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**TOPIC: CYBER LAW**

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**ABSTRACT**

Cyber law is the part of the overall legal system that deals with the Internet, cyberspace, and their respective legal issues. Digitalization and networking provide number of benefits to us in different fields like e-commerce, banking, communication but due to cybercrime, a new criminal methodology also arises. To stop these cybercrimes, proper knowledge and awareness of cyber laws is necessary among people.

Cyber law is the law governing cyber space. Cyber space is a very wide term and includes computers, networks, software, data storage devices (such as hard disks, USB disks etc), the Internet, websites, emails and even electronic devices such as cell phones, ATM machines.

**INTRODUCTION**

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 happenings and crimes, cyber law recognizes popular usages as well; this includes the recognition of e-documents. Earlier, contracts, agreements, or anything of legal nature was done via the paper-and-pen process. With the recognition of e-documents and digital signatures, the world is moving fast toward a paperless future. Since the electronic processes replace the usage of trees, the processes are widely encouraged by several environment enthusiasts as well.

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.

**METHODOLOGY**

The methodology used in this paper is Secondary Data Analysis because it is the most suitable methodology to use. It is the term given to the study of sources that are already in circulation. It can refer to the qualitative form of methodology, as it can involve researchers using an analysis of a book or a diary that has already been in circulation in their paper. An example of this would be the use of published critical theory within a literature paper. It can also relate to quantitative forms of methodology, as it can involve researchers looking into archived financial reports to assess the effectiveness of older accounting methods, for example. This is a popular research method that's often used in dissertations, thesis and academic essays as it's cost-effective.

**WHAT CYBER LAW ENCOMPASSES**

* **Intellectual Property Rights**: The Intellectual property rights are the legal rights that cover the privileges given to individuals who are the owners and inventors of a work and have created something with their intellectual creativity. Individuals related to areas such as literature, music, invention, can be granted such rights, which can then be used in the business practices by them.

The various international conventions treaties and agreements for protection of intellectual property in cyberspace are : Berne Convention (1886), Madrid Agreement Concerning the International Registration of Trademarks (1891), Hague Agreement Concerning the Registration of International Designs (1925), Rome Convention for Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961), Patent Cooperation Treaty (1970) Agreement on the Trade-Related Aspects of Intellectual Property Rights (1994), World Intellectual Property Organization Copyright Treaty (1996), World Intellectual Property Organization Performances and Phonograms Treaty (1996), and Uniform Domain Name Dispute Resolution Policy (1999), in consolidation form the international instruments that govern Intellectual Property Rights.

Berne Convention (1886) protects the IPRs in Literary and Artistic Works and for the developing countries specialised provisions are provided.

Rome Convention (1961) covers creative works of authors and owners of physical indicators of intellectual property. It permits the implementation at domestic level by member countries where the dispute falls within purview of adjudication by International Court of Justice unless resorted to arbitration.

TRIPS (1994) is a multilateral agreement on intellectual property that has the widest coverage of IPRs like copyrights and related rights.

UDRP (1999) is for the resolution of disputes on registration and use of internet domain names.

* **Data Protection and Privacy**: Like in Nigeria, the NITDA Act empowers the National Information and Technology Agency (NITDA) to issue guidelines to cater for electronic governance and monitoring the use of electronic data exchange.

Also as is applicable to most jurisdictions, Nigeria's data privacy and data protection regime emanates from the fundamental legislation of the land i.e. the Constitution of the Federal Republic of Nigeria 1999, as amended ("the Constitution"), which, by virtue of section 37 thereof protects the rights of citizens to their privacy and the privacy of their homes, correspondence, telephone conversations and telegraphic communication. Data privacy and protection are thus extensions of a citizen's constitutional rights to privacy.

* **Electronic and Digital Signatures**: The electronic signature or e-signature, indicates either that a person who demands to have created a message is the one who created it. Where as, the digital signature is a technique to validate the legitimacy of a digital message or a document.

A signature can be defined as a schematic script related with a person. A signature on a document is a sign that the person accepts the purposes recorded in the document. In many engineering companies digital seals are also required for another layer of authentication and security. Digital seals and signatures are same as handwritten signatures and stamped seals.

**CYBER CRIME**

Cyber crime: can be defined as “The illegal usage of any communication device to commit or facilitate in committing any illegal act”.

A cybercrime is explained as a type of crime that targets or uses a computer or a group of computers under one network for the purpose of harm.

Cybercrimes are committed using computers and computer networks. They can be targeting individuals, business groups, or even governments.

Investigators tend to use various ways to investigate devices suspected to be used or to be a target of a cybercrime.

**TYPES OF CYBER CRIME**

* **Phishing**: Is a type of social engineering attack that targets the user and tricks them by sending fake messages and emails to get sensitive information about the user or trying to download malicious software and exploit it on the target system.
* **Cyberstalking:** Can be defined as unwanted persistent content from someone targeting other individuals online with the aim of controlling and intimidating like unwanted continued calls and messages.
* **Ransomware Attacks**: Are a very common type of cybercrime. It is a type of malware that has the capability to prevent users from accessing all of their personal data on the system by encrypting them and then asking for a ransom in order to give access to the encrypted data.
* **Software Piracy**: Is the illegal use or copy of paid software with violation of copyrights or license restrictions.
* **Identity Theft**: Occurs when a cybercriminal uses another person’s personal data like credit card numbers or personal pictures without their permission to commit a fraud or a crime.

**CONFIDENTIALITY IN CYBER LAW**

Confidentiality has been defined as the ensuring that information is accessible only to those authorized to have access and is one of the cornerstones of information security. Confidentiality also refers to an ethical principle associated with several professions (e.g., medicine, law, religion, professional psychology, and journalism). In ethics, and (in some places) in law and alternative forms of legal dispute resolution such as mediation, some types of communication between a person and one of these professionals are privileged and may not be discussed or divulged to third parties.

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