



Laws Related to Computer Crime

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Looking towards
Cybercrime in the Russian
Federation



Data Protection Regulations

Selling our data, F.

Data Regulations in UK

In the UK they have:

- Data Protection Directive 1995 (Directive 95/46/EC) (EU)
- Data Protection Act 1998 (UK)
- GDPR 2018 (General Data Protection Regulation) (EU)
- Data Protection Act 2018, 23 May 2018 (UK)

All of these regulations notify the user when their data is being collected and enable users to have more control over their data.

If the law is broken by a company:

- Expect to be fined (Usually 4% of annual turnover).
- Customer distrust.
- Loss of reputation.

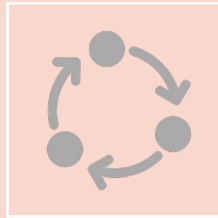
Ok, so how does this tie into computer crime?



What (Foreseen) computer Crimes created these Regulations?



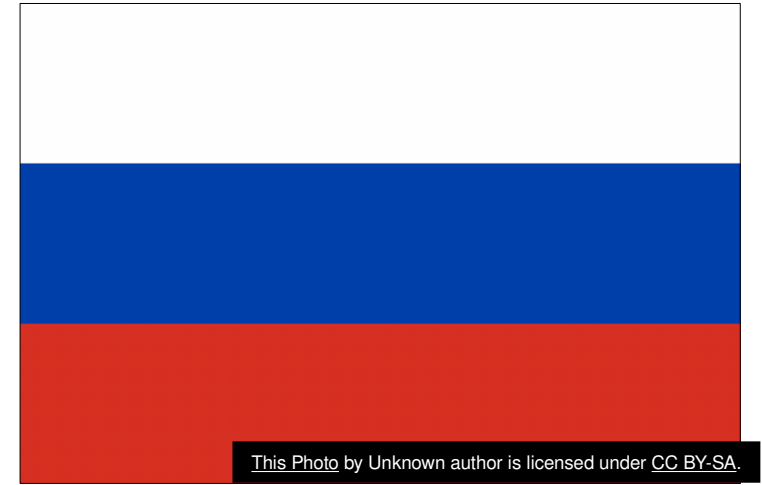
The government realised they needed something to protect user's data, as companies were starting to collect it. They were created to give users legal rights



The crimes involve: Collection of user data (non-consent wise) and companies selling user data to third parties.

Data Regulations in Russia

- In Russia they have the Russian federal law on personal data (no. 152-fz). This is recent, essentially created in 2005/06 and implemented on July 27th, 2006. Which in comparison to the UK data regulations is years behind.
- Like UK data protection laws, this federal law protects user data, and gives them rights to their data and information on the data held about them. These rights are:
 - 4.1 a right of access to information relating to operator and to the processed personal data;
 - 4.2 a right to demand cessation of processing, blocking or modifying of the personal data which have been illegally obtained, are inadequate or outdated; and
 - 4.3 a right to demand immediate cessation of processing for the purposes of direct marketing.
- If a company is found breaking this, they will be fined by the government and lose customer trust.



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Piracy! (you don't have to have
a beard... necessarily)

Intellectual Property Crime

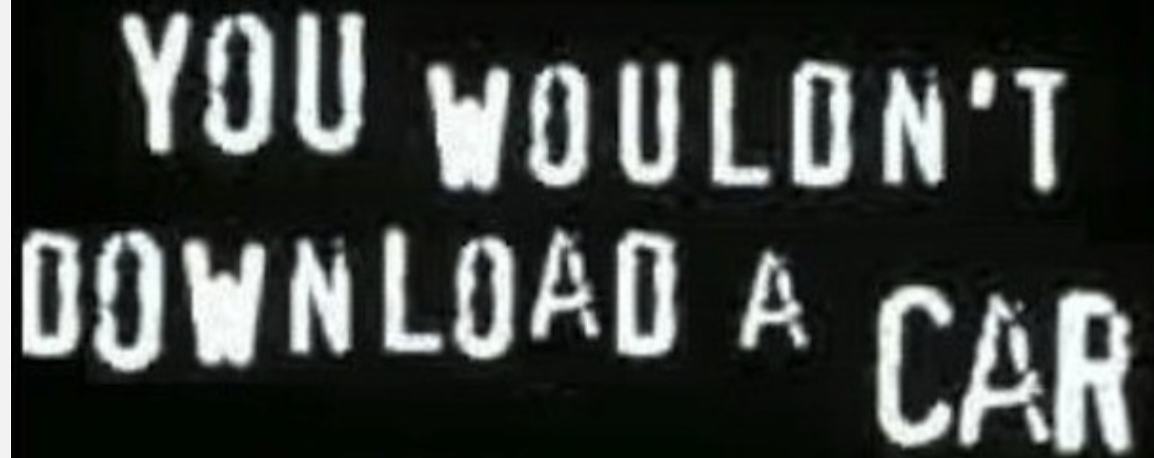


What is IP?

- Right by an owner, of a copyright, design, patent or trademark¹
- IP allows creators to make money from their content²
- Mostly talked about in the context of computing in the form of Piracy
 - Defined as "Using the Internet to illegally copy and/or distribute software"³




So how does it relate to computer crime?



YOU WOULDN'T
DOWNLOAD A CAR

- As previously mentioned, the main form of IP-related cybercrime is Piracy
- Piracy is often achieved through a deliberate series of steps using a computer
- There are different kinds of piracy, too⁴
 - Counterfeiting
 - Internet Piracy
 - End-User Piracy
 - Client-Server Overuse
 - Hard-Disk Loading



What are the laws in the UK around this?



- The Copyright, Designs, and Patents Act 1988⁵
 - The overarching copyright law of the UK
 - Covers Literary, Dramatic, Musical, and Artistic works, as well as “Typographical arrangement of published editions”, sound recordings, and films
- Digital Economy Act 2010⁶
 - Forces ISPs (via OFCOM) to limit access to websites such that the government deems violating any British copyright law
 - This includes the famous PirateBay, KickassTorrents, (both taken down via BPI court order), FirstRowSports (Removed after court order from the Premier League), Putlocker (From the MPAA), and Fmovies (Taken down by the “Big Six” Hollywood Studios)



Okay so what about Russia?



- Russia's copyright laws are governed by Part Four of the Civil Code, as enacted 08/12/2006 and brought into enforcement 01/01/2008⁷
 - The law is quite similar, the 70 year provision is in place, however there is no right to income from a copyrighted work unless it is audio-visual (music, film, TV, etc.)
- The case of Gevorkyan vs. Moshkov laid the groundwork for internet copyright law In Russia
 - Moshkov owned Lib.ru, an online library of sorts that allowed for the uploading of books for free (but would remove them if the authors asked)
 - The company Kirill I Mefody (KM) took issue with this and funded a lawsuit in the name of SciFi author Eduard Gevorkyan
 - The lawsuit was settled in 2005 in favour of Gevorkyan for the sum of ₺3000 (around £57)

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A large, dark blue ink splatter or blotch serves as the background for the text. The splatter has irregular, feathered edges and some smaller droplets scattered around it on a white background.

Legislation on Child abuse

“a truly horrible problem...” President of the Russian
Federation

What are the laws in the UK?



Child abuse as applied to online exploitation has no separate legislation to that which predated the Internet



Most crimes involving the distribution of child pornography fall under two laws.



Maximum sentencing for PCA is 10 years, while maximum for CJA is 5 years, though most online crimes fall under the PCA



Criminal Justice Act 1988 and Protection of Children Act 1978

What are the laws in the Russia?



CETS 201 defines major offenses of child abuse across Europe, which Russia is a participant



Both CETS 201 and Russian law criminalizes the production and distribution of child pornography



The maximum sentence for child exploitation in Russia is life imprisonment



Russia blacklists sites at the ISP level called the single register, which include child pornography

Case Study – Dr Cristian Bogdan (Cheshire, UK)



In 2017 a surgeon was arrested for possessing over 13,000 still images and 2 videos



He pleaded guilty in April 2019 and was sentenced for 12 months with 35 hours rehab and 150 hours community service



The court imposed a Sexual Harm Prevention Order – Bogdan wasn't allowed to acquire a computer unless he informed the police



The make and serial number had to be given to the police, and he wasn't allowed to wipe the internet history.



This is one example of a series of cyber enabled crimes and the restrictions imposed on Bogdan, limiting his online usage.

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International Centre for Missing & Exploited Children – Russian law specifically on child exploitation

- https://www.icmec.org/wp-content/uploads/2015/10/Russian_Legislation_on_Protection_of_Children_Against_Sexual_Abuse_and_Exploitation_FINAL.pdf
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Crown Prosecutions Service – UK cybercrime laws (regarding child exploitation)

- <https://www.cps.gov.uk/legal-guidance/cybercrime-prosecution-guidance>

Crown Prosecution Service – Case study of Cristian Bogdan



Computer Fraud

Computer Fraud

Overview of computer fraud



Fraud is one of the most common form of all cybercrimes committed.



Computer fraud is made easier with the internet which allows us to hide our identities through services such as email and websites, giving them a place to commit crimes without ever having to meet the victim.



Some offenders are involved in a wider criminal group who may have never met each other, with their members based anywhere around the world.

How can fraud be committed?

Online fraud can be committed in several different ways.

Electronic financial frauds, this includes online banking frauds and internet enabled card-not-present fraud.

Internet-enables CNP fraud is done through remotely conducted transactions over the internet, where neither the cardholder or the card itself is present in the transaction.

Ecommerce frauds are closely related to the which are more to do with fraudulent transactions related to retail sales carried out online, customers or the business itself can be a victim to the fraudulent crime.

Fraudulent sales through online auction or retail sales or using fake websites, which will sell services and goods however it won't be done through a legitimate site, instead the buyer will be tricked into purchase counterfeit products, this can also include the likes of online ticketing fraud.

Mass- marketing frauds and consumer scams

- Phishing, is the deliberate use of fraudulent emails disguised as legitimate emails asking for confidential information from users, either personal users to users working for a corporate companies.
 - The confidential information that the phisher requests could come in the form of Passwords to sites, or bank account details such as passcodes to access online banking.
 - Pharming is like phishing; pharming happens when a user is redirected to a fake website with the purpose of getting the user to input personal and sensitive information, pharming does not always come from phishing emails.
-
- Some of the information cybercriminals are interested in are:
 - Personal information (Names, bank details, National insurance numbers)
 - Company accounts
 - Client databases
 - Intellectual properties.

How is Fraud dealt with in the UK?

Fraud act offences

- Fraud offences can be found in the Fraud act 2006 and theft act 1968
- "Fraud by false representation , A representation can either be expressed or implied. It is false if it is untrue or misleading and the person making it knows that this is or might be the case."
- "Fraud by failing to disclose information where there is a legal duty to disclose it."
- "Fraud by abuse of position. Abuse of position applies where a person occupies a position in which he is expected to safeguard, or not to act against, the financial interest of another person. A person may abuse the position through an act or omission."

Penalties

- The three main Fraud Act offences, the offence of making or supplying articles for use in frauds and the common law offence of conspiracy to defraud are all punishable by up to ten years' imprisonment and/or a fine.
- The offences of obtaining services dishonestly and possessing articles for use in frauds are punishable by up to five years' imprisonment and/or a fine.
- Corporate offenders convicted of financial crime will be sentenced according to the ten-step process set out in the UK Sentencing Council's Definitive Guideline for Fraud

How is Fraud dealt with in Russia?

Offences

- Fraud (*Article 159*). Fraud is defined as the misappropriation or acquisition of rights to another's property through deceit or abuse of trust.
- Infliction of pecuniary damage (losses) through deceit or abuse of trust (*Article 165*).
- Embezzlement (*Article 160*).
- These are not strict liability offences, as an element of intent is required.
- The following are administrative offences under the Code on Administrative Offences:
- Minor larceny through fraud, embezzlement or theft (*Article 7.27*).
- Infliction of financial damages or losses through deceit or breach of confidence (*Article 7.27.1*). It is not necessary for both deceit and abuse of trust to be present for this offence to be committed.

Penalties

- Under Article 179 of the Civil Code, a transaction made under the influence of fraud, coercion, threat or bad faith can be declared invalid by the court. A fraudster can be liable to the following:
- Return obtained illicitly property to the victim.
- Repay the victim and compensate the victim for any further losses.
- Fraud and embazzlement can be given alongside other offences. If so, the offences are accumulated and are potentially subject to more severe punishment than one offence on its own would be.

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Any
Questions?



Thank you