

HARVARD JOURNAL OF LAW & TECHNOLOGY

VOLUME 36, NUMBER 1

FALL 2022

CONTENTS

ARTICLES

BEING “SEEN” VERSUS “MIS-SEEN”: TENSIONS BETWEEN PRIVACY AND FAIRNESS IN COMPUTER VISION <i>Alice Xiang</i>	1
THE FOLKLORE OF COPYRIGHT PROCEDURE <i>Shani Shisha</i>	61
HAVING YOUR DAY IN ROBOT COURT <i>Benjamin Minhao Chen, Alexander Stremitzer & Kevin Tobia</i>	127
FRAUD ON THE CRYPTO MARKET <i>Menesh S. Patel</i>	171

NOTES

PRIVACY IN A PROGRAMMED PLATFORM: HOW THE GENERAL DATA PROTECTION REGULATION APPLIES TO THE METAVERSE <i>Baily Martin</i>	235
THE LIMIT DOES NOT EXIST: HOW SMARTPHONE TECHNOLOGY EXPANDS ELECTRONIC MONITORING AND A PROPOSED LIMITATION <i>Kristin Oakley</i>	263

HARVARD JOURNAL OF LAW & TECHNOLOGY

VOLUME 36

2022–2023

EDITORIAL BOARD

	<i>Editors-in-Chief</i> Aristides Hadjipanteli Anne Kim	
<i>Executive Editor</i> William Locke		<i>Managing Editors</i> Matthew Chun Neil Davey
	<i>Submissions Editor</i> Zoe Kaiser	
<i>Digest Executive Editor</i> Pablo A. Lozano		<i>Operations Editor</i> Katie Gu
	<i>Notes and Comments Editor</i> Tom Zick	
<i>Digest Engagement and Content Editor</i> Pablo A. Lozano	<i>Article Editors</i> Pauline Esman Edwin Farley Garrett Martin Jillian Paffenbarger Samiksha Ramesh Mark Sfreddo Annie Tao	<i>Communications Editor</i> Caleb J. Kim
<i>Submissions Managers</i> Arka Gupta Maya Jeyendran Christina Lee Juan Lorente Molly O’Neil William Yao		<i>Outreach Editors</i> Nicholas Gonzalez Laura Park
	<i>Production Editors</i> Alexandra Bruer Nathan Choe Logan Fahrenkopf Sophia Kwende Preston Marquis Casey Nakamura Léa Nicolas	<i>Speakers Editors</i> Andy Gu Lucy Ruoshi Huang
<i>Technology Editors</i> Leena Dai Wyatt Larkin		<i>Citations Managers</i> Andy Gu George He Lucy Ruoshi Huang

EDITORS

Alexandra Bruer
Kaylee Ding
Beth Findley
Benjamin S. Fridman
Paul Friedman
Arka Gupta
Aristides Hadjipanteli
Laura Hipple
Zoe Kaiser

Farrah Kalach
Tatiana Kurschner
Stephanie Levine
Kelsey MacKinnon
Maximillian McDonald
Graham Miller
Dylan Moses
Dina Rabinovitz
Faris Rehman

Nicholas Rush
Julian Sarabia
Fritz Schemel
Emily Shah
Jacob Silverman
Olivia Staff
Amy Tong
Vincent Wroble
Ani Zotti

PRINT AND DIGEST STAFF

Ju Hee Ahn
Tara Aida
James Atlas
Hallie Aylesworth
Gabriel Babuch
Savannah Bergeron
Diane Bernabei
Edward Bless
Robert Burns
Kelly Capatosto
Brad Carney
Seva Castleberry
Alice Chen
Chu Chen
Erica (Xinhui) Chen
Ryan Chen
Michael Cheng
Yoon Cho
Yanni Cho
Nathan Choe
Eunice Choi
Matthew Clauss
Bianca Corgan
Morgan J. Corley
Charles Culioli
Hayden Davis
Bettina Edelstein
Mayra Espinoza-Martinez
Cosimo L. Fabrizio
Jonathan Fernandez
Nieves Bayón Fernández
Beth Findley
Alian Godoy
Parv Gondalia
K. Gover
Teodora Groza†
Ava Gruener
Monica Gu
Eunsol Han
Wesley Hardin
Joseph Hasbrouck
George He
Bradley J. Henicke
Rachel Hochhauser
Emily Hua
Christopher Hudson
Sophia Hunt
Juan C. Infante
Adithi Iyer
Shanzay Javaid
Ali Jenkins

Sean Kaczmarek
Farrah Kalach
Andrea Restrepo Kerndt
Jeane Khang
Amie Eunjee Kim
Irene Kim
Kelsey Roberts Kingman
Phoebe Kotlikoff
Cindy Kuang
Sophia Kwende
Jonathan Laifman
Kit Lan
Aparajita Lath
Logan Lathrop
Charlotte Laurence
Dong Hyun Lee
ChungHyun Lee
Hayoung Lee
Jaebok Lee
Samuel Songhoon Lee
Brandon Lewis
Angela Li
Qingyue (Kathryn) Li
Jacob Libby
Jesse Lin
Lars Lindgren
Linda Liu
Genevieve Lucas-Narcisse
Kacey Manlove
Zsuzsanna Mao
William Marks
Preston Marquis
Ethan McKenzie
Ethan Morales
Miranda Murillo
Grace Murray
Casey Nakamura
Gitika Nalwa
Tavini Nanayakkara
Sarah Newbury
Abdul Wahab Niaz
Léa Nicolas
Jae Yoon (Mary) Noh
Catalina Perdomo Ortega
Kyle Parker
Yoav Paz-Priel
Christopher Pettit
Hansenard Piou
Wyatt Pless
Esther Pomerantz

Audrey Pope
Jacob Pritzker
Dina Rabinovitz
Carolina Rabinowicz
Hannah Rahim
Hejir Rashidzadeh
John Rider
Dylan Roache
Matt Rohrbach
Julian Sarabia
Pantho Sayed†
Philip Schreurs
Nina Selipsky
Jack Shaffery
Varun Sharma
Pedro R. M. Silva
Derek Simshauser
Samantha Slack
Carli Sley
Case Smith
Isabelle Sohn
Noah Spicer
Bobby Stroup
Annie Tao
Michael Yuan Tian
Shayna Toh
Ewa Tokarewicz
Nilofar Vakili
Nithin Venkatraman
Thaiane Vieira Fernandes de Abreu†
Xinyi Wan
Angeni Wang
Scott Xiantao Wang
Hannah Weinstein
Diana Mejia Whisler
Christina B. Williams
Vincent Wroble
Pacy Yan
Leon Yang
Helen Yang
Kexin Yang
Christiano Jierui Yao
Leah Yared
Tyler Yoo
Nicky Yoon
Julian G. Zajkowski
JJ Zeng
Alyssa Zhang
Hanzhang (Nina) Zhao
Qiuyang Zhao
Heather Zhou

† Digest Subject Matter Coordinator

SPONSORS

COOLEY LLP

KNOBBE, MARTENS, OLSON &
BEAR LLP

DESMARAIS LLP

LATHAM & WATKINS LLP

FENWICK & WEST LLP

MORRISON & FOERSTER LLP

FINNEGAN, HENDERSON,
FARABOW, GARRETT &
DUNNER, LLP

SIDLEY AUSTIN LLP

WILSON SONSINI GOODRICH &
ROSATI, P.C.

FISH & RICHARDSON P.C.

IRELL & MANELLA LLP

WOLF, GREENFIELD &
SACKS, P.C.

HARVARD JOURNAL OF LAW & TECHNOLOGY

VOLUME 36, NUMBER 1

FALL 2022

The Harvard Journal of Law & Technology
Suite 3050, Wasserstein Hall
1585 Massachusetts Avenue
Harvard Law School
Cambridge, MA 02138

Email: jolt@mail.law.harvard.edu
Website: <http://jolt.law.harvard.edu>

Copyright © 2023 by the President and Fellows of Harvard College.

The *Harvard Journal of Law & Technology* is published by Harvard Law School students and is an official publication of Harvard Law School.

The *Journal* publishes two issues each year. Previous issues are also available. Orders for subscriptions or back issues should be addressed to:

William S. Hein & Co., Inc.
Attn: New Orders
2350 North Forest Rd.
Getzville, NY 14068

Toll-Free: (800) 828-7571
Main Line: (716) 882-2600
Fax: (716) 883-8100
Email: order@wshein.com

The *Journal* welcomes the submission of articles and comments addressing the intersection of law and technology. Please see our website for more submissions information.

Individuals and organizations interested in sponsoring the *Journal* should contact the Managing Editors at the above address at Harvard Law School.

The views expressed in the *Journal* do not necessarily reflect the views of the Editorial Board or the sponsors of the *Journal*.

Cite as: 36 HARV. J.L. & TECH. ____ (2023)

JOLT Digest: The online companion to the *Harvard Journal of Law & Technology*, featuring coverage of and commentary on developments in law and technology.
<http://jolt.law.harvard.edu/digest>