, competition, or innovation are discussed. Sometimes they are linked to preceding Club Med presentations.

23 January 2019

Inge Graef, Tilburg University, TILEC and **Francisco Costa Cabral**, Tilburg University, TILEC
Commission Decisions in the Google Android and Google Shopping competition cases

13 February 2019

Madina Kurmangaliyeva, Tilburg University, TILEC
Agrawal, Gans, and Goldfarb “Exploring the impact of AI: prediction vs judgement”

10 April 2019

Sebastian Dengler, Tilburg University, TILEC
Artificial Intelligence and the Modern Productivity Paradox: A Clash of Expectations and Statistics
by Erik Brynjolfsson, Daniel Rock, Chad Syverson

25 September 2019

Inge Graef, Tilburg University, TILEC and **Francisco Costa Cabral**, Tilburg University, TILEC
Revising EU competition law: from the challenges of digitisation to a new EU industrial policy

6 November 2019

Francisco Costa Cabral, Tilburg University, TILEC
Common ownership in competition law, an overview of the debate focused on EU law.

4 December 2019

Marie Le Mouel, Tilburg University, TILEC
Do Increasing Markups Matter? Lessons from Empirical Industrial Organization”, by Steven Berry, Martin Gaynor and Fiona Scott Morton, published in the Journal of Economic Perspectives

Work-in-progress (WIP) meetings - TILEC

WIP Meetings are internal events where TILEC members present their own work at an early stage, for comments and discussion.

16 January 2019

Jingze Li, Tilburg University, TILEC
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