

# Emerging Technology and Liability: Torts of the Future?

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Discussions about connected devices, security, privacy, and liability continue to pick up speed. The U.S. Chamber of Commerce recently held a thought-leadership event in Menlo Park, CA, discussing IoT, emerging technology, and torts of the future. The agenda and panel videos can be found [here](#).

Wiley Rein partner [Megan L. Brown](#) was a panelist. She and others from industry addressed emerging issues surrounding IoT-related liability and litigation. In particular, Ms. Brown identified the danger that litigation and fear of liability could stymie collaboration between the many players in the IoT ecosystem. Tort litigation is backward-looking, slow, and takes place before judges and juries that are not experts. Novel privacy-and security-related claims are being pushed in the courts; plaintiffs have struggled to establish standing, but are constantly trying new claims. Recently, “purchase price” claims have been raised. Plaintiffs allege that consumers paid more than they should have for connected products that later were shown to have a vulnerability. These claims are made even though there has been no exploitation or breach.

The day-long discussion featured panels from the auto and unmanned aerial vehicle industries, as well as keynotes from Lyft, Chamber leadership, and the attorney general for the state of Utah, who called for regulatory “humility” in the face of new technologies. One takeaway from the event is that now is the time for industry to help policymakers avoid missteps, and urge them to “think big” about [how to promote IoT security in a collaborative, not punitive, way](#).

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## Practice Areas

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Internet of Things  
Privacy, Cyber & Data Governance  
Telecom, Media & Technology

Ms. Brown and associate Umair Javed represent the Chamber Technology Engagement Center (C\_TEC) on emerging issues in the IoT space.