INDIA ADR WEEKDAY 1: BANGALORE

SESSION 3

Technology – The Future of Disputes or Disputes of the Future?

05:00 PM To 06:30 PM IST

Speakers

Moderator – Rahul Matthan, Partner, Trilegal

Speakers:

Dhyan Chinnappa, Senior Advocate, High Court of Karnataka

Mohit Abraham, Chief Legal Officer, Peak XV Partners

Rupa Lakha, Partner, Osborne Clarke LLP

Varghese Thomas, Partner, JSA Advocates & Solicitors

RAHUL MATTHAN: The way I thought, we do this, and I've sort of Shanghai the rest of the speakers to go along with what I'm saying is, we'll split it into two parts. We'll first discuss perhaps sitting where we are, what can we envision as the future areas in which we're going to need to think about dispute resolution. And we're going to try and do it in a roughly informal way. We've had some very preliminary discussions as to what we're going to talk about, but I'm hoping this is going to be a bit of a free flowing discussion. And then after we've gone through that bit where we're sort of looking as the answers into the crystal ball and trying to figure out what the disputes in 2030 are going to look like, maybe we can go a little more into how the actual process of this new resolution is going to evolve. I know you've had a session on ODR before, so we're going to hopefully steer clear of ODR, given that there are experts who are actually doing it. But even beyond that, are there other ways in which we can reimagine the process of dispute resolution?

So I think we can start perhaps with the basics. And Rupa, I'll turn to you to kick us off. The basic dispute that we all face is disputes in relation to commercial transactions. And commercial transactions could be very simple contract disputes. But contracts today are complex because contracts sometimes involve machine components where some part of that transaction is actually performed by an ecommerce platform or is performed on a blockchain or multi-parties who have agreed to come together because their APIs talk to each other. And then what are the liabilities in those contexts. But equally just in very traditional fields of operation, and Rupa, I know that you specialize in Construction Law. So even in that field, the fact that data and just this whole information technology world has penetrated deeply into every aspect of life will change the way in which we think about those disputes. So my first question to you to kick us off is, just starting with the basics. What would disputes in the future look like with general commercial transactions, more specifically on construction and anywhere you want to go from there?

RUPA LAKHA: Okay. Thank you. That's quite a widely met. But just in terms of the future, so construction disputes and construction projects, certainly the type that I work on are generally large scale products. So there could be anything that goes wrong in the built environment. So you've got major infrastructure projects like bridges, tunnels, stadium is very fact heavy, and it's very technical, no pun intended given the talk in the traditional sense, and often you spend a lot of time, a number of years building up the disputes, and you will have disputes in terms of issues of fact and then disputes in terms of the legal issues. So we spend a lot of time going through lots of documents, and it's very document heavy. So that is, for example, one element where the use of technology can help to facilitate that. In pretty much

1 every talk that I give construction related when I'm talking about a delay claim or if we're
2 talking about who's liable for defective design, et cetera, the key message that we give to
3 consultants to give to clients is get your records in order. Make sure your infrastructure from
4 an operational perspective is in order, and then you probably won't need lawyers, and they're
5 still deficient. So I've got a delay claim going on at the moment on a major project, and there
6 are just gaps in information. So some of the things that clients are now putting in place is using
7 drone footage, real time capturing of what happens on a project. So actually, when you get to
8 the end of it, we can know that if somebody's saying, look, the piles weren't completed by the
9 1st of June, we've got the data to see when that happened. Right? So what I'm envisaging is by
10 having some of those tools, you are going to narrow down factual issues and dispute because
11 you're going to have a better data set which is facilitated by the use of technology. In
12 construction we also use something called BIM, which is building information modelling. So
13 that's a live piece of software that's used during the course of projects where designers from
14 all different disciplines are plugging into that model. So that anticipates an area of clash, for
15 example, or if there's a risk. So if you're using technology like that, you are either reducing
16 those issues from arising because you're eliminating risk pre-dispute stage or you're gathering
17 factual data such that actually you're limiting the factual issues in dispute. And that's going to
18 get better. So that's how I can see that process being refined I'll just give you a live example on
19 something which is happening now. I'm working on a case, which is major defects on a tunnel.
20 I've been working on it for seven years.
21
22 **RAHUL MATTHAN:** Seven years? It's not digital timescale?
23
24 **RUPA LAKHA:** Like proper see or count the grey hairs on my head. It's down to this tunnel.
25 But what we have to, we've got a pre-action meeting on it. Seven years pre-action, I would say.
26
27 **RAHUL MATTHAN:** Oh, yeah, that's even better.
28
29 **RUPA LAKHA:** So this is a pure token. So we have a pre-action protocol meeting next week
30 on Thursday, and the other side has just failed to engage. Right? And we've told them so many
31 times, just come to the tunnel you'll be able to see. And their strategy is just, this isn't us. This
32 is you. It's all you. And we're not coming to the tunnel. We've used technology. I say we, but
33 with the contractor to effectively produce a virtual walkthrough of the tunnel which we're
34 going to present at the meeting next week. And what the model does is it not only takes you
35 through the tunnel, but it peels off the different layers of the tunnel infrastructure so you can
36 demonstrate when you're talking about all of the defects and the damage, how that's
37 manifested and the extent to which that's manifested, and we're going to take them through

1   that. So we've got a pre-action meeting where we're gearing up for a mediation on the 19

2   November. If this process is right and we're using this technology in the correct way, and it's

3   having the right impact, it's going to increase our chances of settlement because that will have

4   percolated through. If it doesn't and we get to trial, we're going to use that more to demonstrate

5   to the judge in the Technology and Construction Board what's actually going on in the tunnel.

6   That is extremely powerful. Saves the judge having to go to this place in England. But you can

7   see already how that is a tool that's being used now in order to narrow the factual issues in

8   dispute. You're conveying things which are exceptionally complex and with a greater impact

9   than you would have had, had you not had that advance done. So that's two examples, I think,

10 (a) in terms of the future, but also how that's coming into play now.

11

12 **RAHUL MATTHAN:** I'm going to turn to Dhyan to speak about, I mean, as you're talking

13 about all of this, the evidence questions that this raises just jumped to the top of my mind, but

14 I want to turn to Dhyan to talk about that. But I actually want to ask you a slightly different

15 question as a follow up. How quickly are we moving to this future? Because what you've

16 described sounds like something that I'd use my vision pro to see. Peeling off layers of the wall

17 to see what's going on. This is not what judges or litigants on the other side are used to. How

18 quickly are we moving to this future? Or is it just one particular corner of the construction

19 world that's doing this and everyone else is...?

20

21 **RUPA LAKHA:** No, I think we're moving quickly. Because actually, the clients that we're

22 working with are very sophisticated. So actually that technology is not ours. That's driven by

23 the contractor. So we are using what is out there in terms of them refining their product to go

24 out and sort of lead with this cutting edge project. We are harnessing that and using the benefit

25 of that to bring it into the legal space. And that's where you're bridging what you are doing

26 from a legal perspective to working with your clients. So we talk about, and the previous

27 discussion was talking about improving law firms so that you can drive efficiency for working

28 with your clients. I'm talking about working with your clients, so you can use their efficiencies

29 to impact your case in a positive way, and that is happening. The processes in engineering, et

30 cetera, are way out there. So we're just finding ways of using those heads relevant to what we're

31 doing.

32

33 **RAHUL MATTHAN:** So, Dhyan, I'm going to turn to you on this because I don't know if this

34 falls within the definition of what we've traditionally viewed as evidence. Immediately, I would

35 say, what if the contractor has just come up with a very sophisticated movie that portrays

36 something which is to their advantage, but not to the advantage of the others. And we just

37 don't have the tools, traditional tools for cross examination and things like that when you're

1 presented with this very appealing movie that seems to portray the truth. And I think that as
2 we get into a world where this sort of technology is very much part and parcel of the
3 commercial reality that the litigants are operating in, in some ways, the judicial system which,
4 for which this is not the commercial reality and this is not the reality, will struggle to accept
5 some of these things as evidence. I don't know if there's been any such movement in India,
6 and the Indian courts. Are there any examples that we can just even talk about. But I think just
7 in this world, what is evidence going to be?
8
9 **DHYAN CHINNAPPA:** Yeah, thanks Rahul. It is a tough question. Well, before I actually
10 answer your question, when I was leaving to come to this conference, my colleague said, how
11 can you go to this conference with paper. You need to carry your laptop so I carried my laptop
12 though I hardly use it. But I came here and I saw that everyone is using paper. So I think we're
13 still a little lagging on technology in that sense. But having said that, see in evidence there are
14 two parts. The first part is admissibility, and the second is proof. When we look at the rules of
15 evidence, really, the rules of evidence deal with admissibility. How do you admit a particular
16 evidence on the record? And the second is actually proving that fact what we have in India in
17 terms of admitting electronic records is really in terms of Section 65 (B), under the Evidence
18 Act. And now under 63 under the new Act. In all of this we are only looking at how the evidence
19 can be looked at by court. It hardly is of proof. So when Rupa says and speaks of this model,
20 which is now presented in a software which is then looked at or you look at a virtual way of
21 looking at a particular bridge or a tunnel, that fact will have to be proved. And to prove a fact,
22 you will need someone, an expert, to speak about it. Which means that, although you may
23 admit it as evidence because it exists, the person who created it will have to come and speak
24 about it. And without actually someone speaking about it, at least as jurisprudence stands
25 today, unless both parties agree on it on that being an admitted technology or an admitted
26 piece of material which can be relied upon, it will be necessary for an expert to speak about it
27 and prove it, and that's where the difference really lies.
28
29 **RAHUL MATTHAN:** But, you know, I can't remember the case because I don't go to court
30 as often as the rest of you guys do. But the whole case around 65(B) now 63, was that there
31 was some precedent where there was this requirement for someone to come and adjudicate.
32 But essentially what 65(B) talks about is something which is, by its definition, proof of the
33 sanctity of the evidence. In the sense that it is digitally signed a digital signature is one that
34 cannot be tampered. If you tamper with it, the evidence that the document doesn't work. So
35 the question I ask you is, at some point in time, you're going to get past the need for someone
36 to stand up and prove that the technology works, because the technology by itself is designed
37 to be proof of itself that it works. How does that... Because at least as far as the Indian courts

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1   are concerned, I think we're stuck in that everyone has to prove because you got to now get a
2   certificate, print it out. Someone has to attest it saying that this computer has not been
3   tampered with, which is really going back to the dark ages, and this is not preparing ourselves
4   for the future of evidence. I don't want you to, perhaps get yourself in trouble by talking about
5   a decided case. But what is your view on this trajectory? How do we move to the future?
6
7   **DHYAN CHINNAPPA:** When 65(B) came, they contemplated a unique scenario, and that
8   was because no courts were looking at digital stuff. They were looking at paper. So you are
9   printing an email and presenting it in court. So when you present that, how do I know if that's
10 the correct email to which you file an affidavit, which is really, in some ways proving a
11 secondary fact because you've printed it. The primary fact or the primary evidence is the email
12 in soft copy...
13
14 **RAHUL MATTHAN:** Digitally signed or whatever.
15
16 **DHYAN CHINNAPPA:** Digitally signed or not digitally signed or whatever. It's just an
17 email. It could be digitally signed, or it may not be digitally signed. And given the manner in
18 which sometimes documents seem to undergo a change between the time it's printed and it's
19 presented in court, there is a need for someone to certify it. And that certificate is what we
20 have is 65(B), nothing else. But then the fact is, 65(B) certifies it as secondary evidence, not as
21 primary evidence. Primary evidence is really the laptop, which you must then present it in
22 court. And if you look at 63 now, it says, even if it's copied on a digital media, the digital media
23 also is secondary evidence. So it's not primary evidence. So the law as it stands today in India,
24 you'll, not be able to prove what you want to be proved by simply producing the document or
25 producing that material before the court. But let's say in a few years where everything becomes
26 online and someone is able to access that online resource sitting there as a judge, if he wants
27 to check if it exists and he's able to check from his laptop as to whether it exists, well it just
28 may just be dispensed with because everything is in the cloud and therefore, you can't really
29 say it's on one person's computer. So if it's on the cloud, then you just have to be able to access
30 it, see it, verify the correctness, and then say it's fine. Yeah, but all of this is really confidence
31 building in some ways, because the court must have the confidence that the document that
32 you produce is the real document. But if you look at how things work in commercial disputes,
33 that really doesn't take, isn't a big problem today because if you produce hard copies of
34 documents, you have the other side to either contradict it or accept, and you now have
35 admissions and denials. So if you admit that document exists but the contents may have to be
36 proved. Again, I'm talking of straightforward commercial disputes where you use email as a
37 means of communication. So today, if you look at the law as it exists. What you want isn't

1   there. But yes, it will improve over time, and then over time, you'll see the change but today it
2   doesn't exist.
3
4   **RAHUL MATTHAN:** Varghese you want to....
5
6   **VARGHESE THOMAS:** Yeah. Just to add to that. I think, as Dhyan rightly said, 65(B) came
7   out 20 years ago, correct? And 63 is pretty much a derivative of that. So while 65(B), may be
8   for the purposes of certification, documentation, et cetera, ultimately, if you are looking at,
9   let's say, a dispute on the metaverse and an asset over there, it can't be 65(B). It's got to be a
10   separate document of title to that asset, whatever that document of title is. Maybe it's
11   blockchain, maybe whatever it is, it develops into, and it will be evidence of that nature. So I
12   think the time, as Dhyan rightly said, today, 65(B), has a very, very limited regime, limited use.
13   Where we're going will have to be altogether a new regime. It can't be 65(B), which is outdated
14   and....
15
16   **RAHUL MATTHAN:** So, given the 65(B) or 63, it's this new law I just I can't keep up with
17   the new... but given that it exists, can we overrule it? Can we overlook it? Can we just jump
18   straight into the metaverse and say, look, we are going to have a different form of time? The
19   trouble I have is that digital signature certificate is computationally provable that this is
20   untampered evidence. If you can think through what that computational guarantee is, now,
21   unfortunately our judicial system does not leave the door open for computational guarantees.
22   They want what Dhyan was talking about, admission and proof. And both of those are bundled
23   into the computational guarantee of a digital signature certificate. And the panel that we had
24   earlier on ODR, quite frankly, if you are doing disputes at that scale and velocity, you do not
25   have the time to be sitting and puttsing around with admission and proof. Not at that scale.
26   So, I was going to go to you later, but since you picked it up, on digital assets, on
27   cryptocurrencies, first, just address this particular issue. And then what are the disputes of the
28   future? Because that's a very interesting... and we're going further and further into the future,
29   so lots of pressure on you, Mohit.
30
31   **VARGHESE THOMAS:** I looked at the topic and when we were having this free chat, I
32   thought being a futurist is the easiest thing because you don't have to say it's subject to
33   limitation of liability, subject to fees being paid, liability of that nature. Because you can say
34   whatever you want because you don't know where it's going to fall. I think in terms of future
35   of disputes in the tech space, I think it all comes down to how do we use our [UNCLEAR] laws
36   for this digital ecosystem, right? I mean, you take the simplest thing of service. Service of
37   proceedings, correct? Let's say, it's a crypto fraud dispute which is out there. Who do you

serve? Right. Because he's got a digital identity of some nature. It's not your human analogue identity that we have. Who do you serve? And I was reading somewhere, so, for example, in the UK courts say that you can do service through NEFT. I mean, in the sense that you could just sort of airdrop it into the wallet that was last used. So that's a progression. But we have such a long way to go in terms of service. You can imagine a judge here saying substituted surveys, publish notice. What's going on over there?

RAHUL MATTHAN: Pasted on the wall as well. Which wall is it pasted on?

VARGHESE THOMAS: Exactly? Public notice. What do you do? So, from service to identifying who the defendant is. Correct? So is it going to be fortunately, in at least in IP suits now you can do John Doe litigation. Bombay is called Kishor Kumar. I don't know what it is called in Bangalore.

RAHUL MATTHAN: Ashok Kumar.

VARGHESE THOMAS: Here also it's Ashok Kumar? So, who is it right? And who is the defendant? And I think it raises the issue in terms of, all right, you get an injunction. Let's say there's a crypto hack or a data hack and you get an injunction. What do you do with it? Because who's it against?

RAHUL MATTHAN: Who are you going to enforce?

VARGHESE THOMAS: I think there was some Australian court which came up with an innovative solution which said that this injunction also applies to anyone who's in possession of this data. So I think it is, in the case of HWL Ebsworth, an Australian law firm which is the subject of a hack and there was some 2.5 million documents which shall be taken out and they went to court. Exactly the same point. Persons unknown. And the judge said, all right, to make it effective, it will also apply to persons in possession of this.

RAHUL MATTHAN: This is the sort of loose language that really gives me the creeps, because who owns it could also include the cloud provider who's hosting it.

VARGHESE THOMAS: That's the next point.

RAHUL MATTHAN: And then the telecom operator that's actually transmitting it.

VARGHESE THOMAS: And that's the next debate. Who is that? So if you can't find the hacker, is it the platform? Does the platform own a fiduciary duty? Is it the developer? Correct? So will it go there in terms of pushing the liability onto these parties itself. So I think there's a host of, and it all comes down to using the laws that we know and we've studied for the last 40 years which has gone on for centuries, trying to apply this into principles which are not necessarily spatial. Right? And in terms of, you take a simple thing like computation law. What is relevant market when it comes to the metaverse or the cyber world? How do you determine these sort of things? So I think that's the challenge, right? How we adapt to using the laws that we know to a future, which is so amorphous in that sense.

MOHIT ABRAHAM: We actually, just on that point very quickly. A few months back, we had to practically deal with the case. We filed a case in the Delhi High Court. People were using our firm's names and our partners' names to run an elaborate investment scam on WhatsApp and Telegram. They were actually creating these fake investment apps and people were losing crores of rupees. There were FIRs registered against us in random places. So we actually moved a case in the Delhi High Court against Ashok Kumar. But we also had to include the platforms Meta, Google, Meet, everyone. So directions are passed so this is removed. So sometimes you're faced with this and courts... How else? These are unknown people. They're going to vanish. And this is how one has to deal with the analogous laws in this challenging...

VARGHESE THOMAS: [UNCLEAR], but so many. I mean, I can tell you, it is all in public. Damasec has faced this. Any of these big name investors, their sort of names and reputation have been abused. So it's very, very common now.

DHYAN CHINNAPPA: I was actually wondering on this issue of Service of Summons. It's not just a national problem, it's an international problem. The only convention which is there is the Hague Convention on service of notice abroad, And that requires you to do it through a designated authority in a host country.

RAHUL MATTHAN: And what is abroad? Because when you're on cloud you are abroad and in India.

DHYAN CHINNAPPA: I don't know how it works is you're sued in India, let's say and, you know, the party concerned. And he's living in the US. So you can't serve by email. You need to go through proper channels. By the time he's served, the effect of whatever you want to do is over. So even internationally you've not actually thought through this. And we've succeeded in

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1 cases saying service by email by court was ineffective and therefore the notice served in the

2 foreigner was incorrect and therefore he had to redo it.

3

4 **RAHUL MATTHAN:** Look, we started out saying, I don't know what we're going to talk

5 about. It looks like we're not going to get past question one. But it seems to me, just picking

6 up from what you were saying Varghese, that the problem is that we're trying to fit a square

7 peg into a round holder. Square peg, being this whole new technology area, round hole being

8 the laws that were relevant up until now, but clearly seem to be past their sell by date for what

9 we're doing now. I think there's a book in this.

10

11 **MOHIT ABRAHAM:** You're going to write it.

12

13 **RAHUL MATTHAN:** So, it's not something we're going to resolve right now. But Mohit, I

14 want to take you and ask you to take us even further out and probably what are the disputes of

15 the future, but something that we've all sort of spoken about briefly, every one of us which is

16 just this whole virtual world that we are in. I think Varghese, mentioned who, but there's also

17 what. We are now in an age where people have auctioned for literally millions of dollars,

18 pounds. An NFT, which is nothing, literally nothing. It is a virtual something or the other that

19 when Jack Dorsey street, for example, I think it was sold for millions, and then the person

20 want to resell it, and he got some $70 for it because Jack Dorsey was not so cool anymore, or

21 NFTs was not cool anymore. How in this world where nothing is real, but it is valuable to

22 people. Whatever is valuable to people can be copied infinitely with high fidelity. So there's no

23 such thing as primary evidence and secondary evidence because the secondary evidence is

24 identical in every way to the primary evidence. There's no gold copy and silver copy because

25 everything is a gold copy. There's no difference between the copy and the original, but still

26 there is value being created, there are places on the metaverse where people are buying real

27 estate. There was a time during this thing called second world where law firms set up offices

28 in second world. I have a feeling that that's going to start happening in the metaverse if Mark

29 Zuckerberg can get his attention back onto the metaverse and off AI. So there's all of this stuff

30 happening. And in the middle of all of that, we've got very, very old, centuries old Intellectual

31 Property Law which is the closest we've got at this point in time to an intangible property. So,

32 as you deal with tech companies that you're investing in, how do you think about these issues

33 and what are the distances you're perhaps starting to see already in that area?

34

35 **MOHIT ABRAHAM:** So, I mean, on a lighter note on the NFT point as a fervent capitalist,

36 I believe it's a good thing. You lost money. You've learned your lessons. Everybody learns their

37 lessons. So that's just how the markets evolve and it'll penalize poor judgment. But that apart,

1 I think Rahul, this is obviously a super important issue, and obviously mainly it is in regard to

2 how we are seeing AI evolve and the speed at which it's evolving. And this is a classic case

3 where this analogue old IP laws are now coming in touch with this absolute new beast. So let's

4 just think about it. If I go to a library, and I'm a super hardworking person, I have my team of

5 people and we all sit down and start manually taking down notes, and out of that notes, we

6 create a new piece of either research, which has some original thought, but it relies a lot on

7 this research that we have done, or it's in a way it's deriving a bit from all of this research. You

8 would never have a problem with it. In law school, we used to write papers, we put our

9 footnotes and all of those things. Suddenly, if you put a computer or a learning machine model,

10 which is doing the same thing, why should that be any different? Now, logically, if you speak

11 as a lawyer, this is how we make our analogies and we are like, no, it should not be different.

12 It's the same thing. Just because you're putting a machine there, why should you have a

13 different standard that what ChatGPT is doing is bad? And now you have the New York Times

14 that actually sued ChatGPT. Numerous other publication houses have also sued them.

15 Basically, the point is, you are training your machine through all of our data, and it's

16 reproducing our data. So, now you have a situation where you are trying to put your fair use

17 concepts, which is what ChatGPT is going to use as a defence. Like, is it a transformative or a

18 duplicative output. That's a question that's going to be asked. I think it's going to be very

19 difficult for the New York Times. I mean, this will be a controversial point. Many people may

20 disagree, but it will be difficult for the New York Times to say that this is duplicative because

21 it's adding some elements to it from different places not just the New York Times. Is it very

22 different from a creative piece that the New York Times has created? It's one thing if Harry

23 Potter has to be replicated, that's a clear case of infringement. But if it's about a debate between

24 Narendra Modi and Rahul Gandhi, which has now been summarized, which ChatGPT happens

25 to learn on, is that a problem? Maybe not. It's going to be very hard at least, I think, for the

26 New York Times to make out that case. These are the typical tests of fair use. Is the new product

27 substantively going to replace the old product? Is it like a replacement of the New York Times

28 article? Maybe that's a place where New York Times could say yes, nobody's going to come and

29 see my entire product. And finally it's going to look at the amount of text you have actually

30 used to learn. Is it the whole article? What have you reproduced? How much of it have you

31 reproduced? So when you look at all these things, it looks like the whole machine learning

32 piece, when you're putting it on top of it, it's going to become very, very difficult for original

33 content creators because it goes back to the basis of IP Laws. You're incentivizing people

34 because they're going to be protected. The IP is going to be protected. So I just feel that the

35 existing framework of IP Laws itself may be totally inadequate for this new kind of technology

36 that we are now seeing. One has to really think of...

37

1 **RAHUL MATTHAN:** That's on the flip side. And I know that you have invested a lot of
2 money in AI companies and you want to protect your investment.

3

4 **MOHIT ABRAHAM:** Yeah, of course.

5

6 **RAHUL MATTHAN:** But on the flip side the poor artist, and I want to now switch from New
7 York Times because, of course, New York Times is a very wealthy, owned by very wealthy
8 family, and we have very few sympathies for two big, extremely rich people slugging it. But a
9 poor artist, and I want to move to art.

10

11 **MOHIT ABRAHAM:** Yes.

12

13 **RAHUL MATTHAN:** Because unlike text, there is a style that an artist has.

14

15 **MOHIT ABRAHAM:** Correct.

16

17 **RAHUL MATTHAN:** And what apps like Mid Journey and Dali are doing is actually copying
18 that style and this poor artist who makes a living making web comics or something like that,
19 now finds that you can just go to Dali and you can generate a web comic in the style of the
20 artist.

21

22 **MOHIT ABRAHAM:** Yes.

23

24 **RAHUL MATTHAN:** So, don't we want to protect people like that? Or is it just where you
25 put your money and you want to protect it?

26

27 **MOHIT ABRAHAM:** No, absolutely, we have to protect people like that and that's where the
28 core IP Laws actually are still very relevant. You don't need new laws for those kind of
29 situations. I'll talk about one of our companies in video and before I came in, I did a... I was
30 like fooling around with tech, and I'm sure you do as well. So it generates a video basis the text
31 that you put. So the text I put in just before coming was "boring"… no "lawyer session on AI,
32 where the audience is bored, but pretending to be interested." I just put it in right, to see what
33 it was. To see what it was. It doesn't exist. Certainly not at this panel. It takes about three or
34 four minutes for the video to generate. Again, I'm driving clicks towards one of our own
35 companies, but it's actually a great product. And the product that comes out is actually a pretty
36 funny, one minute video which ends with a joke, which is that something it's addressed to the
37 audience, but it says that, well, at least you're not on the speaker's side or something to that

effect. I was pretty impressed. This is cool. But as I was going through the video, I could see that every image that is now being shown, it's taking stock of the images from the Internet. There is a credit. They have a licensing arrangement with these agencies, and it is using licensed products. It is giving a footnote that even the music is licensed. Now, the content is something that it has created. That you're not going to see that. But at least in relation to the images and the music, it's there. So I do believe that for AI companies of this nature, including a ChatGPT, and they are increasingly going towards getting licenses from all these databases through which they are learning. So that is the trend in which this is going. But the problem is, some of this is so vast, Rahul. They're learning trillions and trillions of, I don't know, bytes of information that for a content creator, this poor artist, that artist is going to find it hard to even know that this machine is trained on it. Because the product that's going to come out is going to be so singularly unique and this is a fundamental challenge. So while I will encourage my companies, which should only be licensed, even the creator of the engine does not really know what it's going to be trained on. And then you are looking at a future where it's not a pleasant answer, but at least where I see the technology going, it's going to be very hard for that poor content creator to even know his thing has been used for it to be trained on.

RAHUL MATTHAN: And I fear the genie has already escaped the bottle because open AI has already scraped up the whole Internet. And even though now there's a big call for responsible AI is here, that should be saved.

MOHIT ABRAHAM: Again I would say that, the only last thing I'll say is again in the US almost all these cases at least I feel will get settled. So how many of them will actually result in precedent which will again push it towards some form of regulation of the industry, especially when it comes to these specific issues.

RAHUL MATTHAN: So just one question for the entire panel and no pressure, anyone who wants to answer. But we've had technology causing great tectonic shifts in the way in which society works. We've had electricity really transforming the industrial capacity of people and the industrial revolution resulted in tremendous progress for all of society. It feels to me that AI is something like that. It's a big tectonic shift. But unlike electricity, and of course, electricity caused its harms to the industrial working class, we didn't have labour laws. We had to quickly on our feet, come up with new labour laws to take care of the working class and all of those things. I'm reading a book right now called the 'Politics of Time', which essentially says that the entire world used to be on what they call agrarian time, which is really no time at all. It's basically when the sun rises, you go and you do the field. When the sun sets, you come back. But with industrial time everyone has to be in the factory the same time because you can't start

1 that conveyor belt until everyone is there and change the whole way in which we work. And
2 now the book says that we're on tertiary time where no one is on the same clock. Everyone has
3 to work. There's no holiday. There's no time off because your office is always on. But none of
4 this is as much as of a sea change as what AI is doing. Fundamentally, I mean to us lawyers,
5 and it's a good segue into the next bit, but to us lawyers it's going to challenge some of the
6 things that we feel only humans can do. And that's going to change drastically. I guess anyone
7 who's sitting on this, on the panel here is probably save themselves from.... You're really at the
8 upper end of that curve, and AI is not going to take your job immediately.
9
10 **MOHIT ABRAHAM:** Give it seven years maybe?
11
12 **RAHUL MATTHAN:** Yeah. I mean, I think there's always, obviously, they're going to catch
13 up, but there's always a creamy layer on top that is going to be immune. There's a lovely
14 analysis by the World Economic Forum which said that among all the jobs most likely to be
15 lost to AI. I saw that, and I was very happy to note that lawyers were right at the bottom. Least
16 likely to be lost to AI. Right? So I think just above nurses, which are not going to be lost to AI.
17 And then I looked at the entire chart and the job that was actually most likely to be lost to AI
18 was paralegals and first year associates. So that tells you something, right? That it's the jobs
19 that can be replaced even in law. They are going to go. But it's senior counsel who can stand
20 on his feet and talk about...
21
22 **DHYAN CHINNAPPA:** Yeah, this is the first practice...
23
24 **RAHUL MATTHAN:** These sorts of things will probably not. But, before we segue into how
25 the practice of law works what do you feel about that question that I asked before we got into
26 this? Do we really need to rethink some of the laws that we currently have? We've spoken about
27 evidence. We've spoken about contract and commercial. I think there's intellectual property
28 challenges, no matter which way you sugarcoat it. I think you mentioned competition
29 somewhere. This competition law is under pressure because of network effects. I mean, there
30 is really a benefit to have a single Facebook. It'd be terrible to split Facebook into 20
31 Facebooks. I wouldn't know which Facebook I should be on to know what you're doing. And
32 there is a challenge with network effects. Are we looking, unlike for electricity, are we looking
33 at a period where we're going to have to just rethink the laws that have governed us for
34 centuries to find a new set of lawyers to work. So anyone, whichever order you want to say
35 something.
36
37 **VARGHESE THOMAS:** No. I mean, I think...maybe I'll start?

RAHUL MATTHAN: Yeah.

VARGHESE THOMAS: Absolutely. Because as I mentioned very briefly, we just take the whole idea of the relevant market on this metaverse, global cyber global network, whatever we want to call it. It then raises issues that who is in charge? Who gets to legislate? Can you actually drill it down to nations to have individual laws for that? Should we then move to a well, it's no longer effective, but a WTO kind of regime, which was there for trade and then we moved this into that. What's worked very, very well is domain names, right? And everybody has respected one domain name register and there's a respect for that system. So I think it's going to take a lot of thinking. Unfortunately, we're moving away from a multilateral world with all the geopolitics which is happening. So it's going to be difficult to get people back together to say that we perhaps need a global regime, much like international trade. This is a much larger beast than that, and we really need to look at it at a convention level. Right? The millions of conventions that we've had and then offshoots out of that. I think we need to change the platform. It can't be nations legislating when it comes to this sort of amorphous area, and it's got to be moved up to a more sort of global paradigm.

RAHUL MATTHAN: Rupa, any thoughts on that?

RUPA LAKHA: Yeah, I definitely agree with that, because the whole point of a legal system is to provide a framework within which society can operate. That's its essence of being. What's happening here is actually that framework is no longer operable because human behaviours are evolving. And I think we don't interact in the same way that one used to. The parameters within which we will operate are much wider. So your point is absolutely right. There's going to need to be a redefinition on a global scale in terms of some of these things that we're talking about, and that framework has to be done. So yes, the law will have to catch up. But the behaviours are going to change first. And the thing is and actually, you weren't here for the earlier discussion. We actually ended very much on that point in terms of the evolution of human behaviours. What will be lost as a result of growth in technology where some of those more junior levels are wiped out? So that transition. But that applies in so many other aspects and the way in which we behave, the way in which businesses are run. What are we losing? But what new capabilities are going to come into play and what protection needs to be put in place in relation to laws, cross border in order to deal with that. And this is a much more theoretical discussion than I think any of us planned for. But you don't know what you don't know. And that's the thing, is when we've got a topic like this is we're talking about the complete unknown

1 and your point, Mohit, is that it's not 20 years, it's seven years. That's petrifying for me. So,
2 yes, I think definitely global scale. There will be a need.
3
4 **MOHIT ABRAHAM:** I agree with the concept, but I just don't think global regulation or
5 frameworks are realistic in today's time and age. It just won't happen. The world is becoming
6 less and less global. Most countries are looking more and more inward. That's my experience,
7 certainly in legislation. What's more likely going to happen is, there will be some countries
8 that are going to understand the importance of the technology and legislate faster. So, for
9 example, when I was in Uber, there was a time when we were self-driving cars was a big thing,
10 and we were basically negotiating with each city state in terms of creating regulatory
11 sandboxes so we can operate them and actually test them. I think we will see more of that and
12 then other countries will see that and then adopt their own versions of it. But I don't think a
13 global alignment is that likely. It's going to be more local. But I'll just...
14
15 **RUPA LAKHA:** Can I just raise a point to just challenge, so I was on a panel with MCIA in
16 Germany a couple of weeks ago and we had somebody from Volkswagen who was there and
17 who was looking one of his sort of a head IT Head. And one of his challenges is actually
18 assimilating the software departments across, I think it was Bangalore, Pune, somewhere else
19 in India, but also reconciling that with the West as well. So that's one of his things, is actually,
20 if you've got different laws and different regulations within different jurisdictions, but you are
21 a global company and it's your task then to assimilate that and bring that into one operation
22 and that's what he's got to do. That is an immense challenge. I don't know how you reconcile
23 that without something broader which straddles across all of it, because you're trying to run
24 the same operation in different jurisdictions, but your one company today is so complicated. I
25 think that's going to be when you ask what are the disputes that we're going to have, what are
26 the challenges? Well, clearly it's going to come out of topics like that where businesses who are
27 operating globally, where you've got the western market, that's really interested in India.
28 You've got India coming onto the global stage. You're operating with Europe, the US and we're
29 all working at different paces. How are you going to reconcile that when there is an issue?
30
31 **MOHIT ABRAHAM:** Lawyers will be happy.
32
33 **DHYAN CHINNAPPA:** I was going to say I just need lawyers to sort the complexity out. I
34 think the real issue at the end of the day will be who'll make these laws. Let AI make these laws
35 or will you make them laws for AI. You have constitutional AI, which lays down certain broad
36 guidelines on how the platform will function. I was actually reminded of when I was looking
37 at this Asimov's 3 Rules for Robotics.

RAHUL MATTHAN: 3 Rules for Robotics, yeah.

DHYAN CHINNAPPA: First rule is robot shall not harm a human. Second law is robot shall obey any instruction given to it by a human. And the third law is that a robot shall avoid actions or situations that could cause it to come to harm itself. And when they conflict precedence is given to the first law, then the second law, and with this robot's self-preservation taking last place. So if you today have to put down a law which will ensure that AI will play second fiddle to human, I think it won't be too long when AI will take over human. And like Harare says, you'll create either a cyborg, which will have a human brain and a body of a robot or you'll create an inorganic kind of organism which will run on artificial intelligence and you're looking then at Terminator.

RAHUL MATTHAN: So the beautiful thing about the Three Laws of Robotics, and I'm a huge Asimov fan, so I can tell you all the stories, is that despite the three laws, the robots managed to do all sorts of mischief that the laws are supposed to prevent them from doing. And I think that is a good sort of way for us to segue into the next bit. I promised Neeti that I would stay on time, so we've got not much time to finish that second question. We also wanted to talk about what dispute resolution would look like in the future. And we imposed a constraint on ourselves, which is that we would not talk about ODR, which is already spoken about in the previous sessions. So, Dhyan, since you've just come straight off a virtual hearing, I wanted to turn to you first. What are our courts doing that are different? What are the ways in which we can think about using technology to do Dispute Resolution in a different way? And then perhaps I'll turn to you, Rupa, to see how it's happening in the UK and we will carry it forward.

DHYAN CHINNAPPA: I definitely am against AI judges. I still want the human element in judging. You can do everything else. You see, Supreme Court has started something called AI Saransh which actually is a software developed on AI enabled LLM software, which ensures that you are able to pressy write a large bit of information and present it to the judge. Then you have another model which they have started, which ensures that judgments of the courts are translated into local languages simultaneously so that it decimates far and wide. Then you have the Kerala system which has started something called ON Courts that is open networked courts. It's still at a pilot stage, but the idea is anyone can log on nowhere as cases can ask for an adjournment of a hearing, have a date, fix another date, so that the system of delays in courts are reduced to the maximum. How it works is to be seen, but it is there. Estonia has an AI judge. You have China which has internet courts. Therefore, you are looking at so many

changes which are coming about. But at the end of the day I always feel, the element of humanness is what is lost if you focus entirely on AI decision making processes. Well, it should help you, maybe shorten time where you can put evidence together, give you notes, give you options. I don't think it's too far away to see that at one point in time, you can file a petition and AI will give you all options of how you can decide, and then the judge chooses the best way possible for him to decide that case. No, he has choices, but the choice ultimately has to be made by a judge as to what he'll do.

RAHUL MATTHAN: Slippery slope here. Not going down that.

VARGHESE THOMAS: You get two, three drafts of a judgement.

DHYAN CHINNAPPA: Yeah, you get two, three drafts. You choose the best.

VARGHESE THOMAS: It's like a law clock.

DHYAN CHINNAPPA: Yeah, it's like lawyers. When they have a draft with the set of facts, they may get three kinds of petitions and how you can present it. How you can assess damages and place it before a judge, which is the best way possible? And judge also used similar technology to find out what's the best way to answer that question. But he makes the choice finally.

RAHUL MATTHAN: So there are many black mirror episodes which start like this, and sort of go downhill very quickly. But, Rupa, what's happening in the UK?

RUPA LAKHA: There's a paper that was published, a lecture that was given by the Geoffrey Vos, who is the Lord Chief Justice, and he said, look, we're trying to get to an online justice platform for the court system. So ultimately, get to a point where there's an app or a website that any claim should go to initially to work out. What's my step one talked about a three funnel process. So step one, is what do I do to get this initiated. Then step two, is to take you through various portals to try and resolve issues narrow the issues in dispute. And then step three, would effectively be a way of going on a flowchart and saying, right we've narrowed it down these are your three options. This is where you go. The model that he was saying had to really centre around intervention at every stage. So you are using digitalization, you're providing greater access but it is all centred around using that technology to drive resolution at an early stage. And that's sort of the key priority, I think. And using ODR, but also different forms of ADR having people give early, neutral evaluations earlier on in the process or allowing for

1 mediation earlier and just smoothening out that process so that there's a digital pathway to
2 follow more readily for people taking claims to court, and certainly for things that are more
3 straightforward that should eliminate that and get it done quicker leaving, which I think is
4 ultimately what we're all trying to get to. The really complex brain stretching cases, freeing up
5 the space of those real specialists to focus on that. So that's the anticipation. Already now in
6 the High Court, it's e-filing. We use electronic bundles. We use external providers in terms of
7 doing electronic disclosure. All of that is now part and parcel of life, and that is very much the
8 way forward. Internally within law firms, we've got something... So I'm a Partner at Osborne
9 Clark. We've got an offshoot of our business, which is called OC Solutions, which I thought,
10 which actually, I found out las night. They won -- shameless plug -- but innovation firm of the
11 year. They've been working for ten years about developing different tech and innovation so
12 that we are driving processes quicker. So that's not exclusively Osborne Clark, but that is the
13 type of trend in terms of how do we work with our clients so we can get that data sooner. How
14 can we get rid of... how can we analyse a whole load of documents quicker. All of that has been
15 in play for a long time now, but it feels like this is a turning point. There's a real handle on that
16 now. So that is very much the way forward from an English perspective, and that is well
17 underway. And I don't think there's any turning back from that. And you wouldn't want to.
18
19 **RAHUL MATTHAN:** Yeah. No, I mean, I think that's really that's something we can all agree
20 there's far too much of our time we spent doing stuff we shouldn't be doing. And if AI and
21 technology can get that out of the way, then that would be great. So, Varghese, how are law
22 firms in India using? Any ideas in terms of what it is? And I think we will have, I don't know
23 how much time Neeti's going to give me, which is like a little bit of time for questions. If anyone
24 has a burning question, you raise your hand after.
25
26 **VARGHESE THOMAS:** No, I'll, I'll make this quick and I think, by and large, when it comes
27 to Indian law firms it's probably still in baby steps. Our peers and competitors may say various
28 different things, but I think it's still baby steps. And I think you hit a very important point.
29 There is a slight ethical dilemma, which is that you have the paralegals and you have the
30 associates and you don't want a situation, and we're churning out thousands of law grads every
31 year. Our heart breaks the number of people who apply to you for an internship which you
32 can't always accept. Correct? So I think we have a slight ethical dilemma as to where we go
33 with this. It is important that there is a societal sort of aspect to it itself in terms of redundancy,
34 which needs to be balanced. I think so that's just one part of it. The second is trust in the result.
35 Right? So what do I mean by that? Now some of our NCLT orders are indecisifiable for an
36 average human being, right? I mean, some of the language, what it meant, the translations.
37 There is a hidden meaning, which only a human element to be able to decipher. Correct? So I

think there is still an element of, can I just leave it all to AI to actually do the case law review and come back to it, because, as you know, we're not a sort of homogeneous society when it comes to language skills, and there will be differences, differences in meaning, differences in interpretations. I think there is still an element of trust in the system and the result. Let me put it away, that still needs to be bridged. All the other stuff I think Rupa, said, of course you can get there in terms of discovery and pleadings and stuff like that, but I think these two aspects, the redundancy factor and where we go with that, we're churning out thousands of law grads. I mean, what are we going to do? And trust in eventually, can we actually rely on that result because of the uniqueness of India and judgments which come out, and orders which come out in India.

RAHUL MATTHAN: When I go to law school for free placement talks, I tell them I'm sorry, but the world is very different. And if I don't tell you this you're going to get into a law firm and realize that someone else is taking your job, and it's a machine. But, yeah, no, I completely appreciate that's a very serious point. So Mohit, I thought I'd talk to you about and have you talk about legal tech, and then I realized you didn't even know that this one wonderful piece of transcription is happening....

MOHIT ABRAHAM: It's amazing.

RAHUL MATTHAN: As I'm speaking, it is accurately... It's amazing, actually. It's happening. And now it's going to go into a recursive loop. But what is the coolest legal tech stuff that you have seen? What is it that none of us have seen that we can see coming on the pike. What sort of things can we expect? And once again, if anyone has a question, just raise your hand, we'll do... There's one question there, so at least...

MOHIT ABRAHAM: I'll keep it quick Rahul. Firstly, I think what are the cool tech you would have already seen some of it you've been playing around with. But as of now, the coolest thing I've seen, and I'm sure there's other stuff I've heard of cooler things, but the coolest thing I've seen is similar to Harvey we now have Sarwam's A1. There are others as well. Basically what these things are doing is the thing I find fascinating about law and AI is, law is very vast, but in a way it's finite. The number of statutes are finite. The number of judicial decisions are finite. So it confines the world. It's actually a very ideal world for AI to actually work and run. So when I'm using a product like A1, you're putting the questions in. I'll give you an example. We faced a little tricky situation. Some RBI FEMA matter. Fairly boring, but a complex issue for us. We reached out to two law firms and they gave the response was, there's no clarity on this. AD Banks are taking different positions, you should consult with your AD Bank. This was

1 basically the question, and obviously you have to pay money to my lawyer. I'm sure if it was

2 you, I wouldn't have to for such a simple question.

3

4 **RAHUL MATTHAN:** [INAUDIBLE]

5

6 **MOHIT ABRAHAM:** Come one now. I thought it was better than that. But anyway, the point

7 is, I put this question in, and I was expecting, like, how is it going to give this kind of a

8 response? Very, very specific. It gave me the same response that I got from two law firm

9 partners. The same response, which was a no answer. Like we don't know you go speak with

10 the… it really… it couldn't. It has no access to any of my emails. It has its own system. Now

11 whatever it has learned from that data set, it was a very, an eye opening moment for me.

12 Because here I've engaged with senior lawyers who have actually spent an hour of their time

13 genuinely researching to give me this view, but I got it in minutes here. Similarly, what this

14 system can do is also it trains on my documents. So the finite world is not just judgments and

15 statutes. It also knows my forms. It will know the forms of Trilegal or it will know the forms of

16 JSA or Osborne, and it is now able to generate very specific documents which are unique to

17 me, which are relevant to me. When I get a markup back from the other side, it is able to tell

18 me what is different from your standard position. These things are extraordinarily useful. So

19 I genuinely think, as you said, the role of the initial set of associates is under a genuine question

20 mark. Right now, the judgment which a partner is exercising is still very valuable, and there is

21 no replication for senior counsels who are standing and arguing in court. But are we headed

22 in that direction? If it can give this kind of an answer, why can it not give an opinion? So again,

23 I'll wrap up with this last thing. I think again, coming to regulatory sandbox kind of issues, I

24 do think there is a great scope for AI and these kind of tools to play in dispute resolution.

25 Outside of this amazing transcription work that you're doing, which is fantastic, you use

26 SARVAM AI, again, one of our companies, which is doing it in ten local languages cross

27 examination, examination-in-chief, all of this gets transcribed. And imagine a judge being able

28 to search that and being able to query that itself and get opinions, it's very exciting. So the first

29 part has got to be improving efficiency and trust. Once that is achieved, you go to the next.

30 Why can't you have a mediation process where there can actually be an opinion which is given

31 by AI, which lawyers on both sides are using and saying that, hey, this is what an independent

32 AI tool believes and. Guess what will happen before a judge? Let's settle. So I think that's the

33 journey we need to go down. And I think the approach of regulatory sandboxes, where some

34 chief justice or someone is actually going to say that let's try this in this one Lok Adalat for a

35 specific kind of dispute may be a motor accident, formula cases and I think that's where we

36 begin that journey.

37

RAHUL MATTHAN: Neeti, can I get one question? And since I saw Vikas's hand first, we'll take the other one, two, three. Okay, can we just get the mic to them. Let's hear the question. No, I say your question. Let's hear three questions and then we'll see.

VIKAS MAHENDRA: Sorry. Quick comment and then a question. In terms of the developments that are happening, I thought I'll appraise people of a couple of things that I've been very privy to in Singapore, for instance where we've been doing a lot of work. A little bit of what Mohit was doing, was talking about is already happening. In Singapore in the small stream court what they're trying to do is to make it dispute avoidance. So what they are enabling parties to do is to upload all of the case related documents and the system is going to give them an outcome which it thinks is most likely in that situation and then advance potentially on what are the defences they can take? What are the grounds that they can take and enable that individual to make the claim themselves, potentially without involving a lawyer, because it's a really simply case, take that with another endeavour that they're doing with us potentially is trying to use transcription that we're using to convert the only data currently, which is not digital, which is evidence and interviews and so on. So, once they do that, what they're trying to do is to link everything potentially in criminal litigation from the time the accused reports or whatever the victim reports the complaints to all of the witnesses that are interviewed, all of them kept on record and then given to the judge to evaluate with exactly the same kind of querying capabilities that we now have with ChatGPT, except on a limited, trusted source of information. And that is happening today, and we are potentially working with them to implement that. Take that to the next step which is another implementation we have, which is transcription linked to the documents. So today, the Singapore courts are talking about having every single page of every single evidence having a unique code. So when you say if the judge could please refer to ACX 456. That page is going to come up based on your voice prompt, and the judges are then potentially able to mark it up. And all of this is happening with the technology of today. So it's about using speech to text. It's about using the trusted repository of documents, using the trusted domain of case laws to then enable the judge to potentially do what Dhyan was saying, a few limited options from which to choose from each with the path that the judge, consciously or unconsciously, takes. How are we using that in ODR? We are actually using that to create a funnel mechanism. So to say, use all of this information, give a decision. So well, when Dhyan said, I don't want AI to make the decision, we are, in fact, saying, make that decision, but allow for an appellate layer, so that if you are dissatisfied with the decision, there's always a human that's going to address it. But that need not limit decision making. You need not wait for that human to come and decide every single case. If there's a million cases of Uber, for instance if you want to take, every single Uber ride, if they try to go to a court, however sophisticated, efficient, it is a sort of waste of

time. So try and create that fund and question sort of leads on from that one is if that sort of approach were to be taken, where to say humans are more supervisory rather than a part of the mechanism in decision making, would that address a lot of the concerns that were expressed on the panel on this issue?

RAHUL MATTHAN: So I don't want to answer it, but, Neeti, you'd appreciate that if we can get two more comments, questions, I think we'd be richer for the fact that we all know a little more than just what the five of us are saying.

AUDIENCE 1: I'd actually thought of another question,

RAHUL MATTHAN: No, just ask the question. Just don't expect an answer from them. We'll think about it and we'll all....

AUDIENCE 1: I thought of a question with a more interest quota. So maybe that'll help than this computation. But in the disputes world, if you're thinking about... so this is a thought experiment, right? And I would love the panellists' thoughts on this. Can we think of an AI judge which Dhyan sir, was very against? Can we think of an AI judge for a very specific category of disputes for which it's a straight jacket set of facts, and there can only be a limited set of legal principles that are applied to. Say, for example, an ecommerce transaction for sale of even a particular type of good. Is that something a possibility that we can at least think of?

RAHUL MATTHAN: So I'm going to call this to a close, because that is, in fact, the exact way we should end this, with no answers but thinking, because we have to find the solution to these thorny problems. All that's left for me to say thank you all for being a quiet, wrapped audience and for my panellists for just allowing me to go all over the place and still bravely answering questions. Thank you all. Thank you.

~~~END OF SESSION 3~~~