



# **FACULTY OF JURIDICAL SCIENCES**

**COURSE:BA.LL.B**

**Semester : VIII th**

**SUBJECT: Cyber Law**

**SUBJECT CODE: BAL-805**

**NAME OF FACULTY: Dr.Puja Paul Srivastava**

# Lecture-31



➤ **LECTURE 31:** The Indian perspective: overview of intellectual property related legislation, -1

**Introduction** The utility of computers and the internet is well understood and in fact embedded in the modern business and commerce as well as in the society in general. The advantages of the use of the computers and internet are immense in the modern business and our society can't function smoothly without computers and information technology. But the use of internet and computers has brought along many unavoidable misuses of computer and the internet. This has been possible more so because, in the use of the computers, there is no any territorial limit and can be used from any jurisdiction. E-commerce nowadays have become very popular especially in the corporate sector. The advantages and scope of publicity of business through e-commerce or business on the World Wide Web can reach the surfers very fast in any part of the world. But this has paved the way for the emergence of the cyber-crime<sup>1</sup>. Cyber-crime means and includes where computer is used as a means of committing crime or as a target of crime. To deal with the cyber-crimes, the parliament of India has enacted the Information Technology Act, which provides legal recognition to digital signatures and electronic records. The Act is a legal framework to facilitate and safeguard electronic transactions in the electronic medium. It is based on UNCITRAL (United Nations Commission on International Trade Law) which adopted model law on e-commerce advocating a shift from paper based environment to a computer based environment<sup>2</sup>. But the IT Act, 2000 lack somewhere to deal with the issues of Intellectual property. Intellectual property refers to creations of mind i.e. Copyright, Trademark, Patent, Geographical Indications and Integrated Circuits etc. etc. The Author in this paper has highlighted some important issues including online copyright infringement, domains names issues and suggestion thereof. Highlights of the Information Technology Act, 2000 The Act comprises of 94 sections divided in 13 chapters. The chapters cover digital signature, electronic governance, attribution, acknowledgment and dispatch of electronic records, security of electronic records and digital signatures, regulation of certifying authorities, duties of subscribes to digital signature certificate, cyber regulation appellate tribunal, offences and liabilities of network service providers. The act has four schedules that lay down the relative amendments to be made in The Indian Penal Code, Indian Evidence Act, Bankers' Books Evidence Act and Reserve bank of India Act. This Act has three objects, those are i. To respond and to give effect to the united nations call to all states to give favourable consideration to model law when they enact or revise their laws so as to facilitate harmonization of the laws governing alternatives to paper based methods of communications and storage of information. ii. To provide legal recognition to transactions carried out by means of electronic data interchange and other means of electronic communication, commonly called as ecommerce which involve the use of alternatives to paper based methods of communication and storage of information. iii. To facilitate e-filing of documents with the government agencies so as to promote efficient delivery of government service by means of reliable electronic records.<sup>4</sup> Unfortunately this IT Act does not deal with cyber squatting i.e. stealing of domain names from its legal owner, controlling the conduct of cyber cafes; net pornography hosted by websites of foreign origin; taxation of e-commerce transactions; spamming or the practice of sending unsolicited commercial e-mails that amounts to breach of individual's right to privacy on the net; crimes committed by websites of foreign origin; lack of enforceability of the provisions relating to e-governance, jurisdiction in the cyberspace; stamp duty of e-contracts, cyber stalking, credit card frauds, cyber defamation etc.

**SELF-TEST QUESTIONS**

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

**Answers: 1-(),2-(), 3-(),4-(),5-()**