

SEMINAR ON CYBER LAW



**A PROFESSIONALS
OPPORTUNITY**

CONTENTS

✧ Introduction

✧ Information Technology Act 2000

✧ Meaning of Cybercrime

✧ Target of cyber crime

✧ Digital Signature

✧ Intellectual Property crime

✧ Type of Cybercrime

✧ Some big cyber crime cases

✧ Conclusion

INTRODUCTION

- ✦ The internet in India is growing rapidly. It has given rise to new opportunities in every field we can think of – be it entertainment, business, sports or education.
- ✦ There are two sides to a coin. Internet also has its own disadvantages. One of the major disadvantages is Cyber crime – illegal activity committed on the internet.

IT Act of India, 2000

The primary source of cyber law in India is the Information Technology Act , 2000 (IT Act).

The main purpose of the Act is to provide legal recognition to electronic commerce and to facilitate filing of electronic records with the Government.

- ✓ Information Technology Act 2000 consisted of **94 sections** segregated into 13 chapters.
- ✓ **Four schedules** form part of the Act.

IT Amendment Act, 2008

ITA 2008, as the new version of Information Technology Act 2000 is often referred, has provided additional focus on **Information Security**. It has added several new sections on offences including **Cyber Terrorism** and **Data Protection**.

- ✓ The Information Technology Amendment Act, 2008 (IT Act 2008) has been passed by the parliament on 23rd December 2008 and came into force from **October 27, 2009 onwards**.



NEED FOR CYBER LAWS

✦ **TACKLING CYBER
CRIMES**

✦ **INTELLECTUAL
PROPERTY RIGHTS
AND COPYRIGHTS
PROTECTION ACT**



Cyber law of India encompasses laws relating to

Cyber Crimes

Electronic and Digital Signatures

Intellectual Property

Data Protection and Privacy



What is Cyber Crime?

Cyber crime is the latest and perhaps the most complicated problem in the cyber world. It means

- ✓ It's an unlawful act wherein the computer is either a tool or a target or appliance.
- ✓ The enormous growth in electronic commerce and online share trading has led to a phenomenal spurt in incident of cyber crime.

ROLE OF COMPUTER IN CRIME



Source-interaksson.com

COMPUTER AS
TARGET

COMPUTER AS
TOOL

COMPUTER AS
APPLIANCE

REASONS FOR INCREASING CYBER CRIMES

- ▶ Dependence on Network Infrastructure
- ▶ Security Risks
- ▶ Lack of Funding
- ▶ Difficulty in tracking the Cyber terrorist
- ▶ Information Gathering Purposes
- ▶ Prank
- ▶ National pride
- ▶ Financial gains
- ▶ Hatred





Targets Of Cyber Crime

✦ Cyber crimes against Persons

eg **'ILOVEYOU' virus**

✦ Cyber crimes against Property

eg **computer vandalism**

✦ Cyber crimes against Government

✦ eg **'Al-Qaeda'**

INTERNET TIME THEFT

This connotes the usage by an unauthorized person of the Internet hours paid for by another person

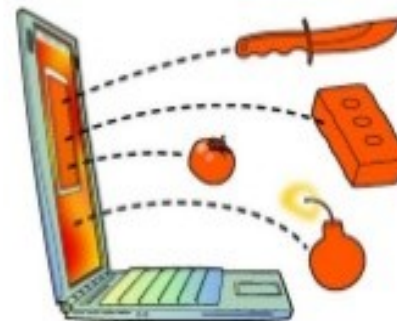


In May 2000, the Delhi police arrested an engineer who had misused the login name and password of a customer whose Internet connection he had set up. The case was filed under the Indian Penal Code and the Indian Telegraph Act.



CYBER DEFAMATION

- This occurs when defamation takes place with the help of computers and / or the Internet.
- e.g. Sameer publishes defamatory matter about Pooja on a website or sends e-mails containing defamatory information to Pooja's friends.



- Abhishek, a teenaged student was arrested by the Thane police in India following a girl's complaint about tarnishing her image in the social networking site Orkut. Abhishek had allegedly created a fake account in the name of the girl with her mobile number posted on the profile.
- Unidentified persons posted obscene photographs and contact details of a Delhi school girl.



FINANCIAL CRIMES

- Money is the most common motive behind all crime.
- Increase in the use of internet and mobile banking,
- Online share trading, dematerialization of shares and securities, this trend is likely to increase



It Includes:

- Phishing
- credit card frauds
- Money laundering
- hacking into bank servers
- accounting scams
- Salami Attacks
- E-Commerce Frauds



Electronic Signature



Electronic Signatures are used to authenticate electronic records. Digital Signatures are one type of electronic signatures.

Digital Signatures satisfy three major legal requirements:

- ✓ Signer authentication;
- ✓ Message authentication; and
- ✓ Message integrity.

The technology and efficiency of digital signatures makes them more trustworthy than hand written signatures.

FORGERY



- Counterfeit currency notes, postage and revenue stamps, mark sheets, academic certificates etc are made by criminals using sophisticated computers, printers and scanners.



Abdul Kareem Telgi, along with several others, was convicted in India on several counts of counterfeiting stamp papers and postage stamps totalling several billion rupees.

- Economic Offences Wing of Crime Branch, Mumbai (India), seized over 22,000 counterfeit share certificates of eight reputed companies worth Rs. 34.47 crores. These were allegedly prepared using Desk Top Publishing Systems.

s Helen Sney.
a Helen Sney



CONSIDERATION- AUDIT OF DIGITAL CONTRACT



Intellectual Property

Intellectual property refers to creations of the human mind e.g., a story, a song, a painting, a design & etc.

- ✓ The facets of **intellectual property** that relate to cyber space are covered by **Cyber law**.

Newly inserted - **Domain name**

CYBERSQUATTING

"squatting", which is the act of occupying an abandoned or unoccupied space or building that the squatter does not own, rent, or otherwise have permission to use

Cybersquatting (also known as **domain squatting**), is registering, trafficking in, or using a domain name with bad faith intent to profit from the goodwill of a trademark belonging to someone else. The cybersquatter then offers to sell the domain to the person or company who owns a trademark contained within the name at an inflated price.

www.google.com

www.gooogle.com

Cybersquatters sometimes register variants of popular trademarked names, a practice known as typosquatting

Recent Domain squatting case,

- ✓ Tata Sons And Tata Infotech **WON** domain name lawsuit against Arno Palmen.



Types Of Cyber Crime



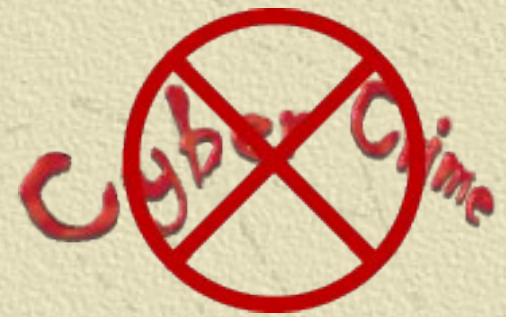
✦ **Modification of a conventional crime by using computers.**

✦ **Frequently Used Cyber Crimes.**



Modification of a conventional crime by using computers.

- ✦ Financial crimes & Forgery
- ✦ Cyber pornography
- ✦ Sale of illegal articles
- ✦ Virus/worm/Trojan
- ✦ Intellectual Property crime
- ✦ Email spoofing
- ✦ Cyber Defamation
- ✦ Cyber stalking



Frequently Used Cyber Crimes.

- ✦ Unauthorized access to computer systems or networks (i.e. Wi-Fi , LAN etc.)
- ✦ Unauthorized copying of website content.
- ✦ Sending fake E-mail.
- ✦ Downloading music file or movies.
- ✦ Chatting with fake ID
- ✦ Tampering with photos of any person.
- ✦ Damage to computer data or programs.
- ✦ Unauthorised access of bank a/c.



FEW CYBER CASES

- ✦ **Airtel and Tata Teleservices Ltd(TTL)** in Cyber Law Violation Controversy 2013, TTL and Airtel have failed to comply with Cyber Law Due Diligence Requirements as prescribed by the Information Technology Act, 2000.
- ✦ **Insulting Images** of **Warrior Shivaji** on Google – Orkut.
- ✦ Google/Gmail continuously violating with provisions of the ITA-2000 it **MAY** be ban anytime in India.

IMPORTANT IT ACT PROVISIONS

✦ **E-mail** now be a **valid and legal form** of communication in **our country**.

✦ The ITA-2000 has indicated elaborate audit requirements for the licensed Certifying authorities where every transaction needs to be recorded for future reference.

✦ The Act now allows Government to issue notification on the web thus heralding e-governance **E.g. Misused specially by SALES TAX department.**

✦ Statutory remedy in case if anyone breaks into companies computer systems or network and causes damages or copies data i.e. up to 1 cr.

Opportunities For Financial Professionals

-
- ✦ Cyber Tax Consultants
 - ✦ Cyber Auditor
 - ✦ Cyber Law Compliance Audit.
 - ✦ Cyber Consultant in an IT firm
 - ✦ Advisors for the web developers
 - ✦ Cyber Law Compliance officer
 - ✦ Cyber investigation officer
 - ✦ Cyber Forensic Officer
 - ✦ Cyber Security Management Consultancy



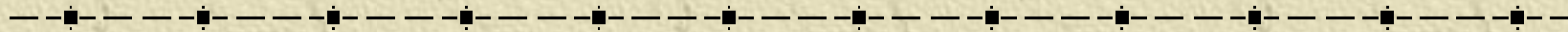
CONCLUSION

**“BYTES ARE REPLACING BULLETS IN
THE CRIME WORLD”**

**India needs a good combination of laws
and technology, in harmony with the
laws of other countries and keeping in
mind common security standards.**

S
U
N
I
L

A
G
G
A
R
W
A
L



THANK YOU.

SUNIL AGGARWAL
NRO0206884
CA-FINAL