Roger Royse in Silicon Valley Business Journal: 'The Legal Future of Autonomous Vehicles'

By Roger Royse | June 1, 2021

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Mobility is high on the list of challenges to living in the San Francisco Bay Area. A recent survey indicates that Bay area residents face difficulties in finding parking, unreliable public transportation, dangerous drivers and, of course, traffic. Given the area's relationship with auto transportation, it is no surprise that much of the development in autonomous vehicles is based in Silicon Valley and San Francisco.

A recent panel of experts hosted by my law firm examined the business and legal issues with autonomous vehicle (AV) technology since researchers estimate that we could see 8 million autonomous vehicles on the road by 2025. The issues are plentiful and significant, but the industry and its investors are pushing forward nonetheless. Let's take a closer look at some of the legal hurdles AVs and their manufacturers will face now and in the near future.

1. Technology patents

AVs require a large combination of technologies, which can be broken down generally by function: perception (e.g., imaging, LIDAR, RADAR, acoustical), navigation (e.g., GPS, guidance and beacons), vehicle-specific (e.g., engine functions and fuel monitoring), communications (e.g., remote access, beacons, traffic and location and internet) and vehicle control (e.g., steering and acceleration). This combination of technologies will require a variety of legal protections, such as patents, trade secrets and design patents.

2. Data and privacy concerns

AV technology will generate and use vast amounts of data, raising interesting legal issues around data ownership, privacy and security. The data issues implicate novel legal and policy issues that depend on the types of data gathered and how it is used. For example, autonomous vehicles will be able to gather information on locations that may be private, personal and sensitive. Combined with smart city tech, that data could be used for marketing in ways that consumers might consider intrusive. Imagine being served targeted ads based on your location, such as receiving clothing ads when the vehicle is near a clothing store. Each manufacturer must consider the laws of all 50 states and the local laws of each political subdivision. Some states, such as California, have been willing to regulate the privacy space.

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