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Video - NFTs are Not Tulips! (Or are They?)

Have questions about just what exactly is an NFT? In this video, Spilman Thomas & Battle attorneys [Brandon Hartman](#), [Hugh Wellons](#), and [Risa Katz-Albert](#) briefly discuss what an NFT is, what can be done with an NFT, and some of the important legal concepts touching upon NFTs. This video is structured as a general discussion among colleagues on the topic of NFTs, and it is intended to raise awareness of the questions and concerns one should bear in mind when deciding to enter the realm of NFTs.

Click [here](#) to watch.

West Lafayette Mayor: Facial Recognition Technology has Merit for Law, Plans to Veto Ban

"The proposed ordinance banning facial recognition technology states that the use of the automated or semi-automated process of identifying or verifying an individual, based on physical characteristics of an individual's face, would be unlawful."

Why this is important: A dispute is brewing in West Lafayette, Indiana over whether facial recognition technology may be used in policing. The dispute highlights the real-world consequences of applications of technology. Two citizens of West Lafayette recently expressed concerns at a city council meeting that facial recognition technology could inadvertently be used to foster racial inequality in policing. Members of the city council have proposed an ordinance that would prohibit the use of this technology in policing. The mayor already has announced that he will veto any such ordinance. The mayor's reasoning, or at least the way his reasoning is portrayed in the article, is lackluster. The article reports the mayor generally states the technology is intended to be used to correctly identify a suspect and not misidentify innocent people. The mayor also relies on general statements that people do not want to be victims of a crime and, if it happens, they want the perpetrator to be caught. While these reasons appear to be general statements with which most people would not disagree, they do not begin to counter the concerns discussed in the article. In the wake of last year's events highlighting racial inequality in policing, one would hope that more significant reasons would need to be shown to counter the concerns that have been identified. --- [Nicholas P. Mooney II](#)

What's Behind Trump's Big Tech Lawsuit

"At their core, Trump is asking the court to reverse Section 230 of the Communications Decency Act, which shields tech platforms from lawsuits over the content their users post."

Why this is important: Not since HIPAA has a part of the U.S. Code been so misunderstood. Section 230 has become a bogeyman for everything that people hate about technology platforms, whatever their political stripes. It has drawn particular ire, however, from President Trump and his supporters, who blame Section 230 for providing Facebook, Twitter, and others with the legal cover for removing President Trump from their platforms. But those who think President Trump's lawsuits against Facebook, Twitter, and YouTube will restore President Trump to those platforms are in for a rude awakening. This is because President Trump's core theory—that these companies have abridged his freedom of speech under the First Amendment—seems doomed to fail. The First Amendment limits only government-imposed restrictions on speech and does not apply to private companies. That's why many commentators see these lawsuits as fundraising stunts or, more cynically, as efforts to distract from President Trump's ongoing legal troubles. --- [Joseph V. Schaeffer](#)

British Airways Data Breach Lawsuit Settled: Airline Coughs Up Potentially Millions to Make Sueball Bounce Away

"The lawsuit was based on the 2018 BA data breach, where the credit card details of 380,000 people were stolen thanks to a Magecart infection on its payment processing pages."

Why this is important: British Airways has settled a major matter filed under the English collective litigation mechanism (their version of an American style class action type case) and arising out of a significant 2018 data breach. The settlement terms, while confidential, include no acknowledgement of liability, but do provide some financial compensation for the roughly 16,000 individuals who elected to be part of the group litigation. Those 16,000 were all part of a much larger group of 380,000 affected individuals whose credit card information was stolen in 2018 because of British Airways' failure to consistently use multi-factor authentication and problematic practice of storing information, including access credentials, in unencrypted forms. This settlement is in addition to the 20 million pounds the airline was fined by the Information Commissioner's Office for the breach. --- [Risa S. Katz-Albert](#)

New Nanotechnology Allows the Human Body to Generate Electric Currents

"The research into new nanotechnology could pave the way for external energy sources in medical devices to be replaced by green renewable energy, generated by the human body."

Why this is important: We've known for a long time that humans create some amount of electricity. The nervous system, including the brain, relies on it. Movement, including muscles, tendons and ligaments, create energy. One of the "Holy Grails" of medical devices, researchers have worked for decades to harness this energy to recharge batteries and support an implanted device. For example, pacemakers save lives, but they also operate with batteries, which need replacement from time to time. This increases risk in a lot of ways, including when replacing the battery or when the battery loses charge before it is expected to do so. How much better to have the device recharged by the body itself? Researchers at the Department of Materials Science and Engineering at the Fleischman Faculty of Engineering and the Center for Nanoscience and Nanotechnology in Tel Aviv have developed a material, similar to collagen, that is nontoxic and in very thin slices provides piezoelectric energy. It has the ability to generate an electric charge in response to applied mechanical stress. This material has no lead, unlike most electricity-generating devices, and is safe in the human body. This development requires much more research and testing, but it may revolutionize the medical device industry. --- [Hugh B. Wellons](#)

The USPS' Semi-Secret Internet Surveillance Apparatus

"The agency best known for delivering mail has a side hustle in online snooping."

Why this is important: In 2007, the U.S. Postal Service launched a program to monitor and detect opioids and firearms sent through the mail. However, last year the purpose of that program blossomed to "monitoring the internet for information about potential threats to USPS leaders, staff or facilities." The article explains that the program, known as the "Internet Covert Operations Program" involves postal inspectors "monitoring social media platforms about U.S. protests, using tools that include a facial recognition database." Recently, Republicans in Congress have expressed concerns over this program for fear that it will monitor conservative Parler and Telegram accounts. Earlier this year, 30 Republican members of Congress expressed their concerns in a letter to the Postmaster General. The information that the USPS gathers is distributed to various law enforcement units and government authorities, including - in some instances - providing certain information to government agencies that they are not permitted by statute to collect. One Congressperson has introduced a bill that seeks to limit or shutdown this monitoring by prohibiting any funding of the USPS from being used for this program. It is difficult to predict the outcome of that bill or the concerns over this program, but in the aftermath of the January 6, 2021 protests, it is hard to believe that this program will be shutdown anytime soon. --- [Nicholas P. Mooney II](#)

Judge Advances Privacy Lawsuit Against Google Voice Assistant

"The San Jose, California-based judge also dismissed the plaintiffs' California consumer protection claims, but said they could be refiled."

Why this is important: Despite great hopes for the technology, Google's voice activated Voice Assistant has been accidentally triggered, and has subsequently exposed private conversations, with alarming frequency. Worse, Google stands accused of recording those private moments and disseminating them, despite their privacy policy failing to give sufficient notice of that possibility. A proposed class action case against Google and its parent group for violation of federal privacy laws and breaches of contracts was given the green light by the federal judge last week. There is also the possibility of the plaintiffs re-filing their dismissed claims under California's consumer protection laws. With a number of platforms utilizing voice activated controls (including Amazon's Alexa and iPhone's Siri), this may open the door to additional large scale litigation, depending on the policies disclosed and practices of the companies. --- [Risa S. Katz-Albert](#)

A Secret Algorithm is Transforming DNA Evidence. This Defendant Could be the First to Scrutinize It.

"TrueAllele is reshaping DNA analysis, providing key evidence in thousands of homicides, rapes and other crimes like the armed robbery in Virginia in which genetic material was too complex to interpret."

Why this is important: Television programs like CSI have conditioned the general public into thinking that even the smallest DNA sample can identify the perpetrator of the crime. But the reality is quite different, especially for samples that contain DNA from multiple individuals—such as those from high-touch surfaces like door handles and countertops. Enter software companies like TrueAllele, which have developed algorithms that they claim can sort through those DNA samples and assign probabilities to the likelihood of any single individual's DNA being found. Defendants, however, argue that the reliability of these algorithms is suspect, particularly without an analysis of the underlying source code. And after years of frustrated efforts to uncover the source code behind those algorithms, a few courts seem inclined to open the curtain. While the reliability of the algorithm is sure to draw the most attention, what has long-term implications here is the extent to which technology has become part of the judicial process. --- [Joseph V. Schaeffer](#)

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