

INTRODUCTION TO SECURITY POLICIES AND CYBER LAWS

INTRODUCTION TO SECURITY POLICIES AND CYBER LAWS : Need for An Information Security Policy, Introduction to Indian Cyber Law, Objective and Scope of the Digital Personal Data Protection Act 2023, Intellectual Property Issues, Overview of Intellectual Property Related Legislation in India, Patent, Copyright, Trademarks.



What Does Security Policy Mean?

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- A security policy must identify all of a company's assets as well as all the potential threats to those assets.
- Company employees need to be kept updated on the company's security policies.
- The policies themselves should be updated regularly as well.

Types of Security Policy

- **Acceptable Use Policy (AUP)**
- **Access Control Policy (ACP)**
- **Change Management Policy**
- **Information Security Policy**
- **Incident Response (IR) Policy**
- **Remote Access Policy**
- **Email/Communication Policy**
- **Disaster Recovery Policy**
- **Business Continuity Plan (BCP)**

Why we need security policy?

- Identify theft
- System fraud
- Control security risk
- Misuse detection of system

Need of Security policies-

1) It increases efficiency.

The best thing about having a policy is being able to increase the level of consistency which saves time, money and resources. The policy should inform the employees about their individual duties, and telling them what they can do and what they cannot do with the organization sensitive information.

2) It upholds discipline and accountability

When any human mistake will occur, and system security is compromised, then the security policy of the organization will back up any disciplinary action and also supporting a case in a court of law. The organization policies act as a contract which proves that an organization has taken steps to protect its intellectual property, as well as its customers and clients.

3) It can make or break a business deal

It is not necessary for companies to provide a copy of their information security policy to other vendors during a business deal that involves the transference of their sensitive information. It is true in a case of bigger businesses which ensures their own security interests are protected when dealing with smaller businesses which have less high-end security systems in place.

4) It helps to educate employees on security literacy

A well-written security policy can also be seen as an educational document which informs the readers about their importance of responsibility in protecting the organization sensitive data. It involves on choosing the right passwords, to providing guidelines for file transfers and data storage which increases employee's overall awareness of security and how it can be strengthened.

What is Cyber Law?



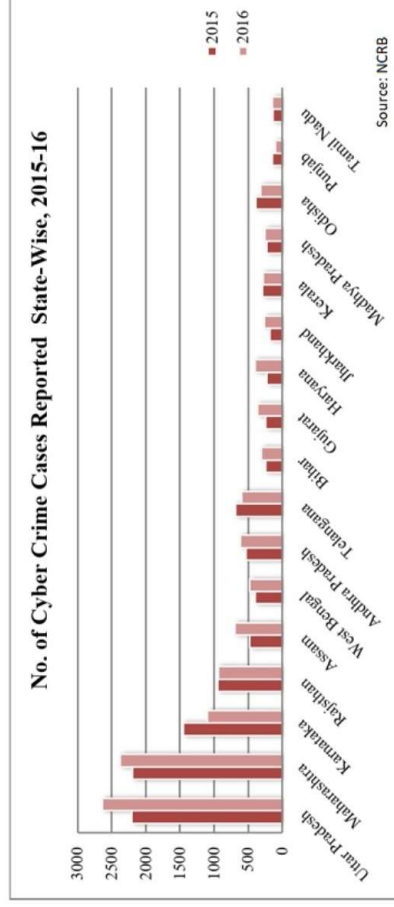
Cyber law deals with the legal aspects of cyberspace, the internet, and computing. In a broader view, cyber law handles the issues of intellectual property, contract, jurisdiction, data protection laws, privacy, and freedom of expression in the digital space.

In addition to regulating the overall internet's happenings and crimes, cyber law recognizes popular usages, which include e-documents. Earlier, contracts, agreements, or anything of a legal nature was made on paper. With the recognition of e-documents and digital signatures, the world is moving fast toward a paperless future. Since this reduces the use of paper and increases sustainability, these processes are widely encouraged by several environmental enthusiasts.

The very first cyber law to exist was the Computer Fraud and Abuse Act (1986.) Currently, there are several cyber laws around the world, and the penalties, punishments, and regulations vary to an extent.

Importance of Cyber Law

Cyber law is of paramount importance in our digital age as it safeguards digital assets, prevents cybercrimes, regulates online activities, protects e-commerce and consumer rights, fosters international cooperation, upholds intellectual property rights, ensures data privacy, and provides legal remedies. It plays a vital role in establishing legal order and security in the digital realm, protecting both individuals and organizations in an interconnected world.



Cyber Law in India: A Brief Understanding

India witnesses many cybercrimes annually, with over 44,000 reported cases. Among the states in India, Karnataka emerges as the leader in terms of cybercrime rates. According to a 2022 report by [Statista](#), the average cost of data breaches was USD 2 million in India. This financial impact reflects the consequences of data breach incidents. For more detailed statistical information, please refer [here](#).

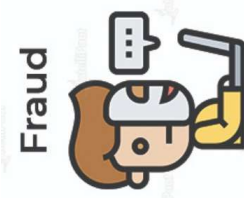
Cyber law in India is governed by two key legislations: the Indian Penal Code and the Information Technology Act of 2000. These legal frameworks provide the necessary guidelines and provisions to address cybercrime and protect digital assets and individuals' rights in cyberspace.

A variety of cybercrimes are addressed by Indian cyber laws, covering two main aspects: hacking systems and employing them to commit crimes of different magnitudes. Additionally, Indian cyber law encompasses a comprehensive range of domains, such as intellectual property rights and privacy rights, among others.

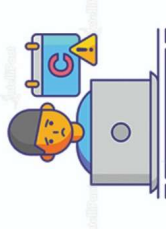
Cyber law in India encompasses a broad range of subjects, although it is important to note that the list provided is not exhaustive. Similar concepts may also be addressed in other jurisdictions globally. The following outlines the various types of cybercrimes and the corresponding cyber law protections.

Fraud

Cyber law in India identifies the theft of identities, credit cards, and other finance-based crimes as fraud; these cybercrime offenses may lead to fines, imprisonment, or both.



Copyright



Copyright

Cyber law in India protects copyrighted works present in online forums. The accused are punished based on the Copyright Act and other applicable acts, rules, and regulations.

Defamation

The Indian constitution ensures the right to speech, but it comes with limitations; when the limitations are crossed, it constitutes defamation. A person who defames another person or an organization will be punished under cyber law.

Defamation

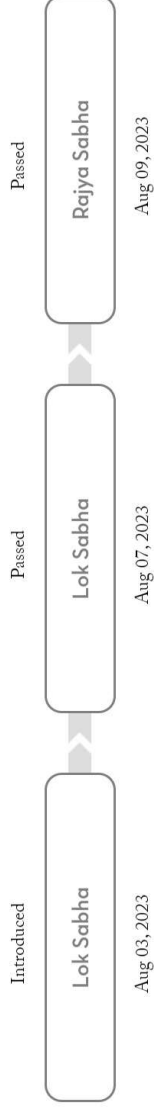


But, What constitutes defamation activity online? In brief, according to cyber law, spreading false information or information without evidence online constitutes defamation activity.

Indeed, with the growth of social media usage, stronger cyber law protection is required against defamation.

The Digital Personal Data Protection Bill, 2023

Ministry: Electronics and Information Technology



- The Bill will apply to the processing of digital personal data within India where such data is collected online, or collected offline and is digitised. It will also apply to such processing outside India, if it is for offering goods or services in India.

The primary objective of the Digital Personal Data Protection Bill, 2023 is to establish a comprehensive framework for the protection of personal data.

This framework extends its jurisdiction to personal data collected within India, both online and offline data that has been subsequently digitized.

What is in it?

The bill seeks to protect the privacy of Indian citizens while proposing a penalty of up to Rs 250 crore on entities for misusing or failing to protect the digital data of individuals.

Penalties can go up to Rs 250 crore for a data breach, failure to protect personal data or inform DPB and users of the breach.

The Centre retains the power to restrict the transfer of personal data to any country, or territory outside India.

Firms dealing with user data must protect personal data even if it is stored with a third-party data processor.

The Making Of The Digital Personal Data Protection Act, 2023

July 2017	• MeitY constitutes an expert committee under the chairmanship of Justice BN Srikrishna
August 2017	• Supreme Court, while hearing the Aadhaar-case in Justice KS Puttaswamy vs Indian Govt, recognises right to privacy as a fundamental right; orders govt to introduce relevant law • Justice Srikrishna Committee on data protection constituted
July 2018	• MeitY releases Justice Srikrishna Committee report and proposed draft Bill
December 2019	• Revised Personal Data Protection Bill introduced in Lok Sabha • The Bill referred to Joint Parliamentary Committee (JPC)
December 2021	• JPC submits its report along with a new draft Bill – PDP Bill 2021
August 2022	• The Indian Govt withdraws the draft PDP Bill 2021 from Lok Sabha
Nov 2022	• MeitY releases a fresh new draft called DPDP Bill, 2022 for public consultation
August 2023	• Govt introduces DPDP Bill 2023 in Lok Sabha • Parliament enacts the Bill



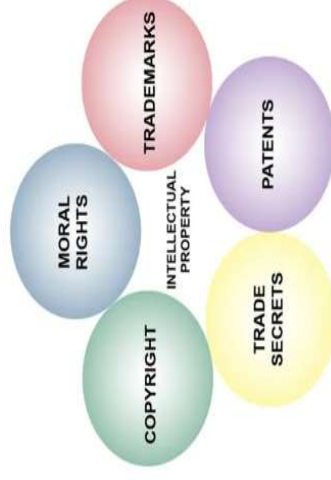
Safeguard User Data Implement security measures to protect user data with third-party processors.	Data Protection Board Authority Summon, examine, recommend sanctions for data breaches.	Minor Consent Guardian approval for processing data of minors and physically disabled.	Appoint DPO Appoint Data Protection Officer (DPO) for enhanced transparency.
Controlled Transfers Central govt. will oversee data export beyond India.	Rapid Breach Alert Notify Data Protection Board & affected users on data breaches.	Hefty Penalties Up to Rs 250 crore penalties for breach severity.	Fair Appeals Telecom Disputes Settlement & Appellate Tribunal will resolve Data Protection Board (DPB) decision disputes.

INTELLECTUAL PROPERTY

Intellectual Property (IP) simply refers to the creation of the mind. It refers to the possession of thought or design by the one who came up with it. It offers the owner of any inventive design or any form of distinct work some exclusive rights, that make it unlawful to copy or reuse that work without the owner's permission. It is a part of property law. People associated with literature, music, invention, etc. can use it in business practices.

There are numerous types of tools of protection that come under the term "intellectual property". Notable among these are the following:

- Patent
- Trademark
- Geographical indications
- Layout Designs of Integrated Circuits
- Trade secrets
- Copyrights
- Industrial Designs



Copyright Infringement:

Copyright protection is given to the owner of any published artistic, literary, or scientific work over his work to prohibit everyone else from exploiting that work in his name and thereby gain profit from it. When these proprietary creations are utilized by anyone without the permission of the owner, it leads to copyright infringement. If copies of any software are made and sold on the internet without the permission of the owner or even copying the content from any online source, these all are examples of copyright infringement.

Copyright Issues in Cyberspace:

1. Linking –

It permits a Website user to visit another location on the Internet. By simply clicking on a word or image on one Web page, the user can view another Web page elsewhere in the world, or simply elsewhere on the same server as the original page.

Linking damages the rights or interests of the owner of the Linked webpage. It may create the supposition that the two linked sites are the same and promote the same idea. In this way, the linked sites can lose their income as it is often equal to the number of persons who visit their page.

2. Software Piracy -

Software piracy refers to the act of stealing software that is lawfully shielded. This stealing comprises various actions like copying, spreading, altering, or trading the software. It also comes under the Indian copyright act.

3. Cybersquatting -

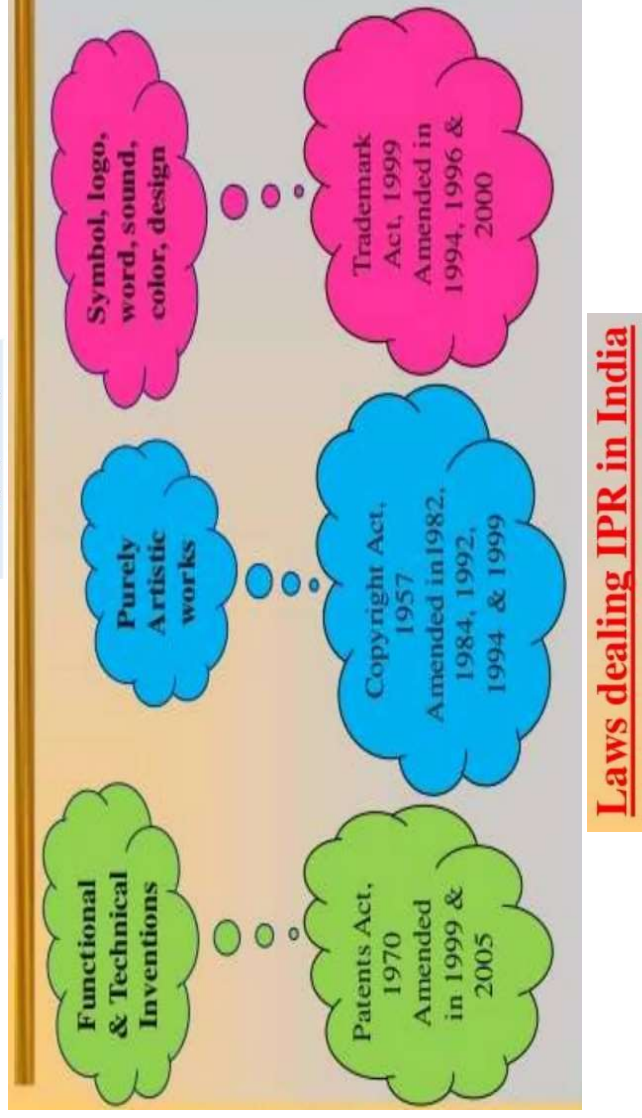
Cybersquatting means unauthorized registration and use of Internet domain names that are similar to any business's trademarks, service marks, or company names. For example, let us consider Xyz is a very famous company and the company hadn't created a website yet. A cybersquatter could buy xyz.com, looking to sell the domain to the company Xyz at a later date for a profit. The domain name of a famous company can even be used to attract traffic and this traffic will help cybersquatters earn a lot of money through advertising. When more than one individual believes that they have the right to register a specific domain name, then this can lead to a Domain Name Dispute. It arises when a registered trademark is registered by another individual or organization who is not the owner of a trademark that is registered.

Trademark Issues in Cyberspace :

Trademark means a mark capable of being depicted diagrammatically and which may distinguish the products or services of one person from those of others and will embody the form of products, their packaging, and combination of colors. A registered service mark represents a service. Trademark infringement refers to the unlawful use of a trademark or service mark which can cause ambiguity, fraud, or confusion about the actual company a product or service came from. Trademark owners can take the help of the law if they believe their marks are being infringed.

“Intellectual Property Rights : An Overview”

Intellectual properties rights in India is governed under the following Acts: Trade Marks Act, 1999, The Patents Act, 1970 (amended in 2005) The Copyright Act, 1957.



Intellectual property:

Intellectual property refers to creation of mind that is inventions, industrial design for article, literary and artistic work symbol extra used in commerce.

Two categories

1. Industrial (Trademarks, patents)
2. Copyright (Artistic work, literary work)

What are intellectual property Rights

Rights which can be used for protecting different aspect of an Inventive worked for multiple protection.

Outlined in the article 27 of Universal Declaration of Human Rights.

Intellectual property rights are largely territorial rights except copyright which is global in nature.

Patents

An exclusive right granted by a country to the owner of an invention to make, use, manufacture and market the invention.

The patent rights is territorial in nature.



Patents provide incentives to individuals by recognising their creativity and these incentives encourage innovation.

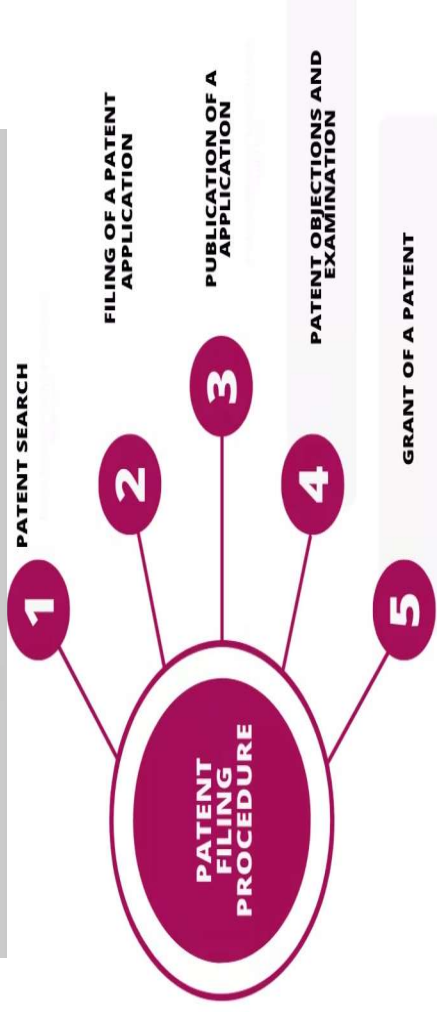
Patent offices, under the department of industrial policy and promotion, Ministry of Commerce and industry.

Patent offices are located at Kolkata, Mumbai, Chennai and Delhi to deal with the applications for patents.

Patent information system and intellectual property Training Institute located at Nagpur.

New invention- Ring-pull cans

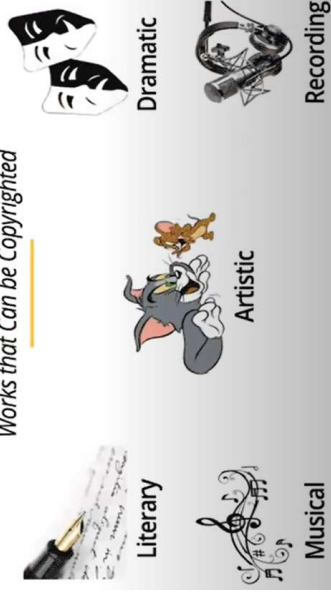
- Inventor has licensed the system to Coca-Cola company at 1/10 of penny per can
- So during the validity of the patent, inventor obtained 148, 00 UK pounds on a day



Copyright

Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, computer programs, databases, advertisements, maps and technical drawings.

Works that Can be Copyrighted

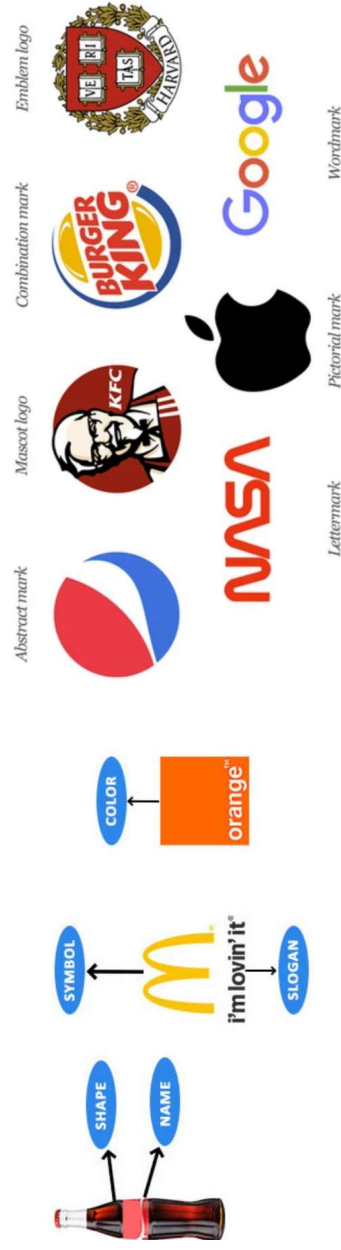


Registration can be done at the office of the registrar of copyright in New Delhi.

Protection for the expression of an idea not for the idea itself.

Trademark

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when artisans used to put their signature or "mark" on their products.



Term for registered trademarks is of 10 years and renewable. To register a Trademark appropriate national or regional Trademark office.