The Role of ChatGPT and Emojis in Modern Legal Interpretation

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This article maps the dynamic nature of law and technology and how it has evolved through centuries and marked moments that have left us starstruck as to how we can get information through the internet. One such example is Google's search engine which offered us a method to find out what we need by navigating the wide net. Furthermore, the use of smartphones made the world realize how such small devices in our pockets are capable of impacting one's life in numerous ways. The article delves into how Legal professionals shall adapt themselves accordingly to survive in unprecedented situations and use technology in a way to deliver work efficiently and work parallelly with the advancements. With the rapid increase in technological advancements, the use of Artificial intelligence like ChatGPT, Bard, and other AI tools has gained significant recognition in contracts and judicial procedures. Just as ChatGPT has proved to be highly efficient in interpreting judgments, drafting contracts, and conducting due diligence. However, this progress has sparked debate about AI-generated content and copyright, raising an essential question of whether Indian laws are adequately equipped to furnish copyright protection to AI-generated content. Moreover, Emojis have become integral to our daily communication, one shows their emotions through emojis, yet the question arises, can Emojis be acknowledged as admissible evidence or aids for interpretation within the domain of the court of law? These clashing dynamics bring forth many challenges. As technology evolves, it becomes imperative for legal frameworks to adapt, ensuring equitable protection as well as navigating the nuances presented by AI-generated content and the evolving role of Emojis in communication and legal interpretation.

Keywords: *technology, artificial intelligence, chatgpt, contracts, copyright, emojis.*

INTRODUCTION

Before the technological era, conducting research for a case involved time-consuming manual inquiries, court library visits, calls, and meetings, often taking several days to yield results. Similarly, court proceedings were intricate and time-consuming, contributing significantly to the accumulation of pending cases. Over the decades, technology has revolutionized how legal practitioners operate and provide services. The adoption of legal e-sources and the utilization of artificial intelligence (AI) for drafting, analyzing contracts, and facilitating due diligence have streamlined processes, making our work more efficient and accessible. AI's optimal utilization globally has transformed tasks that previously took laborious days to accomplish, now completed within hours in our modern world. Consequently, AI has significantly impacted law firms, with many in India integrating AI for analyzing and enhancing legal documents, particularly contracts. Chief Justice SA Bobde has advocated greater AI usage in the legal system, emphasizing its potential in docket management and decision-making.[1]

Definition: *According to Merriam-Webster's Dictionary, artificial intelligence is defined as 'the capability of computer systems or algorithms to imitate intelligent human behavior, encompassing computer science focused on simulating intelligent behavior in computers.'[2]*

In essence, AI systems aim to replicate human-like cognitive functions, including learning, problem-solving, language understanding, and decision-making. Its prowess spans various domains, offering functionalities like advanced web search engines, recommendation systems, speech recognition, self-driving cars, and strategic game systems. While AI's entry into the legal domain is still emerging, it is gradually being adopted by countries, law firms, and judiciaries. AI provides cost-effective solutions for legal professionals and offers the potential to alleviate the judiciary's burden. By handling minor cases, AI allows human judges to focus on more complex matters, expediting the legal process. Notably, Indian law firms like Cyril Amarchand

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[1] Lydia Suzanne Thomas, 'Use of Artificial Intelligence Should Align With Our Constitutional: Chief Justice SA Bobde' *Live Law* (21 April 2021) <Moralityhttps://www.livelaw.in/top-stories/artificial-intelligence-constitutional-morality-chief-justice-bobde-vidhi-report-172879> accessed 05 January 2024

[2] 'Artificial Intelligence Definition & meaning' *(Merriam Webster)* < https://www.merriam-webster.com/dictionary/artificial%20intelligence#:~:text=%3A%20the%20capability%20of%20computer%20systems%20or%20algorithms%20to%20imitate%20intelligent%20human%20behavior> accessed 05 January 2024

Mangaldas have embraced AI for analyzing and enhancing legal documents, particularly contracts.[3] Even the Supreme Court has set up an AI committee with a focus on the translation of legal documents; process automation; increasing administrative effectiveness; automating forecasting; prediction and filing; scheduling of cases; and early case resolution through chatbots.[4] Chief Justice DY Chandrachud has also announced that technology promotes efficiency, transparency, and objectivity and should become a facilitative tool for judges to provide greater access to justice for all citizens without any discrimination.[5]

CHATGPT IN LEGAL PRACTICE

Artificial intelligence has witnessed expansive growth across various industries, and its influence has been notably felt within the legal sphere. Among the rising stars in this domain are chatbots, increasingly positioned as invaluable tools for legal practitioners. One such standout is GPT-4 launched on 14 March 2023, an advanced chatbot developed by OpenAI. It is the fourth in its series of GPT models. As a large language model (LLM), GPT-4 functions as an adaptive algorithm, predicting subsequent words in a sentence until a coherent output is generated. It is considered to be an improvement of GPT-3.5 as it is considered to be more reliable, creative, and able to handle much more nuanced instructions than GPT-3.5. Its potential impact spans the entire spectrum of legal work, from refining legal research methodologies to pinpointing intricacies within judgments and even disseminating general legal information to the public.[6] However, it is imperative to discern the distinctions between the capabilities of a

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[3] Amit Paul Chowdhary, 'Cyril Amarchand Mangaldas becomes the first law firm in India to adopt Artificial Intelligence' (*Analytics India Mag,* 02 February 2017*)* <https://analyticsindiamag.com/cyril-amarchand-mangaldas-becomes-first-law-firm-india-adopt-artificial-intelligence/> accessed 05 January 2024

[4] Khushboo Luthra and Mozammil Ahmad, 'India: Assessing The Intelligence Of The Artificial Intelligence In Law: Prospects In India' (*Mondaq,* 21 December 2022*)* <https://www.mondaq.com/india/newtechnology/1263638/assessing-the-intelligence-of-the-artificial-intelligence-in-law-prospects-in-india#:text=the%20supreme%20court%20of%20india%20has%20set%20up%20the%20artificial,research%20assistance%2C%20and%20process%20automation> accessed 5 January 2024

[5] 'Technology A Powerful Tool In Legal System To Improve Efficiency, Accessibility: Chandrachud' (*Outlook India,* 25 January 2023*)* <https://www.outlookindia.com/national/technology-a-powerful-tool-in-legal-system-to-improve-efficiency-accessibility-chandrachud-news-256517> accessed 05 January 2024

[6] 'How ChatGPT Could Impact Law and Legal Services Delivery' (*Legal Scoops*, 13 July 2023) <https://www.legalscoops.com/how-chatgpt-could-impact-law-and-legal-services-

human lawyer and those of ChatGPT. While the latter is a sophisticated computer program, it does not possess the cognitive functions or legal expertise akin to a human legal professional. Rather than a replacement for legal practitioners, ChatGPT serves as an aid, particularly in managing routine tasks, streamlining processes, and offering support on less intricate legal matters.

Amidst the speculation about technology supplanting lawyers, the reality is nuanced. Instead of displacing legal professionals, evolving technology, including advanced AI models, is aimed at automating routine legal tasks. This evolution seeks to enhance the productivity and efficiency of legal practitioners, enabling them to divert their attention towards more complex and nuanced legal affairs.[7]

CHATGPT AS A LEGAL ASSISTANT

Assisting in legal research and document analysis: The backbone of law often rests on precedents, making it imperative for legal professionals to adeptly utilize extensive legal databases and resources. Mastery in navigating this vast trove of case laws, statutes, court decisions, and opinions is not only beneficial but also essential in the legal field. In the past, this process demanded extensive time and effort, often spanning laborious days, thereby contributing to the mounting backlog of cases. However, with the integration of AI, this arduous task has been revolutionized. AI assistance has significantly expedited this process, enabling rapid access to relevant legal precedents and information. What once consumed substantial time and contributed to the accumulation of pending cases can now be accomplished swiftly and efficiently. As a result, the burden of handling numerous cases has seen a potential alleviation due to the accelerated retrieval of pertinent legal data facilitated by AI tools. IIT Kharagpur

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delivery/#:~:text=In%20a%20nutshell%2C%20ChatGPT%20has%20had%20a%20major,legal%20work%2C%20ma king%20it%20more%20efficient%20and%20useful.> accessed 06 January 2024

[7] Michael Legg and Felicity Bell, 'Artificial Intelligence and the Legal Profession: Becoming The AI-Enhanced Lawyer' (2019) 38(2) University of Tasmania Law Review <https://deliverypdf.ssrn.com/delivery.php?ID=69310211512209512201000411209600112402503301004505701808 81081210641051271060651190140240270571100703000308406908100201311701701104808803504812312300502611 8 1231110410150710170660310850760661071141120051170050971240030691031110270260800191010201000 65&EXT=p df&INDEX=TRUE> accessed 08 January 2024

researchers have devised an AI-assisted approach to analyze legal judgments. This method not only identifies violated laws but also aims to reduce legal expenses. By employing machine learning, they have developed two deep learning models capable of comprehending the rhetorical structure of sentences within legal case judgments. This innovation could potentially offer legal guidance to individuals, aiding them in assessing the merits of pursuing specific situations in court.[8]

Drafting documents and proofreading: Document drafting often constitutes a significant portion of a legal professional's workload, characterized by its repetitive and time-consuming nature. However, the advent of ChatGPT offers a promising solution to alleviate this burden. Capable of context-based natural language generation, ChatGPT facilitates the creation of logical and coherent document drafts, considerably expediting this process. By leveraging its proficiency in natural language generation, ChatGPT enables the rapid drafting of documents while allowing legal professionals to direct more attention toward intricate and complex issues.[9] Moreover, ChatGPT's utility extends to proofreading existing documents, enhancing accuracy through empirical analysis. This functionality enables the identification and rectification of existing errors, thereby ensuring a higher standard of precision in legal documentation. Consequently, the integration of ChatGPT streamlines document creation and enhances the overall quality and accuracy of legal materials.

Use of ChatGPT in Judgements: ChatGPT has emerged as a promising tool for interpreting and analyzing legal judgments, showcasing its ability to grasp intricate issues and offer coherent insights, thereby enhancing the efficiency and accuracy of legal assessments. However, it is crucial to note that ChatGPT serves a supportive role, streamlining certain aspects of analysis rather than replacing the expertise of legal professionals.

A noteworthy instance highlighting ChatGPT's application in legal proceedings occurred in Cartagena, Colombia. Judge Juan Manuel Padilla Garcia made history by employing ChatGPT

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[8] Samiksha Mehra, 'Five Notable applications of legal AI in India' *(India AI,* 30 June 2021)
<https://indiaai.gov.in/article/five-notable-applications-of-legal-ai-in-india> accessed 08 January 2024
[9] Samuel Edwards, 'Role of ChatGPT in the Legal Profession' (*Law Co,* 19 July 2023) <https://law.co/chatgpt> accessed 08 January 2024

to interpret a crucial issue regarding medical insurance coverage for an autistic child's treatment and transportation charges. In an interview, Judge Garcia revealed his query to ChatGPT: 'Are autistic minors exempt from therapy fees?' Remarkably, ChatGPT responded, affirming that Colombian regulations indeed exempt minors diagnosed with autism from therapy fees.[10] Judge Garcia emphasized that leveraging ChatGPT's insights significantly bolstered the efficiency of their country's legal system. Supporting his decision was a precedent from prior rulings.

Addressing ChatGPT's role, the judge underscored that while AI tools facilitate drafting clear and understandable texts, they do not aim to replace judges. He emphasized the need for judges to stay attuned to the evolving landscape of justice and technology, recognizing these tools' potential to augment legal proceedings without supplanting the vital role of human judgment.[11]

COPYRIGHT LAW AND AI-GENERATED CONTENT: CHALLENGES AND CONSIDERATIONS

Any individual creating literary, dramatic, musical, or artistic works can secure copyright protection for their creations. Copyright encompasses the legal entitlement granted to the creator or owner, safeguarding their work against unauthorized usage by others. It shields human-generated content across various domains such as films, music, literature, and more. However, the swift advancement of technology has empowered AI to generate content without direct human intervention. This development prompts a crucial question: can AI be deemed the owner or creator of work under the purview of the Indian Copyright Law, 1957?[12] This

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[10] Harriet Alexander, 'Colombian judge uses ChatGPT to make decisions in legal first: AI formed legal arguments in health insurance case over whether autistic child should get coverage' (*Mail Online*, 4 February 2023) <https://www.dailymail.co.uk/news/article-11712257/Colombian-judge-uses-ChatGPT-make-decision-legal-first.html> accessed 08 January 2024

[11] Luke Taylor, 'Colombian judge says he used ChatGPT in ruling' *The Guardian* (3 February 2023) <https://www.theguardian.com/technology/2023/feb/03/colombia-judge-chatgpt-ruling#:~:text=Prof%20Juan%20David%20Gutierrez%20of,make%20their%20work%20more%20efficient > accessed 09 January 2024

[12] Neha Raj and Mehda Banta, 'India: Legal Implications Of AI- Created works In India' (*Mondaq,* 28 July 2023) <https://www.mondaq.com/india/copyright/1348418/legal-implications-of-ai-created-works-in-india> accessed 09 January 2024

intersection between AI-generated content and copyright law poses a significant legal query, necessitating a nuanced examination within the existing legal framework.

Existing copyright laws establish that the first owner of copyright in a work is the author. India's Copyright Act, 1957 does not explicitly address AI-generated works or acknowledge AI as an author.[13] *Section 13(1) of the Indian Copyright Act, 1957 states that copyright exists in original literary, dramatic, musical, and artistic works.[14] However, the Act does not explicitly define originality, leaving it to the courts to determine whether a work meets this criterion.[15]*

Originality is vital for copyright protection, but determining AI's originality is challenging as it relies on existing data. The Act under section 2(d) includes computer-generated works, defining the author as '*the person who causes the work to be created.*'[16] The ambiguity lies in interpreting whether AI qualifies as a 'person' under the law, currently recognized only for natural persons as authors. Court cases reflect the insistence on human involvement in copyright claims. Delhi HC emphasized authorship attribution to natural persons and dismissed claims over computer-generated lists due to the absence of human intervention.[17] Regarding content ownership by AI platforms like ChatGPT, terms stipulate that while the platform owns the generated content, creators can publish it with disclosure of AI usage. ChatGPT's output might be non-unique across users due to the nature of machine learning, disallowing individual ownership of identical outputs.[18]

Certain copyright provisions may also protect AI content based on fair use or fair dealing doctrine under copyright law. *Section 52 of the Indian Copyright Act, provides for certain exceptions*

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[13] Shrishti Ojha, 'ChatGPT, AI content: All about legal challenges pertaining to copyright under Indian law' *Business Today* (23 September 2023) <*https://www.businesstoday.in/technology/news/story/chatgpt-ai-content-all-about-legal-challenges-pertaining-to-copyright-under-indian-law-399393-2023-09-22*> accessed 09 January 2024

[14] Copyright Act 1957, s 13(1)

[15] *Ibid*

[16] Copyright Act 1957, s 2(d)

[17] Shrishti Ojha, 'Who owns AI-generated works? Here's what law says on copyright issue' *India Today* (22 September 2023) <https://www.indiatoday.in/law/story/chatgpt-ai-generated-content-copyright-ownership-complexities-india-2439165-2023-09-22> accessed 09 January 2024

[18] 'Generative Artificial Intelligence and Copyright Law' (*Congressional Research Service,* 29 September 2023) <https://crsreports.congress.gov/product/pdf/LSB/LSB10922> accessed 09 January 2024

to infringement of copyright and permits limited use of copyright material without the owner's authorization.[19]

Though not specifically defined under the law, fair dealing with a literary, dramatic, musical, or artistic work for research or private study or criticism or review, may not constitute an infringement of copyright.[20] The test for determining copyright infringement in India involves assessing substantial similarities and exceptions under Section 52 of the Copyright Act, 1957.[21]

While using the content for private use, for research, or any educational purpose, it would not infringe the copyright law. On the other hand, if any content generated by LLMs that is taken from the internet source is used for any commercial purpose or any purpose that does not come under the umbrella of exceptions then it may result in infringement. Imagine, if a person prompts an LLM to make a happy ending to a sad novel and later publishes it in his own name, this would result in the infringement of the copyright. The test to determine what falls under the ambit of fair use or fair dealing will be decided by the courts keeping the facts and circumstances in mind.[22]

EMOJIS AS ELEMENTS OF CONTRACT ACCEPTANCE: LEGAL INTERPRETATION AND CHALLENGES

In today's communication landscape, the emergence of platforms such as WhatsApp, WeChat, and Telegram marks a significant shift. These platforms have evolved beyond conventional text-based interactions, incorporating graphical elements that play a pivotal role in conveying emotions, thoughts, and information. This evolution has not only reshaped everyday communications but also revolutionized business operations. From the confines of formal emails and meetings, we have entered an era of real-time, agile conversations where ideas flow, issues are addressed promptly, and informed decisions are made on the fly.

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[19] Copyright Act 1957, s 52
[20] Ojha (n 17)
[21] Copyright Act 1957, s 52
[22] Ojha (n 17)

This paradigm shift in our communication style urges exploration into a dynamic dialogue where words intertwine with images, transforming exchanges into multifaceted conversations.

Key elements of a contract encompass offer, acceptance, consideration, intention to create legal relations, and certainty. An offer represents a willingness to engage under specific terms, while acceptance signifies agreement to those terms, forming the basis of a legally binding agreement.[23] The 'thumbs-up' emoji often signifies approval or agreement. While clear in casual conversations, its weight in a contractual context raises questions. Interpreting emojis in contract law heavily relies on context. In scenarios where a 'sthumbs-up' emoji responds unambiguously to a clear offer without conflicting information, it might be deemed acceptance. Yet, ambiguity arises in less clear contexts or amidst multiple emojis or text messages. The query persists: Can emojis, particularly the 'thumbs-up,' validate acceptance of contractual terms?

In the dispute between South West Terminal Ltd. (SWT) and Achter Land & Cattle Ltd.[24] over a breached contract, the use of a 'thumbs-up' emoji played a pivotal role. SWT alleged Achter's failure to deliver 87 tonnes of flax seeds, leading to a disagreement between the companies. The court's assessment focused on 'consensus ad idem,' indicating a meeting of minds between the parties. Chris, representing Achter, had a history of successful contracts with SWT. Prior communications showed a pattern of entering binding contracts, including durum contracts, where the 'thumbs-up' emoji was previously accepted as confirmation.

Though Chris claimed ignorance of the emoji's significance, the court analyzed its commonly understood meaning in digital communication—indicating agreement or approval. Notably, the details of the flax contract were explicitly outlined in the initial contract page sent to Chris, including parties involved, quantity, and price. Consequently, the court deemed the flax contract valid, holding Achter accountable for breaching by failing to deliver the specified flax amount. SWT was awarded damages totalling $82,200.21.

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[23] 'Can The Use Of 'Thumbs-ups' Emoji Be Recognised as Valid Acceptance of Contractual Terms' (*Fortis Law Firm*) <https://fotislaw.com/lawtify/emoji-valid-acceptance-contractual-terms/> accessed 09 January 2024
[24] *South West Terminal (SWT) v Achter Land & Cattle Ltd* [2023] SKKB 116

The court emphasized the importance of consensus ad idem, in determining the existence of a valid contract. Despite the unconventional use of the emoji, the court found it to be a valid means of acceptance, considering the context of the ongoing business relationship between the parties. The court also noted that the emoji was used in a manner consistent with past communications where similar emojis denoted acceptance of contracts. The court recognized the evolving nature of communication technologies and accepted emojis as a valid method of indicating acceptance in the digital age.

This ruling highlights the significance of acknowledging electronic methods, including informal tools like emojis, in accepting contracts, depending on the context. It emphasizes that personal intentions do not legally determine a contract's validity. Instead, the court evaluates intentions through the perspective of a reasonable bystander with all relevant shared information.

CONCLUSION

While AI holds immense potential across industries, the complexities surrounding liability and ownership of AI-generated content within existing copyright laws necessitate a robust legal framework tailored to AI's unique attributes. This framework should address issues of legal personhood for AI and offer clarity on authorship, ownership, and liability, ensuring fairness for all stakeholders. On the other hand, the use of Emojis has seemingly increased and whether emojis can be considered as a valid acceptance of a contract is contingent on the context. The court assesses the validity by looking at the intention of the parties through the lens of a reasonable bystander. If the reasonable bystander would interpret the emojis as an acceptance of a contract keeping in mind the background of the context, the parties shall be bound by the terms of the contract.

The European Union has initiated steps by introducing a regulatory framework for AI technologies, aiming to manage associated risks and provide clear guidelines for developers, users, and regulators. Similarly, India is poised to enact the Digital India Act, set to replace the Information Technology Act of 2000. This legislation will encompass AI, cybercrime, data

protection, deepfakes and related domains, signifying a proactive approach to regulating emerging technologies within the country.