

Taiwan

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1. What is the understanding or definition of AI in your jurisdiction?

In Taiwan, there is no formal legal definition for artificial intelligence (AI) yet; in terms of policy, the Taiwanese government has been actively promoting the development of AI. For instance, the Taiwanese government introduced the Taiwan AI Action Plan in 2018. This plan focuses on five main areas:

- accelerating AI talent development;
- promoting AI leadership;
- establishing an international AI innovation hub;
- opening up regulations and environments; and
- advancing industrial AI.

In 2023, the government launched the Taiwan AI Action Plan 2.0, building upon the previous efforts with five key missions:

- optimising and expanding talent;
- deepening technology and industrial development;
- improving operational environments;
- enhancing international influence; and
- addressing human and societal issues.

Additionally, Taiwan's new President Lai Ching-Te stated in his inauguration speech on 20 May 2024 that, in the face of global and intelligent challenges, Taiwan will strive to become an 'Island of Artificial Intelligence'. This will involve promoting the industrialisation of AI, accelerating innovative AI applications and integrating AI into various industries. By leveraging AI computing power, the aim is to enhance national strength, military power, human resources and economic capabilities.

2. In your jurisdiction, besides legal tech tools (ie, law firm or claim management, data platforms, etc), are there already actual AI tools or use cases in practice for legal services?

With the development of ChatGPT, it is believed that many individual lawyers in law firms across Taiwan are already using generative AI tools to increase their work efficiency.

3. If yes, are these AI tools different regarding:

- **independent law firms;**
- **international law firms; and**
- **in-house counsel;**

and what are these differences?

Aside from the use of generative AI discussed in Question 2 above, there is generally limited public information or news about how different types of law firms utilise AI. Relevant reports indicated that international firm Allen & Overy has launched the legaltech AI platform Harvey, which leverages an adapted version of OpenAI's latest models, specifically optimised for legal applications. From this, we can understand that introducing AI in the legal industry is a significant investment that may come with additional costs. For smaller firms, launching an AI project independently can be financially challenging. A more practical approach for these firms is to purchase packaged software or use software as a service (SaaS) and other offerings from technology vendors. Larger firms may have the resources to start their own AI initiatives, but these still require considerable capital, potentially impacting profits.

As for in-house counsel, it has been reported that a large technology company in Taiwan has developed AI tools based on generative AI technology for use within their internal departments and functions, and even attempts to collaborate with businesses from other industries to form an ecosystem. In such scenarios, the work of in-house counsel may also benefit from these internally developed AI tools, increasing efficiency and reducing costs. Whether there will be more similar developments in the future is worth observing.

4. What is the current or planned regulatory approach on AI in general?

Taiwan currently has policies related to AI, but there are no specific laws dedicated to AI at the moment.

Existing policies include:

1. The action plans mentioned in Question 1.
2. The AI Technology R&D Guidelines (announced by the Ministry of Science and Technology under the Executive Yuan in September 2019, demonstrating the Taiwanese government's commitment to enhancing Taiwan's AI research and development environment).

3. The Executive Yuan and its affiliated agencies' reference guidelines for using generative AI.
4. Core principles and relevant policy initiatives for the use of AI in the financial industry.

There are also certain laws and regulations which could be relevant to AI, such as: (1) the Unmanned Vehicle Technology Innovation and Experiment Act (the sandbox law for autonomous and self-driving vehicles); and (2) the Operating Rules for Securities Investment Consulting Enterprises Using Automated Tools to Provide Consulting Service (under which securities investment consulting enterprises may provide online securities investment consulting services by using automated tools through algorithms).

With the development of AI, there have been discussions in Taiwan in recent years about whether there is a need to establish special laws for AI. For example, since 2019, there have been legislators proposing draft bills such as the 'Basic Law for the Development of Artificial Intelligence' or the 'Act for the Development and Management of Artificial Intelligence', and there have also been proposals from private organisations. In addition to the versions proposed by the Congress and private organisations, the Executive Yuan is also planning to propose its version of the Basic Law for Artificial Intelligence, which was reported to be expected to be first announced by the end of 2024. The subsequent legislative process is worth paying attention to.

5. What are the current or planned regulations on the general use of AI or machine learning systems?

See the response to Question 4.

6. Is free data access an issue in relation with AI?

In Taiwan, personal data falls under the protection of the Personal Data Protection Act (PDPA). Unless otherwise specified by law, businesses are generally obligated under the PDPA to provide notice (notice requirement) and obtain consent (consent requirement) from individuals before collecting, processing or using their personal data, with certain exemptions in place. The advent of AI technology has not altered these obligations. If a company intends to utilise AI technology to collect, process or use personal data, it remains subject to the requirements outlined in the PDPA as previously mentioned.

7. Are there already actual court decisions on the provision of legal services using AI or decisions concerning other sectors that might be applicable to the use of AI in the provision of legal services?

While the use of AI in the legal services industry is a widely discussed topic, there have been no actual court decisions to date regarding the provision of legal services using AI or decisions applicable to the use of AI in the provision of legal services in these sectors.

8. What is the current status – planned, discussed or implemented – of the sectorial legislation in your jurisdiction on the use of AI in the legal profession or services that are traditionally provided by lawyers?

While the use of AI in the legal services industry is a highly debated topic, there has been no planned, discussed or implemented sector-specific legislation in Taiwan concerning the use of AI in the legal profession or services traditionally provided by lawyers.

9. What is the role of the national bar organisations or other official professional institutions?

Traditionally, in Taiwan, national bar organisations establish regulations regarding lawyers' ethics, business promotion (such as advertising), etc. Lawyers are expected to comply with the law when conducting their business. Therefore, regarding the use of AI tools, lawyers should ensure compliance with relevant regulations on their own (for example, ensuring the accuracy of information when using generative AI and avoiding copyright infringement). So far, at the level of national bar organisations, there seems to be few discussions on the need to establish specific regulations due to the rise of AI.

However, as AI is expected to have a significant impact on legal practice, it is common to see local bar associations hosting seminars and inviting experts and scholars to discuss AI-related issues. Also, the Taiwan Bar Association now has a committee called the 'Committee on AI Development and Response', which aims to address the potential impacts of AI on the local legal industry.