SEMINARS ON LAW AND TECHNOLOGY (SLATE)

TRAIL is proud to present a series of Seminars on Law and Technology (SLATE). Each SLATE session explores a theme in the current debates surrounding the interactions between law and technology, by way of presented papers and discussions. SLATE will be of interest to academics, practitioners, and entrepreneurs who desire a more nuanced exploration of the legal issues involved in the creation and adoption of new technologies.

SLATE VI

DATA OBJECTS AS PROPERTY?

KELVIN LOW
The University of Hong Kong

DANIEL SENG
NUS Law

English academics have belatedly awoken to the challenge to the law posed by the computer revolution that started in the late twentieth century. Inspired by American jurisprudence, technophile lawyers unfamiliar with the complexities of conceptualising property liberally propose to extend property law concepts to digital files, including a recent attempt to do so by postulating a three-layer model of digital files to enable 'ownership' at the logical layer. Meanwhile, American academics, facing some resistance in the courts, have continued to propound the case for data property. This seminar exposes the many dangers of the concept of property within the common law, the failures of recent proposals on both sides of the Atlantic to address the underlying technical workings of computing, and the perils that such ill-considered extensions of property will pose to legal development.

Kelvin F.K. Low read law at the National University of Singapore and Oxford University. Before his current appointment at the University of Hong Kong, he held previous appointments at National University of Singapore, Singapore Management University, and City University of Hong Kong. His research interest spans the field of private law but with a particular interest in property, broadly defined. He has published internationally with leading journals such as the American Journal of Comparative Law, the International & Comparative Law Quarterly, Legal Studies, Lloyd's Maritime and Commercial Law Quarterly, the Law Quarterly Review, the Melbourne University Law Review, and the Modern Law Review. He is a co-author (together with Michael Bridge, Louise Gullifer, and Gerard McMeel) of the 2nd and 3rd editions of The Law of Personal Property, and co-author (together with Tang Hang Wu) of the 3rd and 4th editions of Tan Sook Yee's Principles of Singapore Land Law. His works have been cited by the courts in Australia, Canada, England and Wales, Hong Kong SAR, Malaysia, New Zealand, and Singapore as well as law commissions and law reform bodies in Australia, England and Wales, Ireland, New Zealand, Scotland, and Singapore.

Daniel Seng teaches and researches on information technology law and infocommunications law. He is Co-Director, Centre for Technology, Robotics, Artificial Intelligence and the Law (TRAIL) at NUS Law where he is also the Director of LLM (Intellectual Property & Technology Law).

Between 2001 and 2003, he was concurrently the Director of Research, Technology Law Development Group at the Singapore Academy of Law. He graduated with firsts from NUS and Oxford, where he received the Rupert Cross Prize in 1994. He received his doctoral degree from Stanford Law School, where he used machine learning, natural language processing and big data techniques to conduct research on copyright takedown notices. While he was at Stanford, he was a non-residential fellow with the Center for Legal Infomatics (CodeX).

When: Thursday 19 September 2024, 4PM to 5.15PM

Where: Seminar Room 4-4, NUS Bukit Timah Campus

Closing Date: 16 September 2024

Enquiry: trail@nus.edu.sg

Seng, Daniel Kiat Boon and Low, Kelvin F.K., Data Objects: New Things or No-Thing More Than Ignis Fatuus (December 21, 2022). (2025) 17 Law, Innovation and Technology (forthcoming),

Available at SSRN: https://ssrn.com/abstract=4308631 or
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