

# **Chanakya National Law University, Patna**

B.A., LL.B (Hons.) & B.B.A., LL.B. (Hons.)

SEMESTER- IX

Academic Session (2022-2023)

**Course Title: Information Technology Law (Cyber Law)**

## **Course Overview**

With its rapid growth and momentous influence on our day to day activities the Information Technology become an indispensable facet of human civilisation. To keep pace with this swift changes one need to have an acquaintance of the functioning of this information technology ecosystem. This syllabus endeavours to give an insightful understanding of fundamental nuances of this information technology ecosystem and its legal concerns. It covers the whole Information Technology Act and its amendments along with applicable rules. Apart from the statutory provisions related to cyberspace, this syllabus also gives due emphasis on the social, intellectual property issues and legal analysis of new emerging technologies of Cyberspace. The capital idea of this syllabus is to professionally equip students with a detailed understanding of national and international regulatory framework and mechanics of cyber law.

- Module one deals with conceptual framework and theoretical foundation of cyber laws, significant issues of cyberspace jurisdictional aspects of cyberspace and laws relating to it.
- Module two focuses on the comprehensive and detailed analysis of the Information Technology Act, 2000, amendments in the legislation and its related rules.
- Module three deals with Data Protection and Privacy in cyberspace.
- Module four covers Intellectual Property Concerns in cyberspace and appreciation of electronic evidence.
- Module five focuses on emerging issues of cyberspace.

**Learning Outcomes**

The course aims to give a comprehensive and critical understanding of cyber laws.

On completion of the course, students will be able to:

1. Understand conceptual framework and theoretical foundation of cyberspace regulatory framework.
2. Analysis of jurisdictional issues of cyberspace.
3. Critically analyse the Information technology act , 2000 and related rules.
4. Understand Intellectual Property issues and evidentiary concerns of cyberspace.
5. Analyse Data Protection regime and privacy aspects of cyberspace.
6. Develop brief understanding on emerging issues of cyberspace.

Topic/ Module	Contents/ Concepts	Sessions / Lectures
<b>Module I:</b>	<p><b>1. INTRODUCTION</b></p> <ul style="list-style-type: none"> <li>➤ Origin and meaning of Cyberspace;</li> <li>➤ Cyberspace vs. Physical space;</li> <li>➤ Legal Issues in Cyberspace;</li> <li>➤ Phases of Cyberspace Regulation</li> <li>➤ Need of Regulation for Cyberspace;</li> <li>➤ Different Models of Cyberspace Regulation.               <ol style="list-style-type: none"> <li>A. No Regulation, Government Regulation, Self-Regulation and Government Regulation.</li> <li>B. Cyber Libertarianism, Cyberpaternalism, Network Communitarianism – Symbiotic Regulation, Behavioural Regulation, Algorithmic Regulation etc.</li> </ol> </li> </ul> <p><b>2. CYBER JURISDICTION</b></p> <ul style="list-style-type: none"> <li>➤ Concept of Jurisdiction,</li> <li>➤ Jurisdiction in Cyberspace,</li> <li>➤ Issues and concerns of Cyberspace Jurisdiction in India,</li> <li>➤ International position of Cyberspace Jurisdiction,</li> <li>➤ Judicial interpretation of Cyberspace Jurisdiction.</li> </ul>	15 Lectures
<b>Module II:</b>	<p><b>3. INFORMATION TECHNOLOGY ACT</b></p> <ul style="list-style-type: none"> <li>➤ A brief overview of Information Technology Act, 2000</li> <li>➤ IT Act 2000 vs. IT Amendment Act 2008</li> <li>➤ Relevant provisions from Indian Penal Code, Indian Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act, etc.</li> </ul> <p><b>4. CONCEPT OF ELECTRONIC SIGNATURE AND DIGITAL SIGNATURE</b></p> <ul style="list-style-type: none"> <li>➤ Relevance of Signature</li> </ul>	30 Lecture

- Handwritten signature vs Digital Signature
- Technological Advancement and development of signature
- Digital Signature: IT Act, 2000
- Cryptography, Public Key and Private Key, Public Key Infrastructure
- Electronic Signature
- Electronic Signature vs. Digital Signature
- UNCITRAL Model Law on Electronic Signature
- 5. E – COMMERCE**
- Meaning and Origin of E-commerce
- Tools of E-Commerce
- Models of e-commerce
- UNCITRAL Model Law on E-commerce
- E-Commerce under IT Act,2000
- Issues and challenges of E-Commerce
- New E-commerce Policy
- 6. E – GOVERNANCE**
- Meaning and concept of E-governance
- Models of E-governance
- Legal Status of E – governance in UNCITRAL Model and IT Act, 2000
- 7. E-CONTRACT**
- Concept of E-Contracts
- Types of E-contract - Click wrap, Shrink-wrap, Browse wrap and its Legal Validity
- Essentials of E-Contracts
- Laws on E-Contracts: IT Act & other laws
- 8. CYBER CRIMES**
- Cyber Crimes - Definitions - Nature
- Conventional Crimes vs Cyber Crimes
- Types of Cyber Crimes
- Cyber offences covered under the Information Technology Act, 2000
- Cyber offences and other laws (IPC, POCSO etc.)
- Issues relating to investigation of cybercrimes in India
- Cyber Contravention
- Cybercrime vs Cyber Contravention
- Cyber Contraventions -Civil Liabilities and Adjudication
- 9. LAW RELATING TO LIABILITIES OF INTERMEDIARIES**
- Meaning and concept of intermediary
- International legal framework on intermediary
- Liability of intermarray under the IT Act

	<ul style="list-style-type: none"> <li>➤ Critical analysis of The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 and its comparison with old intermediary guide lines.</li> <li>➤ Recent developments and judicial interpretation of intermediaries liability</li> </ul>	
<b>Module III:</b>	<p><b>10. DATA PROTECTION AND PRIVACY CONCERNS IN CYBERSPACE</b></p> <ul style="list-style-type: none"> <li>➤ Need to protect data in cyberspace</li> <li>➤ Types of data</li> <li>➤ Legal framework of data protection</li> <li>➤ Data protection bill -an overview</li> <li>➤ GDPR</li> <li>➤ Concept of privacy ,Privacy concerns of cyberspace</li> <li>➤ Indian Constitutional framework of privacy and its Judicial interpretation</li> <li>➤ Emerging issues of Data protection</li> </ul> <p><b>11. APPRECIATION OF ELECTRONIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>➤ Concept of Electronic Records and Electronic Evidence</li> <li>➤ Recognition of electronic records under the UNCITRAL Model Law &amp; IT Act</li> <li>➤ Types of Electronic Evidence</li> <li>➤ Sources of electronic evidence</li> <li>➤ Technical Issues in collection of electronic Evidence</li> <li>➤ Chain of custody of electronic evidence</li> <li>➤ Admissibility of electronic evidence under Indian laws</li> </ul>	
<b>Module IV:</b>	<p><b>12. IP PROTECTION ISSUES IN CYBERSPACE</b></p> <p><b>A. COPYRIGHT ISSUES IN CYBERSPACE</b></p> <ul style="list-style-type: none"> <li>➤ Fundamental notions of copyright law</li> <li>➤ Copyright issues in cyberspace</li> <li>➤ Copyright infringement in digital environment-Software piracy, Linking, Framing, Caching, Meta Tagging,</li> <li>➤ Legal protection of copyright in International Framework-WCT, WPPT, TRIPS.</li> <li>➤ Indian legal protection of copyright in cyberspace &amp; concept of DRM</li> </ul> <p><b>B. TRADEMARK ISSUES IN CYBERSPACE</b></p> <ul style="list-style-type: none"> <li>➤ Meaning, Purpose and Kinds of Domain Name;</li> <li>➤ Domain Name Vs Trademark</li> <li>➤ Domain Name Registration, ICANN,</li> <li>➤ Domain Name dispute and Related Laws</li> <li>➤ Different Form of Domain in Cyberspace,</li> <li>➤ Judicial Approach.</li> </ul>	
<b>Module V:</b>	<p><b>13. EMERGING ISSUES OF CYBERSPACE</b></p> <ul style="list-style-type: none"> <li>➤ Cloud Computing,</li> </ul>	

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|  | <ul style="list-style-type: none"> <li>➤ Big Data</li> <li>➤ Internet of Things</li> <li>➤ Artificial Intelligence and Robotics</li> <li>➤ Blockchain &amp; Crypto currency</li> <li>➤ Non-fungible token (NFT)</li> </ul> |  |
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**RECOMMENDED/REFERENCE TEXT BOOKS AND RESOURCES:**

**Text Books & Reference Books**

- Chris Reed, Internet Law-Text and Materials, Universal Law Publishing Co., New Delhi, 2nd Edition, 2005
- Ian J Lloyd, Information Technology Law, Oxford University Press, 7th Edition, 2014
- Nandan Kamath, Law Relating to Computers Internet & E Commerce Universal Law Publisher, 5th Edition, (2012)
- Aparna Viswanathan, Cyber Law Indian and International Perspectives, Lexis Nexis, 2012
- Karnika Seth, Computers, Internet and New Technology Laws-A comprehensive reference work with special focus on developments in India. Lexis Nexis, Updated Edition 2016
- Anirudh Rastogi, Cyber Law, Lexis Nexis, 2014
- Pavan Duggal Cyber Law 3.0, Universal Law Publishing Company Private Limited, 2014 Edition.
- Talat Fatima, Cybercrimes, Eastern Book Company, Lucknow, Second Edition, 2016.
- Apar Gupta, Commentary on Information Technology Act, 3<sup>rd</sup> Edition, Lexis Nexis, 2016.
- N S Nappinai, Technology Laws Decoded, Lexis Nexis, 2017
- Vakul Sharma, Information Technology Law and Practice, Universal Law Publishing, 2017
- Rodney D Ryder & Nikhil Naren, Internet Law-Regulating Cyberspace and emerging Technologies, Bloomsbury ,2020
- Cyber Law and Globalizing World, Edited by Prof Dr Vijender Kumar, Prof Dr Himanshu Pandey, Dr A Nagarathna and Mr Aditya Mishra, 2022, Satyam Lw International
- Cyber Crimes Security and Warfare's, Edited by Prof (Dr) Sarfaraz Ahmed Khan and Dr Pankaj Prakash Umbarkar 2022, Satyam Lw International

**WEB RESOURCES**

- **Four Phases of Internet Regulation Author(s): John Palfrey**  
[https://www.jstor.org/stable/pdf/40972303.pdf?refreqid=excelsior%3Af64831a9ae30ec11d9cf5d330613f0a3&ab\\_segments=&origin=&acceptTC=1](https://www.jstor.org/stable/pdf/40972303.pdf?refreqid=excelsior%3Af64831a9ae30ec11d9cf5d330613f0a3&ab_segments=&origin=&acceptTC=1)
- **No Regulation, Government Regulation, or Self Regulation: Social Enforcement or Social Contracting for Governance in Cyberspace Available at**  
<https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1212&context=cjlpp>
- **Cyberspace and the Law of the Horse - Frank H. Easterbrook Available at**

[https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=2147&context=journal\\_articles](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=2147&context=journal_articles)

- **Law And Borders: The Rise of Law in Cyberspace** David R. Johnson and David G. Post, 48 *Stanford Law Review* 1367 (1996) Available at <https://cyber.harvard.edu/is02/readings/johnson-post.html>
- **Against Cyberanarchy**, Jack L. Goldsmith Available at <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=5000&context=uclev>
- **Cyberspace Sovereignty? The Internet And International System** - Timothy S. Wu Available at <http://jolt.law.harvard.edu/articles/pdf/v10/10HarvJLTech647.pdf>
- **Symbiotic Regulation**, Andrew Murray Available at <https://repository.law.uic.edu/cgi/viewcontent.cgi?article=1653&context=jitpl>
- **Algorithmic Regulation: An Introduction**, Karen Yeung and Martin Lodge Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3483693](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3483693)
- **A Declaration of the Independence of Cyberspace** by John Perry Barlow , Available at <https://www.eff.org/cyberspace-independence>
- **Evolving Strategies for the Enforcement of Cyber laws** by Karnika Seth , Available at <http://www.karnikaseth.com/evolving-strategies-for-the-enforcement-of-cyberlaws.html>
- **Usage and Challenges of Cyberspace** , Available at <https://www.scribd.com/document/347504617/1>
- **The Past and Future of the Internet: A Symposium** for John Perry Barlow, 18 *Duke Law & Technology Review* 1-175 (2019) Available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1351&context=dltr>
- **General Jurisdiction and Internet Contacts: What Role, if any, Should the Zippo Sliding Scale Test Play in the Analysis?** Eric C. Hawkins, 74 *Fordham L. Rev.* 2371 (2006). Available at: <http://ir.lawnet.fordham.edu/flr/vol74/iss4/29>
- **Issue Of Jurisdiction in Cyberspace and Applicable Laws** Available at: <http://psalegal.com/wp-content/uploads/2017/01/ENewlineAugust2008.pdf>
- **Aiming at the Wrong Target: The "Audience Targeting" Test for Personal Jurisdiction in Internet Defamation Cases**, Sarah H. Ludington ,73 *Ohio St. L. J.* 541 (2012), available at [http://scholarship.law.campbell.edu/fac\\_sw/65/](http://scholarship.law.campbell.edu/fac_sw/65/).
- **Internet Jurisdiction Today**, Adria Allen, 22 *Nw. J. Int'l L. & Bus.* 69 (2001-2002) Available at: <http://scholarlycommons.law.northwestern.edu/njilb/vol22/iss1/9/>
- **Michael A. Geist, Is There a There - Toward Greater Certainty for Internet Jurisdiction**, 16 *Berkeley Tech. L.J.* 1345 (2001). Available at: <http://scholarship.law.berkeley.edu/btlj/vol16/iss3/6>

- **Jurisdictional Issues in Cyberspace , Justice S. Muralidhar, The Indian Journal of Law And Technology, Volume 6, 2010 Available at: <http://ijlt.in/wp-content/uploads/2015/08/1.pdf>**
- **The Past and Future of the Internet: A Symposium for John Perry Barlow, 18 Duke Law & Technology Review 1-175 (2019) Available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1351&context=dltr>**
- **Law And Borders: The Rise of Law in Cyberspace David R. Johnson and David G. Post, 48 Stanford Law Review 1367 (1996) Available at <https://cyber.harvard.edu/is02/readings/johnson-post.html>**
- **Evolving Strategies for the Enforcement of Cyber laws by Karnika Seth , Available at <http://www.karnikaseth.com/evolving-strategies-for-the-enforcement-of-cyberlaws.html>**
- **Usage and Challenges of Cyberspace , Available at <https://www.scribd.com/document/347504617/1>**
- **The Past and Future of the Internet: A Symposium for John Perry Barlow, 18 Duke Law & Technology Review 1-175 (2019) Available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1351&context=dltr>**
- **Law And Borders: The Rise of Law in Cyberspace David R. Johnson and David G. Post, 48 Stanford Law Review 1367 (1996) Available at <https://cyber.harvard.edu/is02/readings/johnson-post.html>**
- **Evolving Strategies for the Enforcement of Cyber laws by Karnika Seth , Available at <http://www.karnikaseth.com/evolving-strategies-for-the-enforcement-of-cyberlaws.html>**

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