CHATGPT:

THE GOOD, THE BAD, AND THE UGLY.

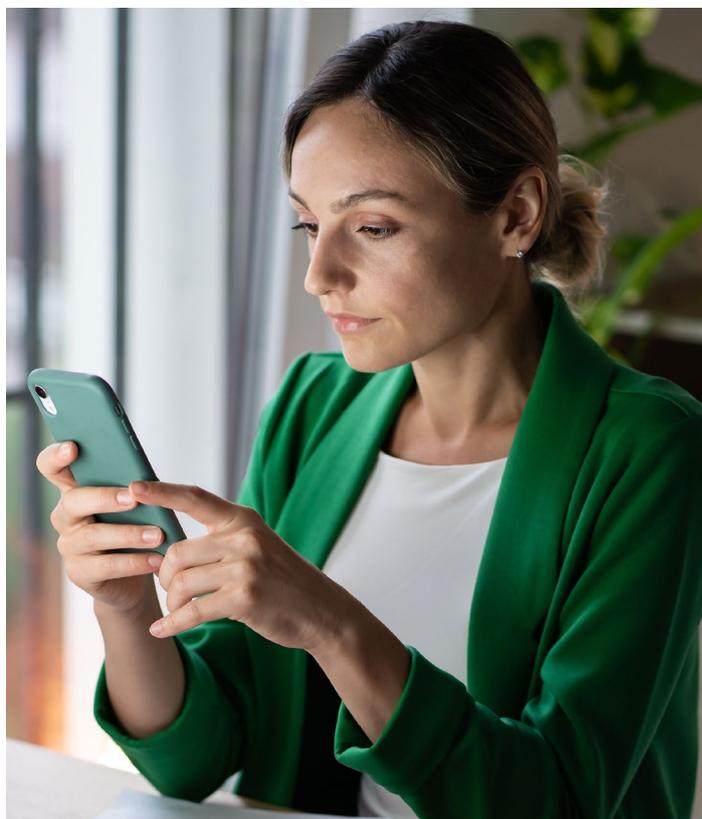**WHITE PAPER**

MALTA IT LAW
ASSOCIATION

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Legal and ethical considerations about Chat GPT and other AI tools

ChatGPT is a state-of-the-art language processing tool that is trained on a huge data set (up to date only till 2021) and has the ability to predict correct linguistic answers to prompts. It is highly capable at question answering, summarisations and translations. To train it on live data is likely to require a huge cost in terms of computing power and will also create other dangers related to mitigation of false information.

On January 27th, just before its AGM, **MITLA** (Malta's IT Law Association) held a public discussion about the introduction of OpenAI's tool Chat GPT3. The following people participated: **Gege Gatt** (Ebo.ai), **Antonio Ghio** (Fenech and Fenech), **Daniel Vella** (Invicti) and **Kenneth Terribile** (Melita). The panel was led by **Deo Falzon** from Fenech and Fenech. This paper is intended as a summary of some of the main observations from this discussion.

THE GOOD 😊

Open AI's ChatGPT has introduced AI to the masses and can be very useful as a tool to assist people in written tasks. The tool's ability to immediately create content in specific voices is impressive and generally very useful.

Since it works in real-time and remembers earlier conversations, it is almost human-like in its interactions and operates in 'dialogue' with its users. ChatGPT is not only able to understand a given prompt but also broader context.

While there are dangers associated with AI even in terms of job displacement, there is also a reality that AI developments will create new jobs that today cannot even be imagined. ChatGPT could also make up for certain skills shortages, while people and organisations can produce higher quality work faster and at lower costs.

THE BAD 😐

Despite its seeming human-like qualities, the AI is simply regurgitating learnt patterns of language. It is trained at predicting the next likely correct word in a sequence. ChatGPT's linguistic skills have therefore been described as 'pastiche' in that it puts together pieces of text that sometimes do and sometimes do not make sense.

One of the dangers of ChatGPT is the fact that it ingests the biases inherent in the dataset it is trained upon and therefore can perpetuate such biases and be sabotaged by bad actors. This prompts questions on what protection is needed for society, citizens and institutions.

As education professionals have warned, ChatGPT can be used to 'cheat' on homework and exams while avoiding plagiarism. This is something ChatGPT has already said it will address by introducing "watermarks" that could allow for detection of use.

> **AI technology could result in mass job displacement**

AI technology could result in mass job displacement, especially for jobs that revolve around the kind of written tasks tools like ChatGPT are able to master so quickly and effectively.

One of the legal considerations around ChatGPT is: Who is held responsible if ChatGPT provides false information that has serious repercussions, such as poor health advice?

THE UGLY ☹

While OpenAi (the creator of ChatGPT) began as a non-profit organisation, Microsoft is now heavily invested in it and it is essentially a for-profit company, creating concerns that the company may ignore wider ethical implications in a race for profits and domination. While today the tool is free, it may eventually be restricted behind a paywall, which could exacerbate inequalities between the rich and poor.

The ability for ChatGPT to write convincingly lends itself to misinformation abuse. By creating "believable lies", through articulate writing, it can be abused by people to publish misinformation more industriously and at a lower cost. Since ChatGPT is a learning model, it can also be taught wrong information. There is a danger that if enough users teach it wrongly, it can become a dangerous tool used to regurgitate falseness as truth and perpetuate biases.
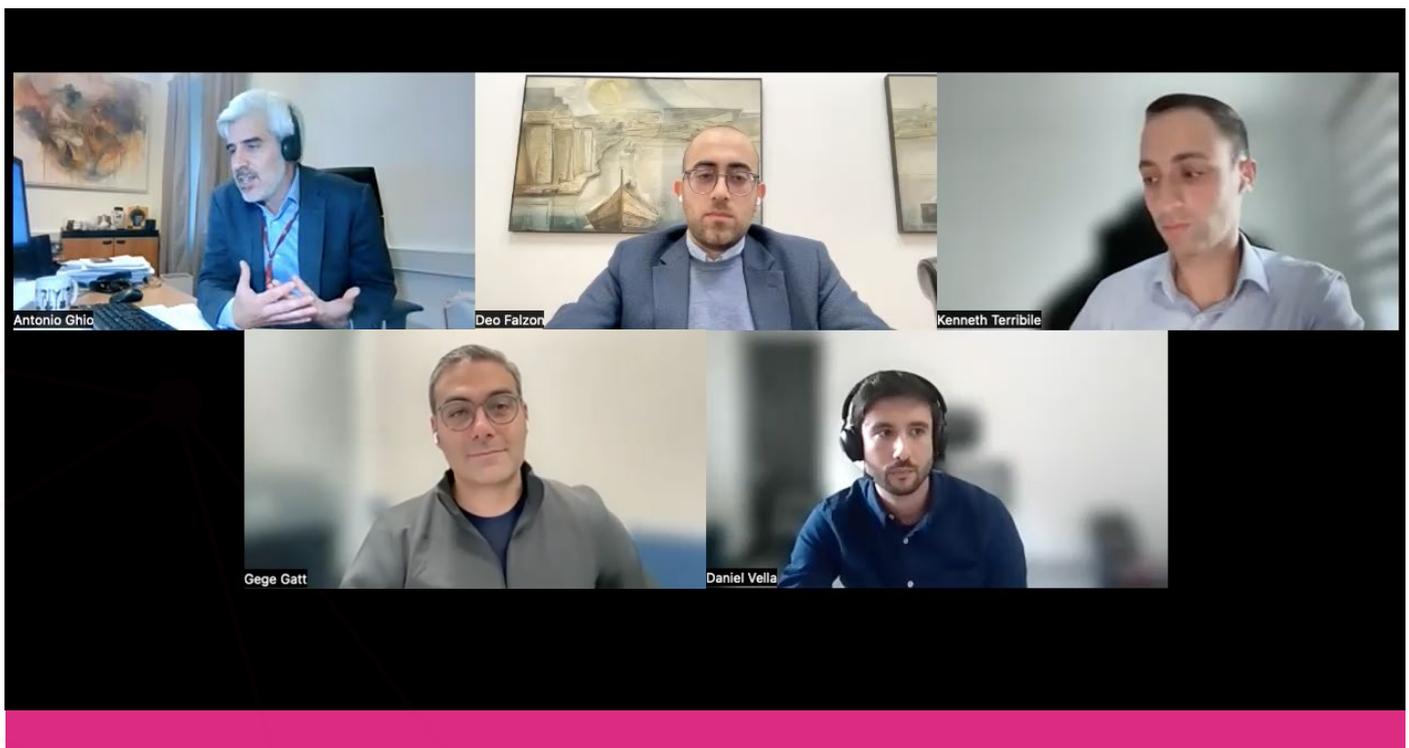
Unless people are educated to learn and adapt to new skills and tools, they risk being eliminated from the rapidly evolving job market.

RECOMMENDATIONS

► As it becomes easier to manufacture credible-sounding misinformation, a co unter investment is required to **make reliable information freely accessible quickly**. This must be coupled with **lifelong education** that empowers citizens to **separate truth from fiction** and deliberate misinformation.

► There must be an effort to **regulate emerging technologies** to **minimise biases** inherent in the datasets that feed them, as well as to **prevent the abuse of machine learning** to the point that tools like ChatGPT can be sabotaged or manipulated to give false, inaccurate or dangerous information.

► There must also be an international effort to prevent such powerful tools from being built, deployed and regulated only by **shareholders seeking to maximise profit**. Some controls must be in place, at the very least to **ensure transparency and monitoring** to protect society at large.

► Our **education system** must be analysed to ensure that students are being equipped with the **necessary tools to adapt to emerging technologies**. Unless education is focused on training people to adapt to new skills and technologies, they will be left out of the job market of the future.

► Online platforms that rely on **user-generated content** must find ways of **preventing 'phoney' advice** from sabotaging their product. In a world which enables cheap mimicry of information, there must be a **stronger effort to monitor and moderate** user-generated content.

► **Educators must be assisted** to adapt to technologies like ChatGPT which may radically change the way homework and exams must be deployed. Entities like OpenAI would do well to equip educators with tools that can identify **AI writing and plagiarism**.

► **Legal changes** are needed to map out the **responsibilities and liabilities** of AI companies, to ensure that they are either held accountable for the repercussions of **misleading information** or that they give **adequate warning to users.**

ABOUT MITLA

The Malta IT Law Association is active in the research, discussion, and circulation of information on legal developments taking place on the international plane and within the European Union with respect to ICT Law and the knowledge economy.