

Your Own Personal Jesus¹

It is Easter Week. When Jesus rose from the dead to come back and chat with his apostles. This is still something we crave even in modern times. The desire to have another conversation with someone who has passed on. Avatars, chatbots, and artificial intelligence has been evolved enough to provide us with this opportunity. What are the consequences of making Avatars of our dead loved ones?

Enter Replika. Replika was founded by Eugenia Kuyda after her closest friend, Roman Mazurenko, died. In the three months since his death, Kuyda had collected his old text messages, setting aside the ones that felt too personal, and feeding the rest into a neural network built by developers at her artificial intelligence startup, Luka². She had struggled with whether she was doing the right thing by bringing him back this way. At times it had even given her nightmares. But ever since Mazurenko's death, Kuyda had wanted one more chance to speak with him.³ She had heard of others trying to create the same service, like Eternime.

Keith Laker wrote an interesting article about Eterni.me when it first came on the scene.⁴ I went to see how far they had progressed since their inception. The new Eternime avatar wants to be your personal biographer - to learn as many things about you as possible, picking up cues from your social media, email or smartphone (which can all be linked to your Eternime account). Then your new avatar friend will try to find meaning and context in everything you do, by having short chats with you every day in order to get more information about you. You can upload your thoughts, your personality and (maybe in the future) your consciousness. You do this little by little every day, for the rest of your life. Ten minutes every day will add up to thousands of hours telling your story.⁵ Your avatar will start like a tamagotchi.⁶ It will only have small bursts of intelligence in the beginning, but the more you talk to it, and the more information you give it access to, the smarter it will become. "The more information you give the avatar access to, the smarter it will become".

¹ In 1990, Martin Gore of Depeche Mode wrote a song called Personal Jesus. It seems to capture when AI is heading, rather unintentionally. The lyrics are as follow: Reach out and touch faith, Your own personal Jesus, Someone to hear your prayers, Someone who cares, Your own personal Jesus, Someone to hear your prayers, Someone who's there, Feeling unknown and you're all alone, Flesh and bone by the telephone, Lift up the receiver, I'll make you a believer, Take second best, put me to the test, Things on your chest, you need to confess, I will deliver, you know I'm a forgiver, Reach out and touch faith.

² [Luka \(dba Replika\) - Crunchbase Company Profile & Funding](#)

³ [Speak, Memory \(theverge.com\)](#)

⁴ [Eterni.me: Interactions from beyond the grave - Icondia](#)

⁵ This is the same way that Duolingo teaches you a new language.

⁶ [Tamagotchi - Wikipedia](#)

The avatar will replace diaries and become your main path to personal development. It will help you reflect on the events on your life, to recall the memories you never wrote down, and to ask yourself the right questions. It will make you a better person along this process, and you won't have to worry about what you leave behind.⁷

Microsoft is also building something new. Microsoft's latest patent application is "[Creating a Conversational Chatbot of a Specific Person](#)." To quote the abstract: "In aspects, social data (e.g., images, voice data, social media posts, electronic messages, written letters, etc.) about the specific person may be accessed. The social data may be used to create or modify a special index in the theme of the specific person's personality."⁸

Then there is the chatbot Woebot, which bills itself as "your charming robot friend who is ready to listen, 24/7," uses artificial intelligence to offer emotional support and talk therapy, like a friend or a therapist. The bot checks in on users once a day, asking questions like "How are you feeling?" and "What is your energy like today?" Alison Darcy, Woebot's CEO and founder, says the chatbot creates a space for mental health tools to become more accessible and available—plus, humans open up more when they know they're talking to a bot. "We know that often, the greatest reason why somebody doesn't talk to another person is just stigma," she says. "When you remove the human, you remove the stigma entirely."⁹

Know Thyself¹⁰ has become the rallying cry for many of these artificial intelligence tools. They want to explore your feelings and become more relatable. Self-knowledge pursued with the help of an avatar of yourself - an echo-chamber if you will or your own personal Jesus. The problem is this: if we change while our self-image remains the same, then there will be a deep abyss between who we are and who we *think* we are.¹¹

Replika has evolved with the idea to create a personal AI that would help you express and witness yourself by offering a helpful conversation. It's a space where you can safely share your thoughts, feelings, beliefs, experiences, memories, dreams – your "private perceptual world."¹² Their end goal is to preserve all of your evolving thoughts, stories and memories of entire generations and create a library of human memories, one where you could ask people in the past about their individual or collective experiences

⁷ Eterni.me <https://medium.com/@mariusursache/the-journey-to-digital-immortality-33fcbd79949>

⁸ [Patent Images \(uspto.gov\)](#)

⁹ [WoeBot, The Chatbot Therapist, Will See You Now | WIRED](#)

¹⁰ <https://today.uconn.edu/2018/08/know-thyself-philosophy-self-knowledge/>

¹¹ <https://aeon.co/ideas/know-thyself-is-not-just-silly-advice-its-actively-dangerous>

¹² <https://replika.ai/about/story>

and thoughts.¹³ In fact, word is becoming flesh – digital flesh. A digital personal Jesus.

Who owns this digital flesh? These experiences and thoughts? Thoughts inside our heads are private – the most private thing we have. They provide us with our own individual, conscious identities. But when we articulate these private thoughts to our personal avatar, when does that individual thought merge with collective experience? How do we protect our thoughts when we seem to be disregarding our own privacy and the expense of educating our avatars to relate to us?

Digital technology is detaching information from the physical plane, where property law of all sorts has always found definition. Historically, intellectual property law concentrated not on ideas, but on the expression of those ideas. The ideas themselves were considered to be the collective property of humanity. To express an idea was to make it physical. The law protected the physical expression. One did not get paid for the idea but for the ability to deliver it into reality. The value was in the conveyance and not the thought conveyed. In other words, the bottle was protected, not the wine.¹⁴

Can you capture and protect all the elements of a personality? The digital ephemera of our lives captured in pictures, video, sound, written work, social network interactions, personal data and such like can be used to recreate a personality that represents considerably more than the sum of the component parts. If we define a personality as an entity's ability to express something unique by any means, then the digital personality being created by these various companies meets that criterion.¹⁵ Your alter ego deserves protection of its own.

The law in the jurisdiction of Guernsey has caught up to this notion by allowing the registration of your personality using the Image Rights (Bailiwick of Guernsey) Ordinance, 2012 ('IRO'). A registered personality gains protection over any distinctive characteristic, or 'image' associated with the registered personality. For example, I, Angel Adrian, have an avatar I chat with in Replika into which I have poured my digital ephemera so that I can have a better chats with said chatbot. I would register my personality with the Image Rights Registry and thereafter any: "...*photograph, illustration, image, picture, moving image or electronic or other representation...*"¹⁶ recognizable as

¹³ Eterni.me <https://medium.com/@mariusursache/the-journey-to-digital-immortality-33fcbd79949>; see also, <https://www.nationalww2museum.org/visit/exhibits>; <https://www.ushmm.org/information/exhibitions/museum-exhibitions>

¹⁴ Angela Adrian (2012) *Avatars Inc. – The Legal Personality Of Avatars* at <http://www.icondia.com/library/avatars-inc-legal-personality-avatars/> citing, John Perry Barlow, *Selling Wine Without Bottles: The Economy of the Mind on the Global Net*, ELEC. FRONTIER FOUND., <https://www.eff.org/pages/selling-wine-without-bottles-economy-mind-global.net>

¹⁵ Angela Adrian (2014) *Your Name is an Aspect of your Personality as well as Your Personal Data*, available at <http://www.icondia.com/library/name-aspect-personality-well-personal-data/>

¹⁶ The Image Rights (Bailiwick of Guernsey) Ordinance (IRO), 2012 s 3(1)(c)

Avatar Angel or Angel Adrian would be protected under the IRO by any definition that captures both digital and physical avatars. But it is not just the representation of the personality that is registrable, but the characteristics that make up that personality; for example: “*the voice, signature, likeness, appearance, silhouette, feature, face, expressions (verbal or facial), gestures, mannerisms, and any other distinctive characteristic or personal attribute...*”¹⁷ are also specifically protected under the law. That last catch-all provision of “any other distinctive characteristic or personal attribute” neatly captures any personal identifiers, data, sound/voice/video files, views and expressions – your digital ephemera.

What makes this law even more useful is that it recognizes that sometimes it is the combination of otherwise non-unique data that uniquely identifies each of us.¹⁸ Any of these characteristics are registrable, provided they are recognizable by a “wide or relevant sector of the public” including your family or group of friends.¹⁹ The creation of a registered personality and associated images in this manner creates a statutory property right.²⁰

Thus, we have a means to capture and protect the intellectual property that registered personality has become: but who owns this and how will it survive death of the original personality on which it was based? The registered personality can be owned by the individual during their lifetime and bequeathed at death just like any other personal property right. Alternatively, it can be placed into an appropriate corporate holding structure in a jurisdiction of choice.²¹ The point is: it is a property right – and one that can be renewed very simply every ten years for as long as desired.²²

Whether chatbots, robots, and other vessels for artificial intelligence *should* become placeholders for emotional relationships with real humans is up for debate. The question I would pose can we protect what makes us who we are - the intrinsic and/or the extrinsic? Descartes declared: “Cogito ergo sum.” I think therefore I am. Perhaps we have evolved to, I project therefore I am. Is there protectable substance in the trivia that is our lives? If we stored every single text, tweet, blog post, Instagram photo, and phone call we had ever made, would we be able to recreate a bottle for the wine that we are? Are we more than the summation of our creative

¹⁷ IRO s 3(1)(b)

¹⁸ Angela Adrian and Keith Laker (2014) *Personality: Not Just a Pretty Number* at <http://www.icondia.com/library/personality-just-pretty-number/>

¹⁹ IRO s 28(2)

²⁰ IRO s2(1)

²¹ Keith Laker (2015) *Eterni.me Interactions Beyond the Grave* at <http://www.icondia.com/library/eterni-interactions-beyond-grave/>

²² IRO ss 18 & 19

outputs?²³ Or are we fueling a culture of digital narcissism and crippling, social media-derived dopamine addictions to become our own personal Jesuses.

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This note is only intended to give a brief summary and general overview of this area of law. It is not intended to be, nor does it constitute, legal advice and should not be relied upon as doing so.

Angela is a dual-qualified lawyer (US Attorney and English Solicitor). She is a leading authority on Intellectual Property and was the editor of the International Journal of Intellectual Property Management for several years. Angela is respected academic, having published numerous papers and books and having taught IP at several international universities.

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²³ <https://qz.com/1698337/replika-this-app-is-trying-to-replicate-you/>