

GX 1677

**Ollscoil na hÉireann, Gallimh**  
National University of Ireland, Galway

**SEMESTER 1 Examinations, 2003/2004**

<b>Exam Code(s)</b>	3BA1, 4BA4, 3CL1, 4CL2, 2CW, 3CW1, 34LL.B. 1OA, 1EM.
<b>Exams(s)</b>	Third & Fourth Bachelor of Arts (Legal Science) Third Bachelor of Corporate Law Second & Third Bachelor of Civil Law Third & Fourth LL.B. Erasmus and Occasional
<b>Module Codes(s)</b>	LW383
<b>Module(s)</b>	Information Technology Law
<b>Paper No.</b>	
<b>External Examiner(s)</b>	Dr. C. Waelde
<b>Internal Examiner(s)</b>	Professor L. O'Malley
<b><u>Instructions</u></b>	Please answer <b>THREE</b> questions All questions carry equal marks
<b>Duration</b>	<b>TWO</b> Hours
<b>No. of Answer Books</b>	2
<b><u>Requirements:</u></b>	
<b>Handout</b>	
<b>MCQ</b>	
<b>Statistical Tables</b>	
<b>Graph Paper</b>	
<b>Log Graph Paper</b>	
<b>Other Material</b>	Directive 95/46/EC (on the protection of individuals with regard to the processing of personal data and on the free movement of such data). Electronic Commerce Act, 2000. Data Protection Act 1988/2003.
<b>Department(s)</b>	LAW

PTO

1. As regards the regulation of the Internet, Professor Pamela Samuelson has written that European and American experience to date  
‘suggests that existing law can sometimes be applied with relative ease to Internet activities and that existing law can sometimes be adapted to reach Internet activities. However, in some instances, new laws seem to be needed. When old laws do not fit and cannot easily be adapted, it may be necessary to go back to first principles and consider how to accomplish societal objectives in the new context of the Internet.’ (‘Five Challenges for Regulating the Global Information Society’).  
Discuss.

2. Do **EITHER 2(A) OR 2(B)**:

2(A) As regards the application of the EU’s Data Protection Directive to the Internet, Christopher Millard has written that ‘the vast number of data transfers make it inconceivable that even a significant minority of transfers can be regulated in any meaningful way under the cumbersome rules established by the EU Directive ...’  
Examine the difficulties of applying the EU’s data protection laws to Internet traffic and assess the validity of Millard’s conclusion.

**OR**

2(B) The Data Protection (Amendment) Act 2003 in giving full effect to the Directive 95/46/EC has greatly extended and clarified data subjects’ existing rights under the Data Protection Act 1988.  
Discuss.

3. Do **EITHER 3(A) OR 3(B)**:

3(A) Explain what a legal information retrieval system is and how it works. Describe the advantages and disadvantages of such a system in conducting legal research, and briefly comment on how its effectiveness might be improved.

**OR**

3(B) Critically assess the advantages and disadvantages of conducting legal research on the Internet.

4. Do **EITHER 4(A) OR 4(B)**:

4(A) Peter Osborne has written: ‘While the Criminal Damage Act 1991 is indicative of a concern on the part of the legislature that the laws of Ireland accommodate advances in technology and be capable of dealing with perceived undesirable behaviour, the statute also shows the weaknesses of legislative reform as the produce of anything less than a

**PTO**

considered and informed process of review.’ [‘The Irish Criminal Legal Response to Computer Misuse’ in 9 *International Yearbook of Law Computers and Technology*, 1995, pp. 65-78, at 77.]

Examine the approach to computer misuse taken in the Criminal Damage Act, 1991 and discuss the validity of Mr. Osborne’s conclusions as to the weaknesses of the statute. Have these weaknesses, if any, been addressed by subsequent legislation?

**OR**

4(B) In an open letter (18 October 2000) to the Secretary General of the Council of Europe, the American Civil Liberties Union (ACLU) objected to the then proposed Convention on Cybercrime in the following terms:

‘We believe that the draft is contrary to well established norms for the protection of the individual, that it improperly extends the police authority of national governments, that it will undermine the development of network security techniques, and that it will reduce government accountability in future law enforcement conduct.’

Assess the benefits and deficits of the Convention and the fairness or otherwise of the ACLU’s criticism.

5. Critically discuss the framework for electronic commerce created by the Directive on electronic commerce (Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market).
6. Critically comment on any two of the following:
  - (a) Internet Domain Names and Trade Mark infringement.
  - (b) Internet Service Providers’ Liability in Cyberspace.
  - (c) The Significance of the Distance Selling Regulations.
  - (d) The legal status of Digital Signatures.
  - (e) The role of encryption in secure electronic communications.
  - (f) Reducing online liability in e-commerce.

**END**