

# Assets: Theft, Crimes And Contracts



By Dr. Nawfal Fadhel

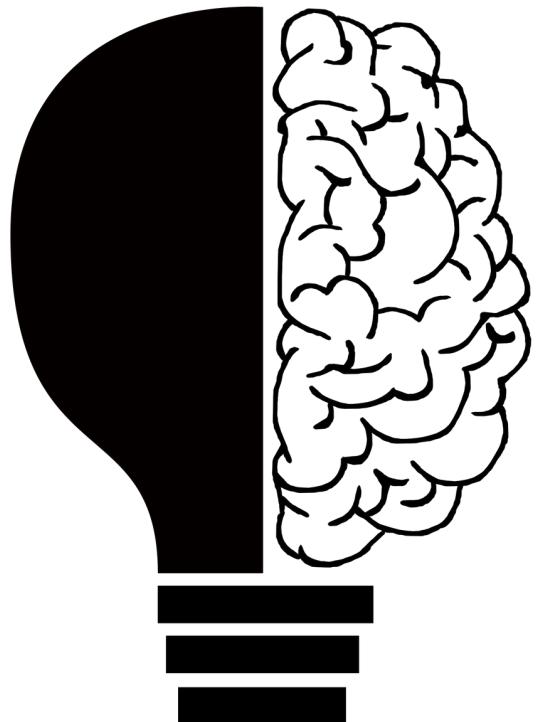
# Question

- Can you give example of an asset?

# Intellectual Property Rights

Intellectual property is a property category that includes the human intellect's intangible creations.

- I. Copyright
- II. Patents
- III. Trademarks
- IV. Trade secrets



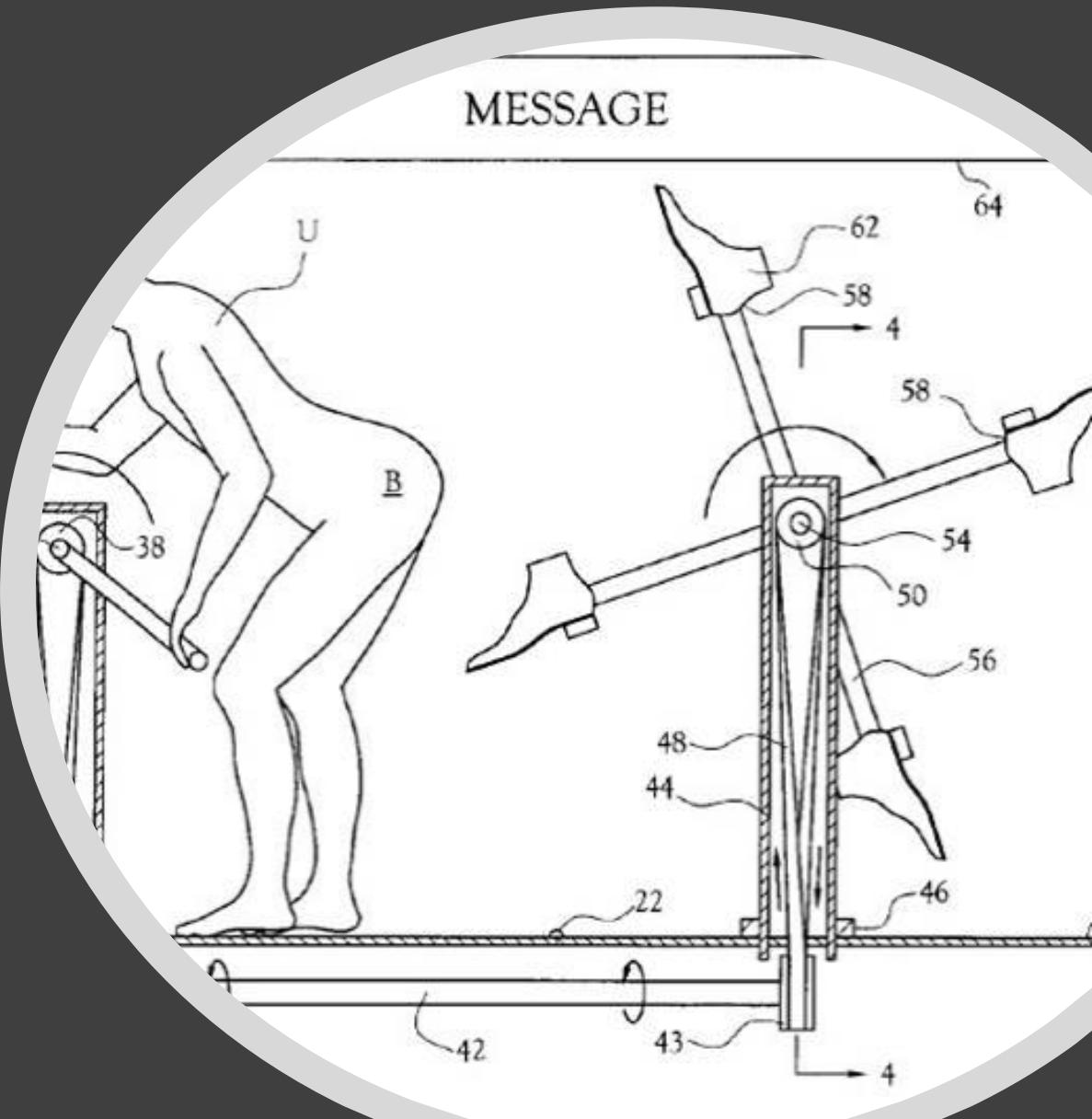
# Intellectual Property Rights - Copyright

Copyright protects creative works, mostly covering literary and artistic works that last as long as the creator is alive, then 70 years after the IP author passed away or 25 years if less than 50 items produced.



# Intellectual Property Rights - Patents

Patent protects the author of an invention from re-manufacturing without permission (normally for 20 years). It protects products based on function, not aesthetics.



# Intellectual Property Rights - Trademarks

Trademark protects the registered right of a company to indicate the origin of goods. So it protects companies from having its logo or brand from being used without permission.

In 2007, she sued Hallmark for using the expression, and her likeness, on one of its cards -- and she won. For catch Phrase “that’s hot”



# Intellectual Property Rights - Trade secrets

Trade Secret is defined as secret device or technique used in the production of its products by a company.



# Question

- Can you give example of a cyber crime?

# Crimes

- The term ' cybercrime ' is often used to describe three criminal activity categories:
  - I. Crimes where cyberspace infrastructure is merely a tool for some other traditional crime (e.g., financial fraud).
  - II. Crimes where it involves the distribution of criminal content (e.g., pornography and hate speech).
  - III. Crimes where its directed against cyberspace infrastructure itself (e.g., Hacking into a system).

Which of these should we focus on the most?

# **Crimes**

Moving forward when we refer to crime I mean

**Crimes where its directed against  
cyberspace infrastructure itself**

# Crimes – Against Cyberspace Infrastructure

- I. Crimes against information systems
- II. Improper interference with data
- III. Improper interference with systems
- IV. Improper interception of communication
- V. Producing hacking tools with improper intentions.

# Crimes - Improper access to a system

(Budapest Convention at Art. 2; Directive 2013/40 at Art 3.) Defines it as

“Improper system access laws criminalise the act of accessing a computer system (in whole or in part) without the right to do so, colloquially known as hacking.”

# Crimes - Improper access to a system

(The UK Computer Misuse Act 1990 at s.1) defines it as

“criminal action by a person which causes a computer to perform an act with the intent to secure unauthorised access to any program or data.”

# Crimes - Improper access to a system

Therefore, the mere act of

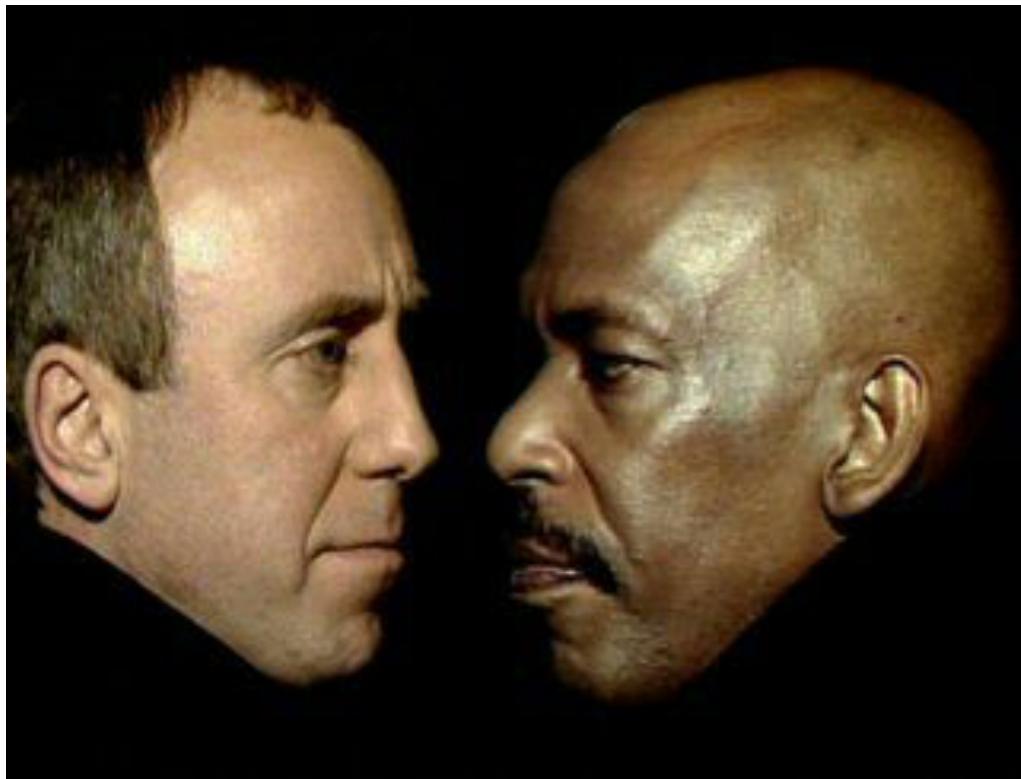
**entering a password into a network without authorization in order to access the system**

constitutes a crime under the United Kingdom legislation whether or not access is obtained successfully.

# Crimes - Improper access to a system

First conviction under (The UK Computer Misuse Act 1990 at s.1) was

Christopher Pile, a.k.a. The Black Baron, is a British programmer, born in 1969, living in Plymouth, Devon. He created the computer viruses 'Pathogen' and 'Queeg'.



# Crimes - Improper Interference with data

Erroneous system interference with data laws criminalises the act of deleting, damaging, deteriorating, altering or suppressing data inappropriately.

(Article 4 of the Budapest Convention; Article 5 of Directive 2013/40)

These laws may be used to prosecute actions such as the release or installation of malware, including ransomware.

# Crimes - Improper Interference with data

Marcus Hutchins was hailed as a hero in May 2017 when he found a “kill switch” that slowed the effects of the WannaCry virus affecting more than 300,000 computers in 150 countries.

Marcus Hutchins pleaded guilty to two malware charges. The 25-year-old ‘incredibly thankful’ to be sentenced to time served



# Crimes - Improper Interference with System

(Art. 5 of the Budapest Convention; Art. 4 of the 2013/40 Directive; Art. 3 of the Computer Misuse Act 1990, as amended in 2007-08)

Prohibition of actions that cause material deterioration of the information system's efficiency.

# Crimes - Improper Interference with System

In an experiment called “**Green Lights Forever: Analyzing the Security of Traffic Infrastructure**” conducted in 2014 by the Electrical Engineering and Computer Science Department at the University of Michigan, researchers found that there were some glaring security holes in the road agency’s traffic infrastructure deployment.



# Crimes - Improper interception of communication

(Budapest Convention at Art. 3; Directive 2013/40 at Art 6.)

The alleged interception of electronic communications is a crime.

# Crimes - Improper interception of communication

Hillary Clinton set up an email server at her home in Chappaqua, New York. She then relied on this server for all her electronic correspondence - both work-related and personal - during her four years in office.

She did not use, or even activate, a state.gov email account, which would have been hosted on servers owned and managed by the US government.



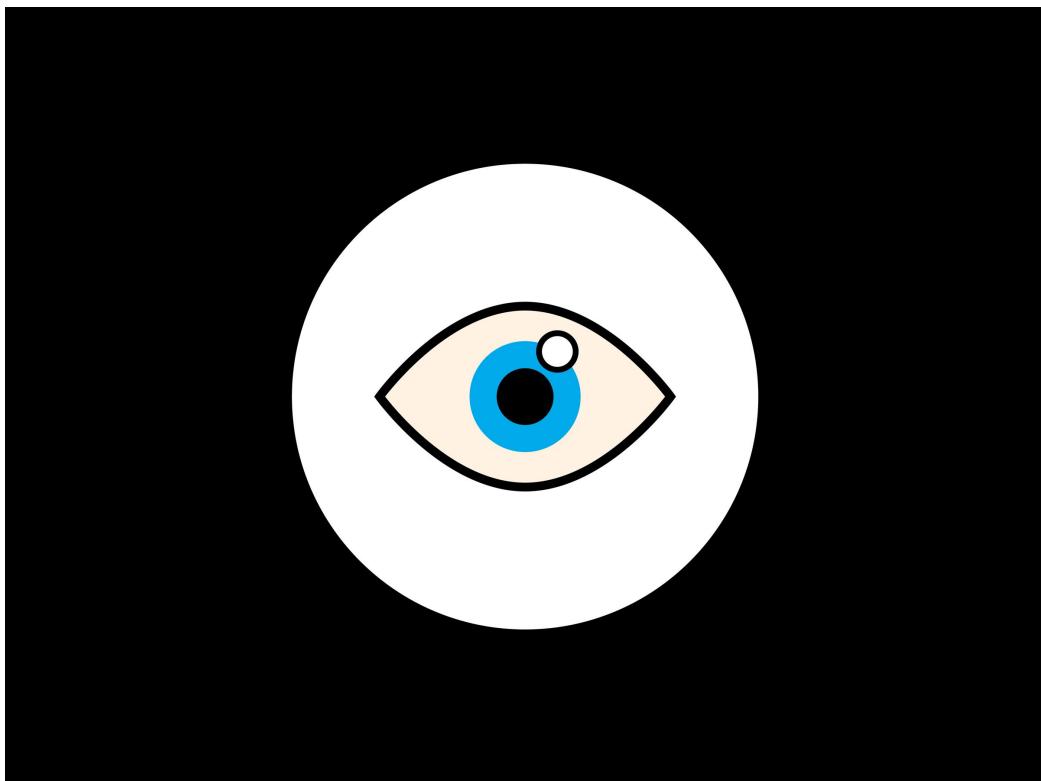
# Crimes - Producing hacking tools with improper intentions

(Budapest Convention at Art. 6; Directive 2013/40, Art 7; Computer Misuse Act 1990, s.3A.)

Criminalize the production and marketing or distribution of tools for the purpose of facilitating other information crime systems.

# Crimes - Producing hacking tools with improper intentions

EternalBlue is a cyberattack exploit developed by the U.S. National Security Agency according to testimony by former NSA employees. It was leaked by the Shadow Brokers hacker group on April 14, 2017, one month after Microsoft released patches for the vulnerability.



# Crimes - Proof

In law, ' proving ' means simply using permissible proof in an attempt to demonstrate to a specified degree of certainty the reality of disputed facts to a fact finder.

- I. Beyond a reasonable doubt.
- II. Clear and convincing evidence.
- III. Preponderance of evidence. Balance of probabilities.
- IV. Probable cause.
- V. Reasonable suspicion.

# Crimes – Beyond a reasonable doubt.

## Degree of Certainty Required

Extremely high. Almost incontrovertible. No other reasonable explanation exists to make sense of the evidence.

Katie Hill, nude photographs that were intentionally distributed to shame and humiliate her.



Crimes – Clear and convincing evidence.

## Degree of Certainty Required

Reasonably high certainty. Much more than simply 'probable'.

Elon Musk is headed to trial over 'pedo guy' Twitter feud



Crimes – Preponderance of evidence. Balance of probabilities.

## Degree of Certainty Required

- More probable than not, Greater than 50%.

When weighed on the scales of justice, the evidence on one side is at least a feather-weight greater than the other.

What are the evidence  
for Huawei Guilt?



# Crimes – Probable cause.

## Degree of Certainty Required

The evidence suggests that the target of an investigation has committed a crime, although evidence is not yet conclusive.

Trump Aide Behind Theory  
That Ukraine Hacked  
Democrat Mails:  
Documents



# Crimes – Reasonable suspicion.

## Degree of Certainty Required

- NON

stop and search” powers at ports and borders to determine whether an individual is or has been involved in “hostile activity.”



# Breach Of Contract

A 'contract breach' is simply a failure to fulfil a contract promise.

- I. Damages Remedies
- II. Recision Remedies
- III. Specific Performance Remedies
- IV. Contractually Mandated Remedies



# Breach Of Contract – Damages Remedies

Order the infringing party

to pay the non-infringing party monetary damages sufficient to restore the net financial loss



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# Breach Of Contract – Recision Remedies

Declare the contract to be terminated and exempt the non-infringing party from further results.



# Breach Of Contract – Specific Performance Remedies

Force the breaching party to fulfil its (non-monetary) pledge.



# Breach Of Contract – Contractually Mandated Remedies

The contract itself may define remedies available, such as service credits or liquidated damages.



*That's all folks!*

# References

- <https://www.cybok.org/media/downloads/Law Regulation KA - Issue 1.0 September 2019 RypEBJd.pdf>
- <https://www.f-secure.com/v-descs/smeg.shtml>
- <https://www.justsecurity.org/63305/new-u-k-border-security-law-a-frightening-response-to-the-skripal-poisoning/>
- [https://www.theregister.co.uk/2018/12/18/german\\_cybersecurity\\_chief\\_show\\_me\\_the\\_huawei\\_evidence/](https://www.theregister.co.uk/2018/12/18/german_cybersecurity_chief_show_me_the_huawei_evidence/)
- [https://www.vice.com/en\\_us/article/59n48k/katie-hills-revenge-porn-case-is-going-to-be-tough-to-win](https://www.vice.com/en_us/article/59n48k/katie-hills-revenge-porn-case-is-going-to-be-tough-to-win)
- <https://www.wired.com/story/eternalblue-leaked-nsa-spy-tool-hacked-world/>
- [https://www.vice.com/en\\_us/article/gyznnq/how-nso-group-helps-countries-hack-targets](https://www.vice.com/en_us/article/gyznnq/how-nso-group-helps-countries-hack-targets)
- <https://www.zdnet.com/article/building-chinas-comac-c919-airplane-involved-a-lot-of-hacking-report-says/>