Lesson 2.3 (Substantive Provisions of the Budapest Convention - Part 2)

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| Lesson 2.3 Substantive Provisions of the Budapest Convention - Part 2 | | Duration: 90 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Internet access (if available) * PowerPoint or other presentation * Copy of the Budapest Convention | | |
| **Session Aim:**  The aim of this session is to provide the participants with a comprehensive understanding of the elements of computer-related offences, content-related offences and offences related to the infringement of copyright and related rights, established in accordance with the Budapest Convention. The session covers, in detail, each element of Article 7 (computer-related forgery), Article 8 (computer-related fraud), Article 9 (child pornography), Article 10 (offences against the infringement of copyright and related rights), Article 11 (attempt and aiding or abetting) and Article 12 (corporate liability) of the Budapest Convention. | | |
| **Objectives:**  By the end of this session delegates will be able to:   * By the end of the session, delegates will be able to: * Identify the elements which constitute the offence of:  1. Computer-related forgery 2. Computer-related fraud 3. Child pornography 4. Infringement of copyright and related rights  * Understand how the Budapest Convention criminalises aiding, abetting and attempting offences, and the scope of corporate liability | | |
| **Trainer Guidance**  This session has been prepared to provide delegates with a comprehensive understanding of the substantive law provisions outlined in Chapter II Section 2 Title 2 (computer-related offences), Title 3 (content-related offences), Title 4 (offences related to infringements of copyright and related rights) and Title 5 (ancillary liability and sanctions). This session has been divided into five parts, in addition to an introduction and a conclusion. The first part covers the offence of computer-related forgery. The second part covers the offence of computer-related fraud. The third part covers the offence of child pornography. The fourth part covers the offence of infringement of copyright and related rights. The fifth part covers attempting, aiding or abetting, and corporate liability.  Prior to delivery of this session, it is recommended that the trainer review Paragraph 79 – 127 of the [Explanatory Report to the Convention on Cybercrime](https://rm.coe.int/16800cce5b).  The trainer may wish to encourage a discussion about how each of the provisions covered in this session have been established under domestic law. | | |
| **Lesson Content** | | |
| **Slide Numbers** | **Content** | |
| 1 to 4  Mandatory Slides | The opening slides are the introduction to the session and include the agenda and the session aims and objectives. | |
| 5 to 14  Mandatory Slides | These slides explain the offence of computer-related forgery, as provided under Article 7 of the Budapest Convention.  The first set of slides provides a summary of the main elements of Article 7 of the Budapest Convention. They include a slide with a recent case of computer-related forgery in India followed by slides with images of phishing emails and spoofed emails, that the trainer can use to gain the interest of the delegates.  The remaining slides have been divided into two columns. The column on the left-hand side replicates the text of Article 7 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 7 of the Budapest Convention. | |
| 15 to 20  Mandatory Slides | These slides explain the offence of computer-related fraud, as provided under Article 8 of the Budapest Convention.  The first set of slides provides a summary of the main elements of Article 8 of the Budapest Convention. They include a case study of the computer-related fraud that the trainer can demonstrate as an example of this offence.  The remaining slides have been divided into two columns. The column on the left-hand side replicates the text of Article 8 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 8 of the Budapest Convention. | |
| 25 to 31  Mandatory Slides | These slides explain the offence of child pornography, as provided under Article 9 of the Budapest Convention.  The first set of slides provides a summary of the main elements of Article 9 of the Budapest Convention. The summary is followed by a couple of case studies of the offence of child pornography.  The remaining slides have been divided into two columns. The column on the left-hand side replicates the text of Article 9 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 9 of the Budapest Convention. | |
| 32 to 39  Mandatory Slides | These slides explain the offence of infringement of copyright and related rights, as provided under Article 10 of the Budapest Convention.  The first set of slides provides a summary of the main elements of Article 10 of the Budapest Convention. These slides include one case study about the arrest of the founders of a popular website for copyright infringement. It also contains a screenshot to demonstrate how copyrighted materials are made available on the websites.  The remaining slides have been divided into two columns. The column on the left-hand side replicates the text of Article 10 of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 10 of the Budapest Convention. | |
| 40 to 44  Mandatory Slides | These slides explain provisions around ancillary liability – specifically attempt and aiding or abetting as provided under Article 11 of the Budapest Convention and corporate liability as provided under Article 12 of the Budapest Convention.  This set of slides have been divided into two columns. The column on the left-hand side replicates the text of Article 11 and 12 of the Budapest Convention respectively with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of Article 11 and 12 of the Budapest Convention. | |
| 45 to 46  Important Slides | The trainer should recap the session objectives with the delegates and give them the opportunity to ask any questions relating to the materials covered in this module. | |
| **Practical Exercises**  There are no practical exercises associated with this lesson. | | |
| **Assessment/Knowledge Check**  No knowledge check or assessment has been requested for this session. | | |