



What are Cyberlaws? (v3 13 January 2006)

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1. Overview

The term cyberlaws is a general term used to refer to laws that address legal issues arising from the Internet and other communications technology. This paper provides an overview of the broad features of nine cyberlaws:

- Consumer Protection;
- Privacy and Data Protection;
- Cyber-crime;
- Spam;
- Online Content Regulation;
- Digital Copyright;
- Domain Name Regulation;
- Electronic Contracting; and
- Online Dispute Resolution.

It reflects a summary prepared by Galexia as part of an analysis of cyberlaws coverage in ASEAN (Association of South East Asian Nations). While the laws examined are not an exhaustive set of cyberlaws, the paper defines a number of key areas of law that are frequently associated with the umbrella term 'cyberlaws'. To help demystify the term further, the article also includes alternate names used to refer to various cyberlaw topics.

2. Consumer Protection

Consumer protection law is government regulation of transactions between consumers and businesses. It protects the interests of consumers by providing redress in situations where businesses engage in unconscionable and deceptive practices. Consumer law covers a range of topics, including: product liability, unfair business practices, fraud and misrepresentation.

Consumer protection law is also known as:

- Consumer law.

3. Privacy and Data Protection

Privacy may be defined as the claim of individuals, groups or institutions to determine when, how and to what extent information about them is communicated to others. It is the right of an individual to control what happens with their personal information.

Privacy law is also known as:

- Data Protection.

4. Cyber-crime

Cyber-crime refers to criminal activities committed by means of computers or the Internet. Broadly speaking, this may be divided into two broad categories:

- **1.** Where the computer is the target of the crime.
For example, hacking, computer sabotage and data theft.
- **2.** Where the computer is used as an instrument of the crime.
For example, hate crimes and Internet fraud, identity theft, and credit card account thefts.

Cyber-crime is also known as:

- Computer crime.

5. Spam

Spam refers to unsolicited bulk or commercial messages, transmitted via electronic mediums such as email. 'Unsolicited' means that the recipient has not granted verifiable permission for the message to be sent. 'Bulk' means that the message is sent as part of a larger collection of messages, all having substantively identical content. Spam laws aim to regulate this activity by:

- Establishing requirements for those who send commercial email; and
- Establishing penalties for spammers.

Spam is also known as:

- Unsolicited Bulk Email (UBE); and
- Unsolicited Commercial Email (UCE).

6. Online Content Regulation

Online content regulation refers to any type of regulation by governments or regulatory authorities directed at:

- Censoring information and communication on the Internet based on its subject matter; and
- Controlling, or attempting to control, access to Internet sites based on subject matter.

Online content regulation is also known as:

- Content regulation; and
- Internet content regulation.

7. Digital Copyright

Copyright is the exclusive legal right of an author or creator to reproduce, distribute, adapt, perform or display an original work. Digital copyright specifically refers to laws that protect the use and transmission of online content.

8. Domain Name Regulation

A domain name is the unique name (corresponding to an IP address) that identifies and locates an Internet address (such as a website). Domain name regulation refers to standards and requirements for internet naming and addressing.

9. Electronic Contracting

A contract is a legally binding agreement between two or more people or organisations. The terms of a contract may be expressed in writing or orally, implied by conduct, industry custom, and law or by a combination of these things. Electronic contracting refers to the ability to form contracts via electronic means, free of legal restrictions which would require paper records or hand-written signatures.

10. Online Dispute Resolution

Online Dispute Resolution (ODR) refers to the use of traditional Alternative Dispute Resolution (ADR) techniques combined with online resources to facilitate the resolution of disputes between parties. Its use is not limited only to disputes involving online transactions.

Online Dispute Resolution is also known as:

- Internet Dispute Resolution (iDR);
- Electronic Dispute Resolution (eDR);
- Electronic ADR (eADR); and
- Online ADR (oADR).