



# OCTOPUS INTERFACE CONFERENCE 2008



***NATIONAL LEGISLATION IMPLEMENTING THE  
CRIMINAL LAW PROVISIONS OF THE  
CONVENTION ON CYBERCRIME. COMPARATIVE  
ANALYSIS AND GOOD PRACTICE.***

***A SUMMARY***

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**IVAN SALVADORI**

***University of Verona (Italy) - Faculty of Law***

***<http://www.ivansalvadori.blogspot.com>***

***e.mail: [ivansalvadori@daad-alumni.de](mailto:ivansalvadori@daad-alumni.de)***

# THE POSITION OF THE CYBERCRIME PROVISIONS IN DOMESTIC LAW. SOME EXAMPLE



## CRIMINAL CODE

- *Italy*
- *Spain*
- *Germany*
- *Austria*
- *The Netherlands*
- *France*
- *Belgium*
- *Mexico*

## “COMPUTER CRIME ACT”

- *Portugal (Law no. 191/91)*
- *Romania (Law no. 161/2003)*
- *Sri Lanka (Law no. 24/2007)*
- *Cyprus (Law no. 22(III)2004)*
- *United Kingdom (Computer Misuse Act)*
- *India (Information Technology Act)*
- *Ireland (Computer Misuse Act)*



# THE DANGEROUS GAPS THAT STILL EXIST IN DOMESTIC LAW



## SUBSTANTIAL CRIMINAL LAW PROVISIONS

- *Use of terms (Art. 1 CoC)*
- *Misuse of device (Art. 6 CoC)*
- *Computer related forgery (Art. 7 CoC)*
- *Computer related fraud (Art. 8 CoC)*

## PROCEDURAL CRIMINAL LAW PROVISIONS

- *Preservation of data (Art. 16 CoC)*
- *Electronic search and seizure (Art. 19 CoC)*
- *Collection of traffic data (Art. 20 CoC)*
- *Jurisdiction (Art. 22 CoC)*

# USE OF TERMS. EXAMPLES OF GOOD PRACTICE



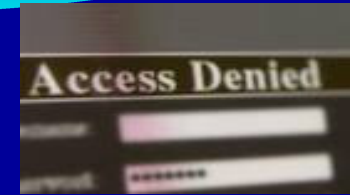
## EUROPEAN COUNTRIES

- *Austria* (Sec. 74, para. 1,2, *Crim. Code*)
- *Cyprus* (Art. 2 Law n. 22(III)04)
- *Bulgaria* (Art. 21,22,23,93 *Crim. Code*)
- *Romania* (Art. 35, para. 1 Law. 161/2003)

## NON- EUROPEAN COUNTRIES

- *Egypt* (*Draft Law*)
- *Sri Lanka* (Art. 38 Law. N.24/2007)

# THE IMPLEMENTATION OF MISUSE OF DEVICE. EXAMPLES OF GOOD PRACTICE



## EUROPEAN COUNTRIES

## NON-EUROPEAN COUNTRIES

- *Austria* (Sec. 126c Crim. Code)
- *Republic of Croatia* (Art. 223 OG 105/04)
- *Italy* (Art. 615quater, quinquies Crim. Code)
- *Romania* (Art. 46 Law no. 161/2003)

- *Sri Lanka* (Art. 9 law no. 24/2007)
- *USA* (Title 18, Part. 1, Chap. 47, § 1030(7))

# THE IMPLEMENTATION OF COMPUTER RELATED FRAUD. EXAMPLES OF GOOD PRACTICE

## EUROPEAN COUNTRIES

- *Austria* (Art. Sec. 148a Crim. Code)
- *Cyprus* (Art. 10 Law n. 22(III)04)
- *Germany* (Sec. 263a Crim Code)
- *Portugal* (Art. 221 Crim. Code)
- *Romania* (art. 49 Law n. 161/2003)

## NON-EUROPEAN COUNTRIES

- *Philippines* (Art. 4b.3. Draft Law)
- *USA* (Title I, Chap. 47 § 1029 US Code)

# THE EFFECTIVENESS OF CYBERCRIME PROVISIONS. A CHALLENGE FOR THE FUTURE



## *SOME CAUSES OF THE “GREY FIGURE”*



- *Adversion of the victims to report cybercrime*
- *Private victims do not know the existence of legal remedies*
- *Business are afraid of the loss of market capitalization and consumer confidence*
- *Business prefer to solve the computer incidents themselves*



**Profiling cybercrime:**  
Network threats and defense strategies



***FEEDBACK ON THE DISCUSSION PAPER  
“NATIONAL LEGISLATION IMPLEMENTING THE  
CONVENTION ON CYBERCRIME – COMPARATIVE  
ANALYSIS AND GOOD PRACTICES”  
IS VERY WELCOME AND SHOULD BE SENT***

***BY E-MAIL:***

***[ivansalvadori@daad-alumni.de](mailto:ivansalvadori@daad-alumni.de)***



**THANK YOU FOR YOUR ATTENTION**

**Ivan Salvadori, University of Verona (Italy), [ivansalvadori@daad-alumni.de](mailto:ivansalvadori@daad-alumni.de)**