

Agentic commerce: deal terms and governance

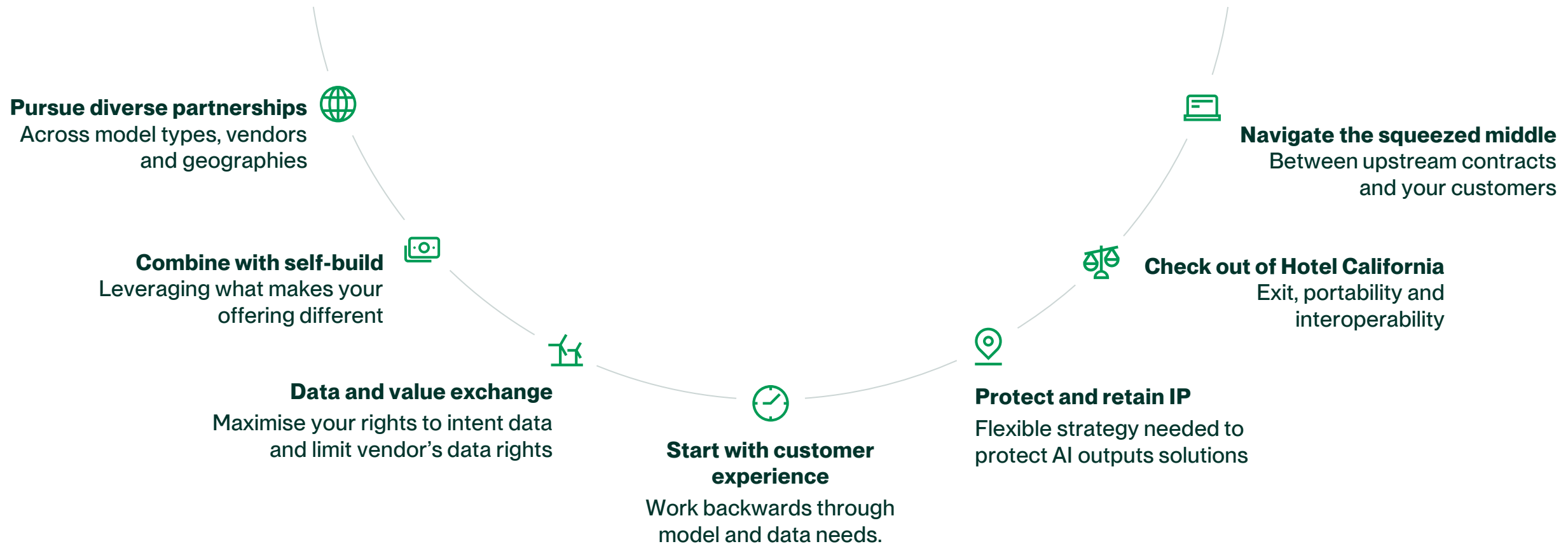
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24 JUNE 2026



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Turn disruption into opportunity



Who is responsible when things go wrong



LIABILITY AT LAW

- ♦ What will go wrong?
- ♦ Consumer / payment laws are not fit for purpose
- ♦ If AI is a tool (at law), who controls it (in practice)?

LIABILITY UNDER CONTRACT

- ♦ What risks can be allocated?
- ♦ AI platform terms are not fit for purpose
- ♦ Contract terms are not a panacea

Good governance drives customer trust and adoption

01

Clearly scoped
agent autonomy

02

System controls to
reinforce scope and
detect failures

03

Secure against cyber
risk

04

Meaningful human
oversight

05

Testing and audits

06

Manage regulatory
fragmentation



Governing AI is hard because:

- ♦ Risk landscape is vast and use case-specific
- ♦ Some risks are existential, e.g. cyber
- ♦ Demonstrating ROI is challenging
- ♦ Technology changes all the time
- ♦ Regulatory grey areas

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