

UNIT-5: Security Policies and Laws

- Need for an Information Security Policy
- Introduction to Indian Cyber Law
- Objective and Scope of the Digital Personal Data Protection Act 2023
- Intellectual Property Issues
- Overview of Intellectual Property Related Legislation in India
- Patent, Copyright, Trademarks

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Introduction to Security Policy and Cyber Law

- In the digital world, security policies are like rulebooks that organisations follow to keep information safe.
- On the legal side, cyber laws are the rules that everyone, from individuals to big companies, must follow online.
- Think of security policies as your personal safety guidelines, and cyber laws as the rules that help keep the internet a secure place for everyone.
- Understanding these rules is essential in today's digital age for protecting information, ensuring legal compliance, and making the online world a safer space.

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Need for an Security Policy

- **Risk management:** Information security policies provide a systematic approach to identifying, assessing, and managing risks associated with information assets. By addressing vulnerabilities and implementing appropriate controls, organisations can minimise the potential damage caused by security incidents.
- **Security culture and awareness:** Information security policies promote a culture of security awareness within an organisation. By providing training and resources, organisations can educate employees on security best practices and encourage them to play an active role in protecting information assets.
- **Trust and reputation:** By implementing and maintaining a robust information security policy, organisations can demonstrate their commitment to protecting customer, employee, and partner data. This fosters trust and confidence, which is crucial for maintaining a positive reputation and building strong business relationships.
- **Competitive advantage:** As data breaches and cyberattacks become more common, organisations with effective information security policies can differentiate themselves from competitors. Demonstrating strong security practices can provide a competitive advantage, particularly when dealing with clients or partners who prioritise data protection.
- **Cost savings:** By proactively addressing security risks, organisations can reduce the financial

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Need for an Security Policy

- **Competitive advantage:** As data breaches and cyber attacks become more common, organisations with effective information security policies can differentiate themselves from competitors. Demonstrating strong security practices can provide a competitive advantage, particularly when dealing with clients or partners who prioritise data protection.
- **Cost savings:** By proactively addressing security risks, organisations can reduce the financial impact of security incidents, including costs associated with data breaches, system downtime, and regulatory fines.
- **Continuous improvement:** Information security policies include processes for regular monitoring, auditing, and reviewing security practices. This allows organisations to identify areas for improvement, adapt to evolving threats, and ensure that their security measures remain effective over time.

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Introduction to Indian Cyber Law

Cyber Law also called IT Law is the law regarding Information-technology including computers and the internet. It is related to legal informatics and supervises the digital circulation of information, software, information security, and e-commerce.

Importance of Cyber Law:

1. It covers all transactions over the internet.
2. It keeps an eye on all activities over the internet.
3. It touches every action and every reaction in cyberspace.

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Area of Cyber Law

The major areas of cyber law include:

- **Fraud:**

Consumers depend on cyber laws to protect them from online fraud. Laws are made to prevent identity theft, credit card theft, and other financial crimes that happen online. A person who commits identity theft may face confederate or state criminal charges. They might also encounter a civil action brought by a victim. Cyber lawyers work to both defend and prosecute against allegations of fraud using the internet.

- **Copyright:**

The internet has made copyright violations easier. In the early days of online communication, copyright violations were too easy. Both companies and individuals need lawyers to bring an action to impose copyright protections. Copyright violation is an area of cyber law that protects the rights of individuals and companies to profit from their creative works.

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Area of Cyber Law

- **Defamation:** Several personnel use the internet to speak their mind. When people use the internet to say things that are not true, it can cross the line into defamation. Defamation laws are civil laws that save individuals from fake public statements that can harm a business or someone's reputation. When people use the internet to make statements that violate civil laws, that is called Defamation law.

- **Stalking and Stalking**
Sometimes online statements can violate criminal laws that forbid harassment and stalking. When a person makes threatening statements again and again about someone else online, there is a violation of both civil and criminal laws. Cyber lawyers both prosecute and defend people when stalking occurs using the internet and other forms of electronic communication.

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Area of Cyber Law

- **Freedom of Speech:** Freedom of speech is an important area of cyber law. Even though cyber laws forbid certain behaviours online, freedom of speech laws also allows people to speak their minds. Cyber lawyers must advise their clients on the limits of free speech including laws that prohibit obscenity. Cyber lawyers may also defend their clients when there is a debate about whether their actions consist of permissible free speech.
- **Trade Secrets:** Companies doing business online often depend on cyber laws to protect their trade secrets. For example, Google and other online search engines spend lots of time developing the algorithms that produce search results. They also spend a great deal of time developing other features like maps, intelligent assistance, and flight search services to name a few. Cyber laws help these companies to take legal action as necessary to protect their trade secrets.

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Area of Cyber Law

- **Contracts and Employment Law:**

Every time you click a button that says you agree to the terms and conditions of using a website, you have used cyber law. There are terms and conditions for every website that are somehow related to privacy concerns.

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Digital Personal Data Protection Act 2023

The Digital Personal Data Protection Bill, 2023, which was introduced in Lok Sabha on August 3, 2023, by the Minister of Electronics & Information Technology has been passed by the Parliament i.e., by Lok Sabha on August 7, 2023, and unanimously by Rajya Sabha on August 9, 2023; and has further received Presidential assent on August 11, 2023.

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Objective of Digital Personal Data Protection Act 2023

The objective of the Digital Personal Data Protection Act, 2023 is to establish a comprehensive framework for the protection and processing of personal data in India. The Act aims to balance the rights of individuals to protect their personal data with the need to process such data for lawful purposes. It seeks to provide a legal framework that ensures the protection of personal data while enabling the use of data for legitimate purposes.

- Protect personal data
- Process data lawfully
- Recognize the need to process data for lawful purposes
- Increase data sovereignty

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Scope of Digital Personal Data Protection Act 2023

The scope of the Act extends to the processing of personal data in India, including both online and digitised offline data. It also applies to the processing of personal data outside India if such processing is related to offering goods or services to individuals in India. The Act covers various aspects of data processing, including collection, storage, indexing, sharing, use, disclosure, dissemination, and erasure of personal data.

- Online and offline data processing
- Cross-border data transfer
- Rights and duties for individuals and data fiduciaries
- Establishing the Data Protection Board of India

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Intellectual Property Issues

Intellectual property (IP) issues encompass a wide range of legal concerns related to the protection of creations of the mind, including inventions, literary and artistic works, designs, symbols, names, and images used in commerce.

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There are Four Main Types of IP

1. **Patents:** Patents protect inventions, which are new and useful products or processes. A patent gives the owner the exclusive right to make, use, and sell the invention for a period of 20 years.
2. **Trademarks:** Trademarks protect words, symbols, or designs that identify and distinguish the source of goods or services. A trademark gives the owner the exclusive right to use the mark on their goods or services, and to prevent others from using a confusingly similar mark.
3. **Copyrights:** Copyrights protect original works of authorship, such as books, music, movies, and software. A copyright gives the owner the exclusive right to reproduce, distribute, perform, display, and create derivative works from the copyrighted work.
4. **Trade secrets:** Trade secrets are confidential information that gives a business a competitive advantage. A trade secret can be anything from a customer list to a manufacturing process.

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IP issues can arise in a Variety of Contexts

1. **Infringement:** Infringement occurs when someone uses an IP without the permission of the owner. Infringement can be direct (e.g., copying a copyrighted work) or indirect (e.g., using a trademark to confuse consumers).
2. **Misappropriation:** Misappropriation occurs when someone takes advantage of an IP without the owner's permission, but does not technically infringe the IP. For example, misappropriation can occur when someone uses an IP to trade on the goodwill of the owner.
3. **Licensing:** Licensing is an agreement between an IP owner and another party that allows the other party to use the IP in exchange for a fee. Licences can be exclusive or non-exclusive, and can be limited to certain fields of use or geographic areas.
4. **Enforcement:** Enforcement is the process of taking legal action to protect an IP from infringement or misappropriation. Enforcement can be a complex and expensive process, and there is no guarantee that it will be successful.

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Businesses can take Steps to Protect their IP

1. **Identifying their IP:** Businesses should identify all of their IP assets, including patents, trademarks, copyrights, and trade secrets.
2. **Registering their IP:** Businesses should register their trademarks and copyrights with the appropriate government agencies. Patents can also be registered, but registration is not required to obtain patent protection.
3. **Keeping their IP confidential:** Businesses should keep their trade secrets confidential by taking steps to prevent unauthorised disclosure.
4. **Monitoring for infringement:** Businesses should monitor the market for unauthorised use of their IP.
5. **Taking action against infringement:** Businesses should take action against infringement, such as sending cease-and-desist letters or filing lawsuits.

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IP Legislation in India

Imagine intellectual property (IP) as a special kind of property, like a house or a car, but instead of being physical, it's for creations of the mind. In India, we have laws to protect these creations, just like we protect physical property.

The main IP laws in India are like rulebooks for **different** types of creations:

- **Patents Act, 1970:** This rulebook protects new and useful inventions, like a new type of medicine or a special machine.
- **Copyright Act, 1957:** This rulebook protects original works of creativity, like books, music, movies, or paintings.

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IP Legislation in India

- **Trade Marks Act, 1999:** This rulebook protects special symbols or words that businesses use to identify their products, like a company logo or brand name.
- **Designs Act, 2000:** This rulebook protects the unique appearance of products, like the shape of a bottle or the design of a chair.
- **Geographical Indications of Goods (Registration and Protection) Act, 1999:** This rulebook protects special names or symbols that identify products from a particular place, like Darjeeling tea or Banarasi silk.
- **Semiconductor Integrated Circuit Layout-Designs Act, 2000:** This rulebook protects the specific arrangement of electronic components on a computer chip.

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Patent

A patent is a legal right that gives the inventor the exclusive right to make, use, sell, and import an invention for a limited period of time. In exchange for this exclusive right, the inventor must disclose the invention to the public in a detailed patent application.

Benefits of Patents: Patents have several benefits for inventors. Protect the inventor's invention from being copied by others.

- Increase the value of the invention.
- Make it easier to attract investors.
- Help to establish the inventor as an expert in their field.

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Types of Patents

- **Utility patents:** Utility patents protect inventions that are new, useful, and non-obvious. This means that the invention must be something that has not been invented before, that it must be useful in some way, and that it must not be simply an obvious variation of something that already exists.
- **Design patents:** Design patents protect the ornamental design of manufactured products. This means that the patent protects the way the product looks, but not its function.
- **Plant patents:** Plant patents protect new and distinct varieties of plants.

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Copyright

Copyright is a legal right that gives the owner the exclusive right to reproduce, distribute, perform, display, and create derivative works from a work of authorship for a limited period of time.

Copyright covers a wide range of works of authorship, including:

1. **Literary works:** This includes books, articles, poems, scripts, musical compositions, and software.
2. **Musical works:** This includes songs, operas, and instrumental pieces.
3. **Dramatic works:** This includes plays, movies, and television shows.
4. **Artistic works:** This includes paintings, sculptures, photographs, and graphic designs.
5. **Audiovisual works:** This includes movies, television shows, and video games.

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Trademarks

A trademark is a legal right that gives the trademark owner the exclusive right to use a word, symbol, or design to identify and distinguish the source of goods or services. Trademarks are granted to businesses in order to protect their brands from unauthorised use or exploitation.

There are two main types of trademarks:

1. **Word marks:** Word marks are trademarks that consist of a single word or phrase. Examples of word marks include "Coca-Cola," "McDonald's," and "Google."
2. **Design marks:** Design marks are trademarks that consist of a symbol, logo, or other design. Examples of design marks include the Nike swoosh, the Apple logo, and the Starbucks siren.