

Cyber Law

Law is objective? → It should be unbiased, providing predictability

offer, acceptance, consideration, intention, meeting of minds

Jurisdiction creation legal

- As for e-contracts, if both parties are under different jurisdiction, then if both parties have to choose a common jurisdiction.
- Choice of forum → who decides if law is maintained or not

while presentation, consider the laws as well.

20/11/24

cyber law

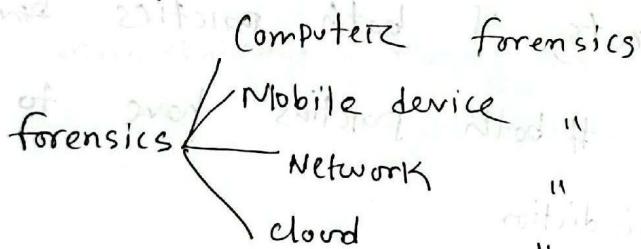
Digital forensics

Collecting, analysing, preserving

electronic evidence



legal matters



Digital forensics steps: to get Digital evidence:

- I) Identification of sources
- II) Collection of data
- III) Preservation of data
- IV) Analysis - done by Sherlock
- V) Documentation of evidences + data
- VI) Presentation of evidence in court

challenges

Issues with Digital forensics:

- I) encryption and Password needed
- to access data
- II) Large of volume of data to consider
i.e. Network, cloud forensics
- III) Rapid tech advancement (Hackers are way ahead of IT sectors of police)
- IV) Maintaining only one copy of evidence (chain of custody)

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Ethics in Digital Forensics

17/02/2024

Privacy in the Workplace

- * Privacy: Ownership, Protection, Disclosure of Personal info
- * Dignity and Autonomy
- * Importance of Privacy:
 - Dignity & Autonomy
 - Trust & Loyalty
 - Productivity & Creativity
(More breathing space + freedom equals to More productivity + creativity)
 - Security & Safety

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Types of Privacy:

- i) Personal info Privacy (private)
- ii) Communication Privacy (in person conversations, text chat, etc.)
- iii) Location privacy (keeping track of the location of employees)
- iv) Online Activity Privacy

Legal and ethical issues:

- i) Data protection (written consent, verbal consent)
- ii) Consent (consent to info, written consent, its ok for the most part)
- iii) Monitoring (i.e., cctv in rooms... invading private space)
- iv) Surveillance (gray area, i.e., cctv in washrooms, extreme monitoring)

* Trade Secret :

↳ Non-Patented information, info that are not

legal protection: NDA

against trade

secret breach

written document

unlike copyright,
trademark

Conditions of trade secret:

- i) Has to have commercial value
- ii) Has to have competitive advantage
- iii) Can not be generally known.
- iv) efforts to try to keep trade secret a secret.
i.e., signs NDA(s) with the employees.

Challenges:

- i) Disclosure (leaking the secret as an employee)
- ii) Difficult to enforce
- iii) Reverse engineering
- iv) Jurisdiction

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NDA (Non-Disclosure Agreement)

- * Trade Secret
- * Company's financial Information
- * Intellectual property (IPA) {Copyright, Patent, Design}
- * Salary / Personal Contract

Importance of NDA:

- * Legal Protection
- * Trust
- * Intellectual property protection

Purpose:

- * Protection
- * Collaboration

Key Elements of NDA :

- * Parties :- stakeholders, customers
- * Information
- * Purpose
- * Signature / agreement

Clauses :

- * Duration of agreement
- * Exceptions → If one gets blackmailed
- * Remedies : What if I break the NDA.
(consequences)
- * Governing Law : BD? USA? International Law?

The Laws:

- * Data Protection Law 2023
- * The contract Act 1872
- * The Patent & Design Law 1911

Whistleblow:

- * Reporting fraud, illegal, unethical activities, human rights protect violations etc.
- * The disclosure of public information (Protection) Act, 2011.



Examples of whistleblowing : EDWARD SNOWDEN

* Intellectual Property

24/02/2024

* Patent

- provides protection to a discovery, invention
- To provide one's intellectual property throughout licence
- so that one can be in an safe space.
- To be Patented → it has to be unique (Novelty)
 - Inventive steps (New steps / unique steps)
 - Industrial Applicability (usability)
 - Ideas can not be patented.
 - Softwares can be patented through copyright.

* Patent troll

* Patent Law

- Bangladesh Patent Act 2022

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Cyber Law (IP)

* Patent Processing Process:

- Preparation
- Fill Application form
- Formal Examination
- Publication & opposition
- Substantive examination
- Grant & Sealing
- Maintenance

DPT
- Department of Patent trademarks

- Validity 20 years in BD.
- Why validity?
for greater good of all mankind

25/02/2024

cyber Law

Software

- * Bangladeshi Patent filing → USA Patent

* Trademark

- Name, words
 - slogans
 - chants
 - Motto
- symbol, logo, design, design concept
- Color, combination of logo color, sound etc.
- Sound, Nokia ringtone, Netflix sound
- Shape, bottle designs

- * Trademark is an identifier, unique thing, a distinction. It is a matter of trust, removes confusion, protection of brand equity, It is also a matter of goodwill.

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* Types of trademark

- product Mark (Products being provided)
- service Mark (i.e., McDonald's way of their working, way of providing service)
- certification Mark (i.e., Uber's way of tracking their cars)
- Collective Mark (Ted Ex, IEEE)
- Trade Dress (Fly emirates dress, Dominoes dress...)

* Trademark filing in BD;

who handles → DPT

- Need graphical representation

- 7000/- Powers of Attorney

- Documents 10 copies of graphical representation

- List of goods/service

- Applicant Identity

is it ^{too} generic?

- Examination of the Application

- 6 to 12 months

Descriptive

Mark?
(unique?)

Can't be deceptive, vulgar,
is there a
similar previous
trademark?
scandalous or offensive.

- publication

gazette addition

90 days for opposition

Renewal after 10 years + 6 months extra
late period

* Law regarding trademark

Trademark Law, 2009 section 73

(i.e., for a month)

When there's
a dispute
regarding trademark

→ Injunction → temporarily close something - the ownership to
the owners of
→ Permanently close the
ownership to the owners.
(until the trial is over)

Damages

up to

Compensation: 300,000/-

Imprisonment: up to 3 years

The team that losses it has to pay for the damages.

- * Madrid protocol: (16) done in 1967
- WIPO → World Intellectual Property Organization
- \$600 per class (i.e. for design class, sound class,)

* TRIPS Agreement: (16, 17, 19, 20 - provisions)

16 - Rights convert to owner

17 - Exceptions

19 - use cases

20 - other requirements

* Paris convention

- 6 months buffer time after revealing your idea so that one can create trademark. Protection of 6 months.

graphical presentation improvement needed in BD.

04/03/2024

Cyber Law

Copyright :

↳ More linked to

creative works. You need to publish your work to apply
(music, films, books, Art)

* patent is linked to
new inventions

for copyright

Copyright ordinance : 1914-19~~72~~

Copyright Act 1972-2000

Copyright Act 2000 (2005 review update) (2023 update)

Berne Convention (1979)

↳ Digital content &
Software protection.

TRIPS Agreement (1995)

Need to
read, important

-WTO standard

Marrakesh Treatment
Treaty (2022)

* Software code (source code & object code)

↳ under ~~literary~~ literary law

websites,

- Digital content (PPPDF, Apps, etc...)

* General Public
Licensee (GPL)

GPL, MIT Assignment

→ GPL, MIT wise license.

Some conditions need to be met so that a digital content can be Open Source.

* Fair Use vs Infringement

The owner can define the fair use of its product for different platforms.

* Who controls? Bangladesh copyright ~~off~~ office

10/03/2024

Cyber Law

- * Digital Security Act 2018, ICT Act 2006
- * What's DSA and ICT Act is all about?
- * Chapter 5 of ICT Act important
- * How can the DSA Law could be misused?
- * Criticisms & challenges

19/03/25

Cyber Law

- * Copyright, trade secret, patent, trademark

Thalare vs Perlmutter

Tesla vs Rivian

Facebook - Cambridge Analytica

Facebook - Whistleblowing - Facebook-Hayes

BD Banks Cyber Heist - Money

Google vs Equestek

Edward Snowden Incident

US vs Aleksy Vladimirovich

Stuxnet (Attack on Iran's cyber stuff by Israel, US)

- * Important Sections of the Law. needed for answering.

- * A scenario will be given → which under what law?

→ provide a strategy on how
to tackle the scenario

Skills I would

- * The Laws related to the case studies →
document those
- * Processes, eligibilities, etc → metadata related
to copyright, trade secret, patent, trademark