### **Summary of Contents**

### Volume 1

#### PART I. CYBERCRIME

Chapter 1.	Inve	estigations and Forensics
Chapter 2.	For	ensics and Electronic Evidence
Chapter 3.	Adv	ance Fee Fraud
Chapter 4.	$\operatorname{Rec}$	ent Developments and Emerging Trends
Chapter 4A.		ine Gambling, Cybercrime and Money undering Issues in Selected Jurisdictions
Appendix	4A-1.	United States Federal Legislation Applied to Online Gambling Cases Cited in This Chapter
Appendix	4A-2.	Existing United States State Legislation Applied to Online Gambling Cases Cited in this Chapter Either Alone or in Combination with Federal Legislation
Appendix	4A-3.	Table of Selected Cases Cited and U.S. Laws Applied to Online Gambling Prosecutions
Appendix	4A-4.	Campos—Motion to Dismiss Federal Indictment
Appendix	4A-5.	Gold Medal Sports—DOJ Press-Release— Internet Sports Bookmakers Plead Guilty
Appendix	4A-6.	E-Gold Ltd.—Federal Seizure Warrant Vacated
Appendix	4A-7.	K23Group—Indictment—Online Gambling
Appendix	4A-8.	Rennick—Federal Indictment—Online Gambling and Asset Forefeiture
Appendix	4A-9.	U.S. v. Scheinberg—DOJ Press Release— Internet Gambling Indictment and Civil Money Laundering and Forfeiture
Appendix	4A-10.	U.S. v. Scheinberg—Federal Superseding Indictment—Online Gambling

- Appendix 4A-11. U.S. v. Thrillx Systems—Federal Indictment— Online Gambling
- Appendix 4A-12. Tzvetkoff—Federal Indictment—Online Gambling, Bank Fraud, Money Laundering, and Asset Forfeiture
- Appendix 4A-13. U.S. v. Pokerstars—DOJ Memorandum to Amend Complaint—Civil Money Laundering Claims
- Appendix 4A-14. U.S v. Pokerstars—Amended Civil Complaint—Forefeiture and Money Laundering
- Appendix 4A-15. Allied Wallet Online Payment Processors— DOJ Press Release
- Appendix 4A-16. Kennedy v. Full Tilt Poker—Expedited Discovery Denied
- Appendix 4A-17. Interactive Media & Gaming—District Court
  Dismissal of Challenge to Professional and
  Amateur Sports Protection Act
- Appendix 4A-18. Kennedy v. Full Tilt Poker—Voluntary Dismissal Civil RICO
- Appendix 4A-19. Interactive Media & Gaming—Third Circuit
  Upholds Unlawful Internet Gambling
  Enforcement Act
- Appendix 4A-20. U.S. v. Cohen—Appeal of Conviction for Conspiracy to Transmit Bets in Foreign Commerce
- Appendix 4A-21. DOJ US Attorney Hanaway's Congressional Statement re Internet Gambling
- Appendix 4A-22. DOJ Memo re Wire Act's Applicability to Internet Sale of State Lottery Tickets Out of State
- Appendix 4A-23. People ex rel Vaco v. World Interactive Gaming—Injunction Action Against Online Gambling
- Appendix 4A-24. Rousso v. Washington—Online Gambling Ban Upheld
- Appendix 4A-25. Internet Community v. Washington State Gambling Commission
- Appendix 4A-26. WTO Paypal GATS Challenge to U.S.

  Measures Affecting Cross-Border Supply of
  Gambling Materials

#### SUMMARY OF CONTENTS

Appendix 4A-27. Validity and Construction of Federal Statute (18 U.S.C.A. § 1084(a)) Making Transmission of Wagering Information a Criminal Offense, 5 ALR Fed 166

Chapter 4B. Use of Malware, BOTNETS, and other Computer Technology for Financial Crimes

Chapter 4C. Bitcoin; Other Virtual Currency

#### PART II. CYBER SECURITY

Chapter 5. Internet Security

Chapter 6. International and Transnational Approaches to Cyber Security

### Volume 2

#### PART II. CYBER SECURITY (CONTINUED)

Chapter 7. National Legislation and Commentary—African Countries

Chapter 8. Asia Pacific Overview of National Legislation

Chapter 8A. China

Chapter 8B. India

Chapter 8C. Indonesia

Chapter 8D. Japan

Chapter 8E. Korea

Chapter 8F. Malaysia

Chapter 8G. Singapore

Chapter 8H. Sri Lanka

Chapter 8I. Taiwan

Chapter 8J. Thailand

Chapter 9. European Union and Council of Europe

Chapter 9A. Austria

Chapter 9B. Estonia

Chapter 9C. France

Chapter 9D. Germany

Chapter 9E. Ireland

Chapter 9F. Italy

Chapter 9G. Netherlands

<sup>© 2015</sup> Thomson Reuters, 3/2015

- Chapter 9H. Russia Chapter 9I. United Kingdom
- Chapter 10. National Legislation and Commentary—Latin American Countries
- Chapter 11. National Legislation and Commentary—Middle Eastern Countries
- Chapter 12. National Legislation and Commentary—Australia
  Appendix 12A. Summary of Relevant Offences in the Criminal
  Code
- Chapter 13. U.S.—Legislation, Regulation, and Executive Orders

#### Volume 3

#### PART II. CYBER SECURITY (CONTINUED)

- Chapter 13A. U.S.—Cybersecurity Reports
- Chapter 13B. U.S.—Cybercrime and Cybersecurity Commentary
- Chapter 13C. U.S.—Civil and Constitutional Litigation re. Cybercrime and Security
- Chapter 14. Industry Case Studies

#### PART III. CRIMINAL CASES AND INDICTMENTS

- Chapter 15. Hacking; Interception of Electronic Communications
- Chapter 16. Identity Theft; Phishing
- Chapter 17. Anonymity; Botnets
- Chapter 18. Online Payments
- Chapter 19. Internet Gambling
- Chapter 20. Downloading/Peer-to-Peer
- Chapter 21. Spam
- Chapter 22. Child Pornography
- Chapter 23. Solicitation of Minors

#### Volume 1

#### PART I. CYBERCRIME

## CHAPTER 1. INVESTIGATIONS AND FORENSICS

- § 1:1 Hard To Hide on Computer Hard Drives
- § 1:2 Legal Limitations on Cross-border Data Transfers in Cybercrime Investigations

### CHAPTER 2. FORENSICS AND ELECTRONIC EVIDENCE

- § 2:1 Knowledge of Computer Forensics is Becoming Essential for Attorneys in the Information Age
- § 2:2 Presenting IT Evidence in the Courtroom
- § 2:3 Good Practice Guide for Computer-Based Electronic Evidence, Association of Chief Police Officers of England, Wales and Northern Ireland
- § 2:4 Forensic Examination of Digital Evidence: A Guide for Law Enforcement
- § 2:5 Collecting Evidence From a Running Computer: A Technical and Legal Primer for the Justice Community
- § 2:6 Duty Everlasting: The Perils of Applying Traditional Doctrines of Spoliation to Electronic Discovery
- § 2:7 The Admissibility of Electronic Evidence in European Courts: Fighting Technology Crime

#### CHAPTER 3. ADVANCE FEE FRAUD

- § 3:1 Advance Fee Fraud Scams In-Country and Across Borders
- § 3:2 Advance Fee Fraud Statistics 2009
- § 3:3 Advance Fee Fraud Statistics 2009: Charts

## CHAPTER 4. RECENT DEVELOPMENTS AND EMERGING TRENDS

#### I. IN GENERAL

- § 4:1 Cyberbullying, Internet, Suicide, and Legal Responses
- § 4:2 HPM and EMP: The Least-discussed Cyber Threat

- § 4:3 Project Grey Goose Phase II Report: The Evolving State of Cyber Warfare
- § 4:4 Analyzing Sexting from a Criminological Perspective
- § 4:5 Megaupload—U.S. Indictment for Criminal Copyright Infringement involving Computer Network and other Charges
- § 4:6 High Court of New Zealand Decision on U.S. Extradition Request in Megaupload Case
- § 4:7 Overview of Worldwide Cybercrime Trends, 2013–14 (6/2014)
- § 4:8 StealthGenie Smartphone App; Complaint for Injunction; USA v. Akbar (9/26/2014)

### II. COMPUTER FRAUD AND ABUSE ACT; AARON SWARTZ HACKING CASE

- § 4:9 Business E-Mail Compromise—IC3 Public Service Announcement re. Scam (1/22/2015)
- § 4:10 U.S. v. Aaron Swartz—Superseding Indictment for Computer Fraud and Abuse Act and Other Computer Crimes
- § 4:11 Congressional Statement of Orin S. Kerr of 11/15/2011 re Computer Fraud and Abuse Act
- § 4:12 Congressional Statement of Orin S. Kerr of 3/13/2013 re Computer Fraud and Abuse Act
- § 4:13 Orin Kerr's Proposed Amendments to CFAA
- § 4:14 Vagueness Challenges to the Computer Fraud and Abuse Act, Orin S. Kerr article
- § 4:15 Honouring Aaron Swartz, Internet Activist
- § 4:16 DOJ Computer Hacking Indictment—Ackroyd
- § 4:17 ——Press Release
- § 4:18 —Keys
- § 4:19 ——Press Release

### III. ACCESS TO ENCRYPTED COMPUTER DATA; SELF-INCRIMINATION CLAIMS

- § 4:20 Order to compel defendant to provide access to encrypted data on computer; In re. Boucher (2/19/2009)
- § 4:21 Order to compel defendant to provide access to encrypted data on computer; U.S. v. Fricosu (1/23/2012)
- § 4:22 Fifth Amendment protection against order to decrypt encrypted computer data; In Re Grand Jury Subpoena Duces Tecum Dated March 25, 2011 (2/23/2012)
- § 4:23 Encryption not testimonial communication protected by Fifth Amendment; Commonwealth v. Gelfgatt (6/25/2014)

### IV. WARRANT TO SEARCH E-MAIL ACCOUNT STORED OUTSIDE U.S.

§ 4:24 In re Warrant to Search a Certain E-Mail Account Controlled and Maintained by Microsoft Corp (4/25/2014)

- § 4:25 Order to Lift the Stay in Execution of Warrant to Search a Certain E-Mail Account Controlled and Maintained by Microsoft Corp (8/29/2014)
- § 4:26 Warrant to Search Certain E-Mail Account Controlled and Maintained by Microsoft (12/4/2013)

#### CHAPTER 4A. ONLINE GAMBLING, CYBERCRIME AND MONEY LAUNDERING ISSUES IN SELECTED JURISDICTIONS

ISSUE	S IN SELECTED JURISDICTIONS
§ 4A:1	Introduction
§ 4A:2	Background—International Perspective
§ 4A:3	U.S. Entities Involved in Regulating/Monitoring Online Gambling
§ 4A:4	Payment Intermediaries and Liability for Processing Online Gambling Transactions
§ 4A:5	2011—UIGEA Indictments—"Black Friday"
§ 4A:6	U.S.—Money Processor Rules—Paypal
§ 4A:7	Non-U.S. Cases
§ 4A:8	Attempts to Amend UIGEA and Theories of Amendments
§ 4A:9	Possible Legalization in District of Columbia
§ 4A:10	United States View of Illegality of Online Gambling and Lack of Clear Definition
§ 4A:11	Legislation in Other Jurisdictions Worldwide Permitting and Prohibiting Various Types of Online Gambling
§ 4A:12	Three Types of Jurisdictions
§ 4A:13	Jurisdictions Permitting Online Gambling
§ 4A:14	Overview of Legality
§ 4A:15	Legal Semantics and Jurisdictional Complexities
§ 4A:16	One Proposed Definition
§ 4A:17	Games of Chance vs. Games of Skill
§ 4A:18	Distinction Between Online Gaming and Online Gambling
§ 4A:19	Jurisdictions Prohibiting Online Gambling
§ 4A:20	Indictments and Convictions in Jurisdictions Where Online Gambling/Gaming Is Illegal
§ 4A:21	Jurisdictions in Which Online Gambling Is Legal
§ 4A:22	Virtual Reality Gambling/Gaming and Conversion of Currency from Virtual World to Real World Form
§ 4A:23	Republic of Korea
§ 4A:24	Conclusion
Appendix	4A-1. United States Federal Legislation Applied to Online Gambling Cases Cited in This Chapter

Appendix 4A-2. Existing United States State Legislation Applied to Online Gambling Cases Cited in this

Chapter Either Alone or in Combination with Federal Legislation

Appendix 4A-3. Table of Selected Cases Cited and U.S. Laws Applied to Online Gambling Prosecutions

Appendix 4A-4.	Campos—Motion to Dismiss Federal Indictment
Appendix 4A-5.	Gold Medal Sports—DOJ Press-Release—Internet Sports Bookmakers Plead Guilty
Appendix 4A-6.	E-Gold Ltd.—Federal Seizure Warrant Vacated
Appendix 4A-7.	K23Group—Indictment—Online Gambling
Appendix 4A-8.	Rennick—Federal Indictment—Online Gambling and Asset Forefeiture
Appendix 4A-9.	U.S. v. Scheinberg—DOJ Press Release—Internet Gambling Indictment and Civil Money Laundering and Forfeiture
Appendix 4A-10.	U.S. v. Scheinberg—Federal Superseding Indictment—Online Gambling
Appendix 4A-11.	U.S. v. Thrillx Systems—Federal Indictment— Online Gambling
Appendix 4A-12.	Tzvetkoff—Federal Indictment—Online Gambling, Bank Fraud, Money Laundering, and Asset Forfeiture
Appendix 4A-13.	U.S. v. Pokerstars—DOJ Memorandum to Amend Complaint—Civil Money Laundering Claims
Appendix 4A-14.	U.S v. Pokerstars—Amended Civil Complaint— Forefeiture and Money Laundering
Appendix 4A-15.	Allied Wallet Online Payment Processors—DOJ Press Release
Appendix 4A-16.	Kennedy v. Full Tilt Poker—Expedited Discovery Denied
Appendix 4A-17.	Interactive Media & Gaming—District Court Dismissal of Challenge to Professional and Amateur Sports Protection Act
Appendix 4A-18.	Kennedy v. Full Tilt Poker—Voluntary Dismissal Civil RICO
Appendix 4A-19.	Interactive Media & Gaming—Third Circuit Upholds Unlawful Internet Gambling Enforcement Act
Appendix 4A-20.	U.S. v. Cohen—Appeal of Conviction for Conspiracy to Transmit Bets in Foreign Commerce
Appendix 4A-21.	DOJ US Attorney Hanaway's Congressional Statement re Internet Gambling
Appendix 4A-22.	DOJ Memo re Wire Act's Applicability to Internet Sale of State Lottery Tickets Out of State
Appendix 4A-23.	People ex rel Vaco v. World Interactive Gaming— Injunction Action Against Online Gambling
Appendix 4A-24.	Rousso v. Washington—Online Gambling Ban

- Appendix 4A-25. Internet Community v. Washington State Gambling Commission
- Appendix 4A-26. WTO Paypal GATS Challenge to U.S. Measures
  Affecting Cross-Border Supply of Gambling
  Materials
- Appendix 4A-27. Validity and Construction of Federal Statute (18 U.S.C.A. § 1084(a)) Making Transmission of Wagering Information a Criminal Offense, 5 ALR Fed 166

# CHAPTER 4B. USE OF MALWARE, BOTNETS, AND OTHER COMPUTER TECHNOLOGY FOR FINANCIAL CRIMES

- § 4B:1 Press Release re. Cybercrime Indictment for "SpyEye" Virus
- § 4B:2 Indictment for use of Botnet to Automate Theft of Confidential and Personal Information
- § 4B:3 Paunescu Complaint—Malware to Steal Bank Account Access Information
- § 4B:4 Paunescu Indictment—Malware to Steal Bank Account Access Information

### CHAPTER 4C. BITCOIN; OTHER VIRTUAL CURRENCY

#### A. CRIMINAL PROSECUTIONS ARISING OUT OF BITCOIN OR OTHER VIRTUAL CURRENCIES

- § 4C:1 Bitcoin—Bank account seizure warrant (5/4/2013)
- § 4C:2 Ross Ulbricht criminal complaint—Silk Road website (5/14/2013)
- § 4C:3 Ross Ulbricht indictment—Silk Road website (10/1/2013)
- § 4C:4 DOJ Press Release—Charges against Bitcoin exchangers—Silk Road (1/27/2014)
- § 4C:5 Criminal complaint—Bitcoin—Silk Road website—Faiella & Shrem (1/24/2014)
- § 4C:6 Indictment for "Silk Road" underground drug trafficking website (2/4/2014)
- § 4C:7 Ross Ulbricht Prosecution—Declaration of Christopher Tarbell, cybersecurity investigator (9/5/2014)
- § 4C:8 Stipulation and Order for Interlocutory Sale of Bitcoins (1/27/2014)

# B. REGULATORY AND OTHER NON-CRIMINAL RESPONSES TO BITCOIN AND OTHER VIRTUAL CURRENCIES

§ 4C:9 Silk Road Forfeiture Complaint

§ 4C:10	Order to Seize Bitcoin Related to Silk Road (10/24/2013)
§ 4C:11	Silk Road Website Prosecution-Order Denying Motion to Dismiss Indictment (07-09-2014)
§ 4C:12	Silk Road Website Prosecution-Memo. in Support of Motion to Supress (08-01-2014)
§ 4C:13	Silk Road Website Prosecution-Memo. in Oppostion to Motion to Supress (09-05-2014)
§ 4C:14	Declaration of FBI Computer Forensic Examer re. Silk Road Server (9/5/2014)
§ 4C:15	Silk Road 2.0 Federal Criminal Complaint (10/29/2014)
§ 4C:16	Application of FinCEN's Regulations to Persons
	Administering, Exchanging, or Using Virtual Currencies (03/18/2013)
§ 4C:17	FinCEN Memo. re. Virtual Currency Mining (1/30/2014)
§ 4C:18	FINCEN Memo: Application of Money Services Business regulations to the rental of computer systems for mining virtual currency (4/29/2014)
§ 4C:19	Investor Alert: Bitcoin and Other Virtual Currency- Related Investments (5/7/2014)
§ 4C:20	Press Release re. SEC Action Against Offering Unregistered Securities Paid in Bitcoin (6/3/2014)
§ 4C:21	SEC Action Against Offering Unregistered Securities Paid in Bitcoin (6/3/2014)
§ 4C:22	Consumer Financial Protection Board Alert—Risks to Consumers Posed (August 2014)
§ 4C:23	Bitcoin Foundation—Comment on NY Dept. of Financial Services Proposed Regulation of Virtual Currency (8/5/2014)
§ 4C:24	Regulation of Bitcoin in Selected Jurisdictions (Jan. 2014)

#### PART II. CYBER SECURITY

#### CHAPTER 5. INTERNET SECURITY

- § 5:1 Terrorism and the Internet: A Review of the History, Issues, and Responses
- § 5:2 The U.S. Cyber-security Check List
- § 5:3 Guidelines on Firewalls and Firewall Policy

# CHAPTER 6. INTERNATIONAL AND TRANSNATIONAL APPROACHES TO CYBER SECURITY

#### A. INTERNATIONAL ORGANIZATIONS

- § 6:1 OECD-1 Guidelines for Cryptography Policy
- § 6:2 OECD-3 Report of the OECD Task Force on Spam: Anti-Spam Toolkit of Recommended Policies and Measures

- § 6:3 OECD-4 The Promotion of a Culture of Security for Information Systems and Networks in OECD Countries
- § 6:4 OECD-5 Scoping Paper on Online Identity Theft, Ministerial Background Report
- § 6:5 OECD-6 The Financial Action Task Force: Money Laundering & Terrorist Financing Vulnerabilities of Commercial Websites and Internet Payment Systems, June 18, 2008
- § 6:6 OECD-7 The Financial Action Task Force: Report on New Payment Methods, October 13, 2006
- § 6:7 UN-1 UN-CTITF, Report of the Working Group on Countering the Use of the Internet for Terrorist Purposes
- § 6:8 WTO-1 Antigua v. United States

### B. COUNCIL OF EUROPE; EUROPEAN UNION; EUROPEAN COMMISSION

- § 6:9 Council of Europe-1.5 Convention on Cybercrime (Adopted by the Council of Europe at Budapest on 23 November 2001)
- § 6:10 Council of Europe-2 Additional Protocol to the Convention on Cybercrime concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed through Computer Systems (Strasbourg, 7 November 2002)
- § 6:11 Council of Europe-8 Council of Europe Additional Protocol to the Convention on Cybercrime Explanatory Report
- § 6:12 Council of Europe-9 Convention on Cybercrime Explanatory Report, 109th Session, 8 November 2001
- § 6:13 Council of Europe-10 The Guidelines for the Cooperation Between Law Enforcement and Internet Service Providers Against Cybercrime
- § 6:14 European Union-1 European Network and Information Security Agency: Security Issues and Recommendations for Online Social Networks
- § 6:15 European Union-2 European Network and Information Security Agency: Botnets-The Silent Threat
- § 6:16 European Union-7 Directive 2002/58/EC of the European Parliament and of the Council on Privacy and Electronic Communications
- § 6:17 European Union-11 Council Framework Decision 2005/222/ JHA of 24 February 2005 on Attacks Against Information Systems
- § 6:18 European Union-13 European Network and Information Security Agency (ENISA): A Step-By-Step Approach on How to Set Up a CSIRT

#### Volume 2

### CHAPTER 7. NATIONAL LEGISLATION AND COMMENTARY—AFRICAN COUNTRIES

§ 7:1 Morocco: Council of Europe Project on Cybercrime: Cybercrime Legislation: Morocco Profile

### CHAPTER 8. ASIA PACIFIC OVERVIEW OF NATIONAL LEGISLATION

§ 8:1 Asia Pacific Legislative Analysis: Current and Pending Online Safety and Cybercrime Laws

#### CHAPTER 8A. CHINA

§ 8A:1 Cybercrime and Relevant Legislation in China

#### CHAPTER 8B. INDIA

- § 8B:1 Information Technology Act, 2000 [as amended by Information Technology (Amendment) Act, 2008]
- § 8B:2 Data Security Council of India Recommendations: Making of Rules Under Sections 43A, 67C and 79 of the Information Technology Act
- § 8B:3 Press Release—Ministry of Communications & Information Technology—Recommendations of Joint Working Group on Cyber Security
- § 8B:4 IDSA Task Force Report-India's Cybersecurity Challenge (March 2012)
- § 8B:5 India: Cybercrime & Security
- § 8B:6 CBI vs. Arif Azim
- § 8B:7 Nasscom vs. Ajay Sood

#### CHAPTER 8C. INDONESIA

§ 8C:1 Indonesia's Cyber Security Environment; VeriSign-iDefense Global Threat Research Report

#### CHAPTER 8D. JAPAN

- § 8D:1 Cybercrime Legislation and Cases in Japan: Update
- § 8D:2 National Information Security 2009
- § 8D:3 Unauthorized Computer Access Law

#### CHAPTER 8E. KOREA

- § 8E:1 The Present Situation and Legal Countermeasures against Cybercrime in the Republic of Korea
- § 8E:2 Countermeasures to Cyber Attacks in Korea

#### CHAPTER 8F. MALAYSIA

§ 8F:1 Laws Related to Computer Crimes in Malaysia

#### CHAPTER 8G. SINGAPORE

- § 8G:1 Cyber Security in Singapore
- § 8G:2 Singapore Computer Misuse Act
- § 8G:3 Electronic Transactions Act
- § 8G:4 Spam Control Act
- § 8G:5 Evidence Act, excerpt sections 35 and 36
- § 8G:6 Criminal Procedure Code, excerpt sections 125A and 125B

#### CHAPTER 8H. SRI LANKA

§ 8H:1 Computer Crime Act and Implementation Order, 2008

#### CHAPTER 8I. TAIWAN

- § 8I:1 The Introduction of the Guidelines for Government Agencies Information Outsourcing Security
- § 8I:2 Securing Taiwan's Cyberspace: An Overview of the Legal and Regulatory Framework for Countering Cybercrime in Taiwan

#### CHAPTER 8J. THAILAND

- § 8J:1 Analysis of Computer Crime Act of Thailand
- § 8J:2 Computer Crime Act, 2007

## CHAPTER 9. EUROPEAN UNION AND COUNCIL OF EUROPE

- § 9:1 Council of Europe MONEYVAL Report: Criminal Money Flows on the Internet: Methods, Trends and Multi-Stakeholder Counteraction (March 9, 2012)
- § 9:2 Criminal justice capacities on cybercrime and electronic evidence in South-Eastern Europe—Assessment Report of Council of Europe (6/18/2013)

#### CHAPTER 9A. AUSTRIA

§ 9A:1 Austria Council of Europe Project on Cybercrime: Cybercrime Legislation: Austria Profile

#### CHAPTER 9B. ESTONIA

§ 9B:1 Estonia: Cyber Security Strategy

#### CHAPTER 9C. FRANCE

§ 9C:1 France: Council of Europe Project on Cybercrime: Cybercrime Legislation: France Profile

#### CHAPTER 9D. GERMANY

§ 9D:1 Germany: The Development of Legislation Related to the Criminal Liability of Internet Service Providers in Germany

§ 9D:2 Germany: Council of Europe Project on Cybercrime: Cybercrime Legislation: Germany Profile

#### CHAPTER 9E. IRELAND

§ 9E:1 Ireland: Cybercrime in Ireland

#### CHAPTER 9F. ITALY

- § 9F:1 Italy: An Overview of the Substantive and Procedural Legal and Regulatory Framework for Countering Cybercrime in Italy after the Council of Europe Cybercrime Convention
- § 9F:2 Italy: A-2 Internet Service Providers Liability Cases and Online Gambling Law

#### CHAPTER 9G. NETHERLANDS

§ 9G:1 Netherlands: Cybercrime Legislation in the Netherlands

#### CHAPTER 9H. RUSSIA

§ 9H:1 Russia: State and Trends of the Russian Computer Crime Market in 2010

#### CHAPTER 9I. UNITED KINGDOM

- § 9I:1 United Kingdom Computer Misuse Act 1990 (c.18)
- § 9I:2 United Kingdom Computer Misuse Act 1990 (Amendment) Bill
- § 9I:3 United Kingdom Police and Justice Bill Excerpt
- § 9I:4 United Kingdom: Cybercrime in the United Kingdom
- § 9I:5 United Kingdom: Cybersecurity Strategy (Dec. 3, 2012)

# CHAPTER 10. NATIONAL LEGISLATION AND COMMENTARY—LATIN AMERICAN COUNTRIES

- § 10:1 Brazil: Council of Europe Project on Cybercrime: Cybercrime Legislation; Brazil Profile
- § 10:2 Brazil: The Cyber Threat Landscape in Brazil
- § 10:3 Mexico: Cybercrime Legislation and Security Enforcement in Mexico

# CHAPTER 11. NATIONAL LEGISLATION AND COMMENTARY—MIDDLE EASTERN COUNTRIES

- § 11:1 Saudi Arabia: The Cyber Threat Landscape of Saudi Arabia; VeriSigniDefense Global Threat Research Report
- § 11:2 Turkey: Council of Europe Project on Cybercrime: Cybercrime Legislation: Turkey Profile

# CHAPTER 12. NATIONAL LEGISLATION AND COMMENTARY—AUSTRALIA

#### I. CYBERCRIME IN AUSTRALIA

§ 12:1	Introduction
§ 12:2	Review of the cybercrime legislation
§ 12:3	The cybercrime problem in Australia
§ 12:4	Legislative approach
§ 12:5	Offenses in the Criminal Code
§ 12:6	-Misuse of telecommunications and cybercrime
§ 12:7	—State offenses
§ 12:8	—Child pornography
§ 12:9	Identity theft offenses
§ 12:10	Cyber-terrorism offenses
§ 12:11	Laws regulating the publication, distribution and copying of content; Spam
§ 12:12	Pornography and other offensive content that is not child pornography
§ 12:13	Gambling; Interactive Gambling Act 2001
§ 12:14	Racial vilification; Racial Discrimination Act 1975
§ 12:15	Laws regulating behavior; cyber-bullying and cyber-stalking
§ 12:16	Council of Europe Convention on Cybercrime
§ 12:17	Trans-border investigations
§ 12:18	Assistance orders
§ 12:19	Policy developments
§ 12:20	Overview of Australia's Cyber Security Strategy
§ 12:21	CERT Australia
§ 12:22	Cyber Security Operations Center
§ 12:23	Control systems security
§ 12:24	Conclusion

## II. CYBER SECURITY STRATEGY AND CYBERCRIME CONVENTION

- § 12:25 Australia: Cyber Security Strategy
- § 12:26 Australia's Accession to the Cybercrime Convention

Appendix 12A. Summary of Relevant Offences in the Criminal Code

## CHAPTER 13. U.S.—LEGISLATION, REGULATION, AND EXECUTIVE ORDERS

### I. CYBERSECURITY AND INFORMATION MANAGEMENT

#### A. IN GENERAL

- § 13:1 Cyber Security Enhancement Act of 2002 [Pub. L. 107-296, Title II, Sec. 225, Jan. 23, 2002]
- § 13:2 Federal Information Security Management Act of 2002 [Pub. L. 107-347, Title III, December 12, 2002]
- § 13:3 Security Breach Notification Chart
- § 13:4 White House Cybersecurity Legislative Proposal (May, 2011)
- § 13:5 Executive Order—Improving Critical Infrastructure Cybersecurity
- § 13:6 White House Press Release Signals Intelligence Activities (1/17/2014)
- § 13:7 SEC Disclosure Guidance on Cybersecurity

#### B. BANKING AND VIRTUAL CURRENCIES

- § 13:8 FFIEC Guidelines to Authentication in Internet Banking Environment
- § 13:9 Financial Crimes Enforcement Network ("FinCEN")
  Guidance re. Virtual Currencies

### C. INDIVIDUAL PRIVACY PROTECTION; HEALTH CARE RECORDS

- § 13:10 18 USCA § 2703: Required Disclosure of Customer Communications or Records
- § 13:11 Children's Online Privacy Protection Rule—Amended 2013
- § 13:12 Modifications to the HIPAA privacy and security rules

#### II. INTERNET GAMBLING

- § 13:13 Unlawful Internet Gambling Enforcement Act of 2006
- § 13:14 Federal Reserve System; Department of the Treasury, Prohibition on Funding of Unlawful Internet Gambling, [31 CFR Part 132, effective January 19, 2009]

#### III. PORNOGRAPHY

§ 13:15 Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act of 2003)

### Volume 3

# CHAPTER 13A. U.S.—CYBERSECURITY REPORTS

#### A. CYBERSECURITY AND NATIONAL SECURITY

§ 13A:1	United States: Securing Cyberspace for the 44th Presidency, Center for Strategic and International Studies (2008)
§ 13A:2	United States: Cyberspace Policy Review: Assuring a Trusted and Resilient Information and Communications Infrastructure (2009)
§ 13A:3	United States: Cybersecurity Collaboration Report (2009)
§ 13A:4	Department of Defense Strategy for Operating in Cyberspace (2011)
§ 13A:5	United States: The Comprehensive National Cybersecurity Initiative (2011)
§ 13A:6	United States National Strategy for Trusted Identification in Cyberspace-Enhancing Online Choice, Efficiency, Security and Privacy (2011)
§ 13A:7	United States International Strategy for Cyberspace Prosperity, Security, and Openness in a Networked World (2011)
§ 13A:8	White House National Strategy for Information Sharing & Safeguarding (2012)
§ 13A:9	White House Report—Annex D to White House Report Strategy—Targeting U.S. Technologies—A Trend Analysis of Reporting from Defense Industries (2013)
§ 13A:10	2013 Joint Strategic Plan on Intellectual Property Enforcement (excerpts) (2013)
§ 13A:11	DOD Report—Resilient Military Systems and Advanced Cybersecurity Threat (January 2013)
§ 13A:12	Opportunities for Strengthening Nation's Cybersecurity—Report of President's Council on Science and Technology (11/2013)

#### B. GOVERNMENT COLLECTION OF METADATA

_, .,	· == · · · · · · · · · · · · · · · · ·
§ 13A:13	Administration White Paper—Bulk Collection of
	Telephone Metadata (August 2013)
§ 13A:14	Congressional Research Service Report—NSA
	Surveillance Leaks (September 2013)
§ 13A:15	CRS Cybersecurity: Authoritative Reports and Resources, by Topic (1/23/2014) (excerpts)
§ 13A:16	Report of Privacy and Civil Liberties Board on the
Ü	Telephone Records Program under Patriot Act and
	Foreign Intelligence Surveillance Court (excerpts)
	(1/23/2014)

§ 13A:17 Report and Recommendations of the President's Review
Group on Intelligence and Communications
Technologies (12/12/2013)
§ 13A:18 Senate Report on Data Broker Industry (12/18/2013)
§ 13A:19 Target credit card data breach—Congressional testimony
of Target CFO John Mulligan (2/4/2014)

#### C. ONLINE PHARMACIES

- § 13A:20 Government Accountability Office (GAO) Report on Online Pharmacies (7/20/2013)
- § 13A:21 DOJ Press Release—UPS Nonprosecution Agreement for Providing Transportation Services (3/29/2014)
- § 13A:22 Online pharmacy—UPS Nonprosecution Agreement for Providing Transportation Services (3/29/2014)
- § 13A:23 —Google nonprosecution agreement (3/29/2014)

#### D. BANKING AND FINANCIAL SERVICES INDUSTRY

- § 13A:24 Government Accountability Office (GAO) Report to Federal Deposit Insurance Corp. (FDIC) on Information Security in Key Financial Systems (July 2014)
- § 13A:25 NY State Department of Financial Services Report on Cyber Security in the Banking Sector (May 2014)

## CHAPTER 13B. U.S.—CYBERCRIME AND CYBERSECURITY COMMENTARY

- § 13B:1 United States: Faking It: Calculating Loss in Computer Crime Sentencing
- § 13B:2 United States: Cybercrime Law and Policy in the United States
- § 13B:3 United States: An Overview of Significant U.S. Data Breach Cases and Enforcement Actions by Susan L. Lyon
- § 13B:4 United States: Collaboration: The Key To The Privacy and Security Balancing Act
- § 13B:5 Statement of John Boles, FBI Cyber Division, re Investigating and Prosecuting 21st Century Cyberthreats (3/13/2013)
- § 13B:6 Statement to Congress of U.S. Attorney Durkan re Investigating & Prosecuting 21st Century Cyberthreats (3/13/2013)
- § 13B:7 Congressional statement of Robert Holleyman, CEO of BSA/The Software Alliance re Investigating and Prosecuting 21st Century Cyber Threats (3/13/2013)
- § 13B:8 DOJ Letter—FISA bulk collection (December 2009)
- § 13B:9 NSA and Director of National Intelligence Joint Statement on Data Gathering (August 2013)
- § 13B:10 SEC Investor Alert—Virtual Currencies (July 2013)

# CHAPTER 13C. U.S.—CIVIL AND CONSTITUTIONAL LITIGATION RE. CYBERCRIME AND SECURITY

#### A ONLINE PRIVACY PROTECTION

§ 13C:1	Federal Trade Commission Complaint under Children's Online Privacy Protection Act of 1998
§ 13C:2	Federal Trade Commission Consent Decree under
	Children's Online Privacy Protection Act of 1998
§ 13C:3	Microsoft Botnet—Civil Complaint (March 2012)

### B TELEPHONE COMMUNICATIONS AND META DATA

§ 13C:4	FTC Complaint for Injunction—Android Smartphone Security (April 2013)
§ 13C:5	Computer Fraud and Abuse Act—Civil claim
§ 13C:6	Clapper v. Amnesty International USA—Standing to Challenge FISA Surveillance (February 2013)
§ 13C:7	FISA—Civil Rights Complaint—Interception of Telephone Communications (July 2013)
§ 13C:8	—Google Motion for Declaratory Judgment—Request to Publish FISA Orders (June 2013)
§ 13C:9	—Court Amended Opinion re Bulk Telephone Metadata Capture (July 2013)
§ 13C:10	—Electronic Privacy Information Center v. FISA— Supreme Court Amicus Brief (August 2013)
§ 13C:11	District Court Opinion—NSA Collection of Telephone Metadata Unconstitutional (December 2013)
§ 13C:12	Memo. and Order to Set Aside National Security Letter (3/14/2013)
§ 13C:13	Meta-data from uploaded photo—Constitutional privacy claim (1/30/2014)

#### C CREDIT CARD DATA

§ 13C:14	Shareholder derivative suit against Target Company for credit card data breach (1/21/2014)
§ 13C:15	Class action suit against Target Company on behalf of
	financial institutions that have had customers' financial
	information compromised (3/10/2014)
§ 13C:16	Banks' negligence claim against processer of credit card
	transactions (9/3/2013)
§ 13C:17	Federal Trade Commission action for deceptive practices
Ü	due to breach of consumer data $(4/7/2014)$

#### **D** OTHER MATTERS

§ 13C:18 Copyright Action for Music Downloading (6/25/2013)

§ 13C:19 Hannaford Brothers Customer Data Security Breach Litigation (3/20/2013) Stored Communications Act—Warrantless Request for § 13C:20 Cell Site Location Information—U.S. v. Davis (06/11/2014) § 13C:21 Constitutional Challenge to Evidence Obtained or Derived from Surveillance Under the FISA Amendments Act—U.S. v. Muhtorov (1/29/2014) § 13C:22 Order to Seize Computer in Software Litigation with Self-Described Hacker—Battelle Energy Alliance v. Southfork Security (10/15/2013) FTC Complaint for Injunction against Deceptive § 13C:23 Marketing of Online PC Repair Software (11/10/2014) § 13C:24 Injunction to Prevent Disclosure of Mistakenly Sent E-mail with Confidential Client Information (6/27/2014) § 13C:25 Civil complaint--Failure to Disclose Security Breach and Placing Social Security Numbers on Unencrypted Hard Drive (1/24/2014)

#### CHAPTER 14. INDUSTRY CASE STUDIES

§ 14:1 Internet Banking Technology Risk Management Guidelines, Monetary Authority of Singapore

# PART III. CRIMINAL CASES AND INDICTMENTS

### CHAPTER 15. HACKING; INTERCEPTION OF ELECTRONIC COMMUNICATIONS

LLL	TRONIC COMMUNICATIONS
§ 15:1	U.S. v. McKinnon—Indictment—Hacking—18 U.S.C.A. § 1830 (11/18/2002)
§ 15:2	U.S. v. Spitler—Criminal complaint—Hacking—18 U.S.C.A. § 1830 (1/18/2011)
§ 15:3	U.S. v. Auernheimer—Indictment—Hacking AT&T 3G Network—18 U.S.C.A. § 1028 (7/6/2011)
§ 15:4	—Computer Fraud and Abuse Act—Venue for prosecution (4/11/2014)
§ 15:5	U.S. v. Szymuszkiewicz—Appeal of Wiretap Act conviction
§ 15:6	Interception of e-mail messages—Wiretap Act, 18 U.S.C.A. § 2511
§ 15:7	Unauthorized disclosure of electronic communications
§ 15:8	Conspiracy to damage computer (10/3/2013)
§ 15:9	Motion to quash subpoena for Twitter records denied (April 2012)
§ 15:10	LaJud-Peña—Hacking—Indictment (4/25/2013)
§ 15:11	Salinas—Hacking—Complaint (9/11/2013)
§ 15:12	Access device fraud; computer intrusion; identity theft (6/21/2012)

§ 15:13	Kuzmin—Bank fraud charge—Criminal information
	(5/5/2011)
§ 15:14	——Criminal complaint (11/29/2010)
§ 15:15	Indictment for data breach conspiracy targeting
	government agency networks (10/28/2013)
§ 15:16	U.S. v. Lauri Love—Hacking indictment (10/23/2013)
§ 15:17	Hacking Federal Reserve servers—Laurie Love indictment (2/7/2014)
§ 15:18	Stolen credit card data; wire fraud; identity theft (11/14/2012)
§ 15:19	DOJ Press Release—Hammond sentenced for hacking and stealing confidential information from private and government websites (11/15/2013)
§ 15:20	Superseding criminal charges for Hammond—Hacking and theft of credit card data and other confidential information (5/28/2013)
§ 15:21	Hacking indictment—Industrial espionange—PRC military members (05/01/2014)
§ 15:22	Criminal complaint—Hacking of computers of defense contractors

#### CHAPTER 16. IDENTITY THEFT; PHISHING

§ 16:1 United States of America v. Andrew Manovani—Indictment

Hacking indictment—Revenge porn (12/20/2013)

- § 16:2 SEC v. Marimuthu—Use of stolen names and passwords to access brokerage accounts
- § 16:3 Resnick v. Avmed—Identity theft from stolen computers
- § 16:4 Experi-Metal v. Comercial Bank—Phishing—Wire transfers
- § 16:5 DOJ Press Release—Charges against online counterfeit credit cards operation; fakeplastic website (1/27/2014)
- § 16:6 Criminal complaint—Counterfeit credit cards—Fakeplastic website

#### CHAPTER 17. ANONYMITY; BOTNETS

- § 17:1 Coreflood International Botnet—DOJ press release
- § 17:2 Coreflood—DOJ civil complaint
- § 17:3 —Summons

§ 15:23

- § 17:4 —Order to show cause
- § 17:5 —Preliminary injunction
- § 17:6 —Notice of proceedings to modify preliminary injunction
- § 17:7 —Order for default judgment

#### CHAPTER 18. ONLINE PAYMENTS

- § 18:1 Grimm v. First National Bank of Pennsylvania—Fraudulent checking account withdrawals
- § 18:2 Grimm v. Discover Financial Services—Fraudulent credit card charges

- § 18:3 Oregon Hay Products v. Community Bank—Unauthorized bank transfers
- § 18:4 Online pharmacy indictment—Wire fraud and mail fraud— Strempler (6/2/2013)

#### CHAPTER 19. INTERNET GAMBLING

- § 19:1 Seidl v. American Century Companies, Inc., Dist. Court, SD New York 2010
- § 19:2 United States v. \$6,976,934.65, Held in Name of Soulbury, 554 F.3d 123
- § 19:3 Wong v. Partygaming Ltd., Dist. Court, ND Ohio, Eastern Div. 2008
- § 19:4 Cheyenne Sales, Ltd. v. Western Union Financial Services International (E.D. Penn. 1998)
- § 19:5 McBrearty v. The Vanguard Group, Inc., Dist. Court, SD New York 2009
- § 19:6 U.S. v. \$734,578.82 in USD; \$589,578.82 in USD, American Sports, Ltd.; Intercash Ltd. IOM
- § 19:7 WTO: U.S. v. Ehlermann: Measures affecting the crossborder supply of gambling and betting services

#### CHAPTER 20. DOWNLOADING/PEER-TO-PEER

- § 20:1 Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd., 545 US 913 Supreme Court 2005
- § 20:2 NinjaVideo.Net indictment

#### CHAPTER 21. SPAM

- § 21:1 Verizon Online Services, Inc. v. Ralsky, 203 F. Supp. 2d 601, Dist. Court, ED Virginia, Alexandria Div. 2002
- § 21:2 Beyond Systems, Inc. v. Keynetics, Inc., 422 F. Supp. 2d 523, Dist. Court, D. Maryland 2006
- § 21:3 USSEC v. Meltzer, 440 F. Supp. 2d 179, Dist. Court, ED New York 2006

#### CHAPTER 22. CHILD PORNOGRAPHY

- § 22:1 U.S. v. Perez, 247 F. Supp. 2d 459, Dist. Court, SD New York 2003
- § 22:2 U.S. v. Strauser, 247 F. Supp. 2d 1135, Dist. Court, ED Missouri, Eastern Div. 2003
- § 22:3 U.S. v. Paroline, 672 F. Supp. 2d 781, Dist. Court, ED Texas, Tyler Div. 2009
- § 22:4 U.S. v. Robert A. Warren
- § 22:5 Ashcroft, Attorney General, et al. v. Free Speech Coalition et al.
- § 22:6 U.S. v. Steiger
- § 22:7 U.S. v. Hall
- § 22:8 List of child pornography cases—Appellate court decisions

xxiv

### **CHAPTER 23. SOLICITATION OF MINORS**

§ 23:1 U.S. v. Brian E. Gladish

§ 23:2 U.S. v. John T. Spurlock § 23:3 U.S. v. Jeffrey Tucker