EMERGING TRENDS & CHALLENGES IN CYBER LAW

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Abstract—The growth in the field of Information and Communication Technology (ICT) indicates the numerous trends and challenges in cyber law. On the basis of development of jurisprudence and emerging trends, it can be conjured that some broad cyber law trends are likely to emerge.

Keywords—Cloud Computing & Law, Cyber Law, Cyber Security, Mobile Law

I. INTRODUCTION

The technological development has given rise to a cyber world constituting cyber space. Cyber space is witnessing considerable advancement with the rapid increase in the information technology.

It is always hard to determine or predict something in the future in an accurate manner.

There is a possibility to consolidate the technological advancements in the past. The internet users are increasing tremendously every year and at the same time there is also rise in the number of people using mobiles and smart phones.

II. EMERGING TRENDS & CHALLENGES IN CYBER LAW

Cyber law is likely to experience various emerging trends with the increased usage of digital technology.

The various emerging trends include

A. CHALLENGES IN MOBILE LAWS
B. LEGAL ISSUES OF CYBER SECURITY
C. CLOUD COMPUTING & LAW
D. SOCIAL MEDIA & LEGAL PROBLEMS
E. SPAM LAWS

A. CHALLENGES IN MOBILE LAWS

Today, there are lots of activities in the mobile ecosystem. The increasing competition has introduced new models of mobile phones, personal digital assistants (pda), tablets and other communication devices in the global market.

The intensive use of mobile devices has widened the mobile ecosystem and the content generated is likely to pose new challenges for cyber legal jurisprudence across the world.

There are no dedicated laws dealing with the use of these new communication devices and mobile platforms in a number of jurisdictions across the world as the usage of mobile devices for input and output activities is increasing day by day.

With the increasing mobile crimes, there is an increasing necessity to meet the legal challenges emerging with the use of mobile devices and ensure mobile protection and privacy.

B. LEGAL ISSUES OF CYBER SECURITY

The other emerging cyber law trend is the need for enacting appropriate legal frameworks for preserving, promoting and enhancing cyber security.

The cyber security incidents and the attacks on networks are increasing rampantly leading to breaches of cyber security which is likely to have serious impact on the nation.

However, the challenge before a lawmaker is not only to develop appropriate legal regimes enabling protection and preservation of cyber security, but also to instill a culture of cyber security amongst the net users.

The renewed focus and emphasis is to set forth effective mandatory provisions which would help the protection, preservation and promotion of cyber security in use of computers, allied resources and communication devices.

C. CLOUD COMPUTING AND LAW

With the growth in internet technology, the word is moving towards cloud computing. The cloud computing brings new challenges to the law makers.

The distinct challenges may include data security, data privacy, jurisdiction and other legal issues. There pressure on the cyber legislators and stakeholders would be to provide appropriate legal framework that could benefit the industry and enable effective remedies in the event of cloud computing incidents.

D. SOCIAL MEDIA & LEGAL PROBLEMS

The social media is beginning to have social and legal impact in the recent times raising significant legal
issues and challenges. A latest study indicates the social networking sites responsible for various problems. Since the law enforcement agencies, intelligence agencies target the social media sites; they are the preferred repository of all data.

The inappropriate use of social media is giving rise to crimes like cyber harassments, cyber stalking, identity theft etc. The privacy in social media is going to be undermined to a great extent despite the efforts by relevant stakeholders.

The challenge to the cyber legislators would be to effectively regulate the misuse of social media and provide remedies to the victims of social media crimes.

Social Media Litigations are also likely to increase concerning the association or nexus with the output of social media.

The litigations regarding defamation, matrimonial actions are popularly increasing and with the data, information resident on social media networking there is an emerging trend of various other litigations in the coming years.

E. SPAM LAWS

There is considerable growth of spam in emails and mobiles. Many countries have already become hot spots for generating spam. As the number of internet and mobile users increase the spammers make use of innovative methods to target the digital users. It is therefore necessary to have effective legislative provisions to deal with the menace of spam.

CASE STUDIES

i. Two managers of Chennai based Radiant Software a Computer Education Company were arrested for an alleged violation of the licensing terms of Software. The top management team had to obtain anticipatory bail to avoid arrests until a compromise was worked out.

ii. Napster, a very successful E-Venture was hauled to the Court and beaten to death for having caused violation of Copyright of music companies. Despite willing customers and working technology, the business of the Company had to be shelved under an enormous loss to the promoters.

iii. There are many websites in India which could be held to be infringing the Patent rights of somebody abroad and asked to shut down or pay compensation putting an end to their entrepreneurial dreams.

These are some of the trends in Cyber Law which are based on the analysis of emerging cyber law jurisprudence. With the growing pace of technology, it may not possible to overrule any new trend in the technology which might have direct or indirect impact on Cyber Law.

There may be various interesting and important challenging threats emerging in the jurisprudence of cyber law.

CONCLUSION

If you are designing computer software, you actually are designing the core component that would create a Cyber World itself and all aspects of laws in Cyber World would be attracted to it.

Therefore, a Technologist working on computers or allied devices or networks needs to be equipped with the fundamentals of the laws surrounding these devices or systems. *Ignorance of law is no excuse in the eyes of law.*

REFERENCES


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