

Foreword

With the growth of the Internet, millions of people are increasingly using it for information, communication, education, research and commerce. With the increasing use of the Internet for numerous human activities, the role of law vis-à-vis such activities has been a hot topic of debate for some time. Do laws govern cyberspace or the activities on the Internet are immune from any kind of regulation – is an often asked question. Laws that apply to the physical space also apply to cyberspace. The exact manner and scope of their application is called ‘cyberlaws’, which is the subject of this book.

For the laws to apply to cyberspace certain modifications have to be made in the existing laws and certain new laws have to be enacted to suit the new environment. India is a party to the WTO and in turn to the Agreement on Trade Related Aspects of Intellectual Properties (TRIPS), which in turn has necessitated all of our Intellectual Property Acts to be harmonized with the said Agreement. As a result, the Copyright Act, 1957 as amended, is the first one to give effect to our international obligations under the TRIPS Agreement followed by the Designs Act, 2000 and the Patent Amendment Act, 2002 coming in force with effect from May 20th 2003 and the Trademark Act, 1999 which came into force with effect from Sept. 20th, 2003. The Copyright Laws are in the process of being amended to incorporate provisions of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT).

The Indian IT Act, 2000 has already been in force, progressively paving the way for e-commerce environment, a new business model with unforeseen competitiveness whose potential has yet to be tapped to improve our economy. The Internet and its adaptation by the people at large in the country are increasing exponentially offering chances for use as well as misuse of the same very widely. Managing this new milieu necessitates understanding of Cyber laws and related Laws by courts, legislatures, administrative agencies like police and other government departments, industry, service professionals, educators etc. to name a few. All this because, beginning has already been made in the country of cases related to spamming, Cyber squatting, hacking of the computer systems, and networks for countrywide National Information Infrastructure etc.

Cyber Laws and Related Laws is an emerging area. Only rare books on this topic from abroad are available at an exorbitant cost. These books have country specific approach and hence are not tuned to Indian needs.

With this in view, Department of Information Technology, MCIT sponsored to the Indian Law Institute, New Delhi, right at the time of enactment of the Information Technology Act, 2000, to conduct courses and come out with a book on “Cyber Laws and Related Laws” totally tuned to Indian environment.

This initiative has now come to its fruition in the form of this book. I am glad to place this book in hands of all concerned with conviction that this is the first book in the country wherein every chapter has been written by most experienced experts available in the country. The book is also intended to form the basis of an e-learning course on the subject to benefit users all round the country - whether in metros or small towns etc.

The book is divided into three parts - Part I dealing with IP Protection in the Cyber World, Part II dealing with E-Commerce including online contracts whereas Part III deals with the regulations of the Cyber World particularly in context of the IT Act 2000 viz. - the Computer Crimes, Cyber Privacy, and dispute resolutions etc.

I am confident, the book will be found useful for all concerned with Internet/Cyber Transmissions of IPR's and other information. Readers are welcome to send their comments, if any to enable them to be incorporated in next edition.

Date : March 25, 2004

Place : New Delhi

(Dr. A.K. Chakravarti)

*Adviser & GC, (R&D in IT)
Deptt. of IT, MCIT, Gol*