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Cyber Property Rights in Bangladesh: A Critical Analysis

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A thesis paper is submitted in partial fulfillment of the requirements of the LL.M. Program,
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LETTER OF APPROVAL

To,
Dr. Kudrat Khuda Babu
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Subject: “Cyber Property Rights in Bangladesh: A Critical Analysis”

Respected Sir,

It's a great pleasure for me to submit a legal research on Cyber Property Rights in Bangladesh: A Critical Analysis. I have given my best efforts to complete the thesis with relevant information's that I have collected from various sources. I have tried my level best to maintain the required Standard and concentrated my efforts to achieve the objectives of the work and hope that my endeavor will serve the purpose.

I, therefore, pray and hope that you would be kind enough to this research paper for evolution.

I always available for any further clarification for any part of this research paper at your convenience.

Sincerely Yours,



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DECLARATION

I am Md.Mynul Islam the student of LL.M. Hereby do solemnly declare that the work presented in thesis have been carried out by me and have not been previously submitted to any other institution. The work I have presented does not breach any copyright. The presented work has been performed by me and has been submitted in the fulfillment of the requirement for the degree of LL.M. Program. I further undertake to indemnify the University against any loss or damage arising from breach of the forgoing obligations.

I declare that this thesis has been prepared by me and has not previously submitted to any other university / college / organization for any academic qualification / certificate / diploma degree.

The work is presented by me is original work and it's not submitted before.




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CERTIFICATION

This is to certify that the thesis on “**Cyber Property Rights in Bangladesh: A Critical Analysis**” is done by Md. Mynul Islam, in the partial fulfillment of the requirement for the degree of LL.M. from Daffodil International University of Bangladesh. The Thesis has been carried out under my guidance and is a record of research which carried out successfully.



.....
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All gestures of recognition are for the Almighty Allah who has given me the chance and capacity to direct this examination. Truth is told, without His exceptional beauty and gift, it wouldn't have been feasible for me to finish this work.

I might want to express my most profound feeling of gratefulness and appreciation to my regarded educator and administrator for his recommendation, direction, important proposals and extremely valuable remarks on the prior drafts of this exploration and for steady support all through the entire time of planning of this last research monograph. I am obligated to him as without his assistance it would not be workable for me to complete the investigation.

DEDICATION

First of all, I wish to acknowledge the immeasurable grace and propound kindness of the Almighty Allah. I express gratitude to my honorable thesis supervisor Dr. Kudrat-E-Khuda Babu Associate Professor & Coordinator, LLM, Daffodil International University for giving me the opportunity to complete my thesis report under his supervision. He gave us his valuable time and important information's to complete the thesis report. As without his proper guidance it was quite impossible for me to complete the thesis.

I also express my gratefulness to my parents and my family members who encouraged me all the times.

Finally I express thanks to my friends and well-wishers.



.....

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LIST OF ABBREVIATIONS

ICT	=	Information and Commutation Technology
e-CAB	=	E-Commerce Association of Bangladesh
E-Commerce	=	Electronic Commerce
CID	=	Criminal Investigation Department
CrPC	=	Code of Criminal Procedure
CCM	=	Cyber Crisis Management
GDPR	=	General Data Protection Regulation
CLAA	=	Cybercrime Legislation Amendment Act
BRTC	=	Bangladesh Telecommunication Regulatory Commission
PIL	=	Public Interest Litigation
SC	=	Supreme Court
SPA	=	Special Power Act

Chapter 1

1. Background

The rapid development of computer technology and the integration of computer and communication technology have made significant changes to human information activities. The development of the Internet challenges traditional conceptions of information rights.¹ The discourse surrounding these rights and the Internet typically deals with each right in isolation and attempt to adapt long established understandings of each right to the new technological environment.²

The transcend nature of the Internet has made it one of the major channels for human communication or data sharing.³ Every day more and more data are share to the different place of internet (Website or Social Media Platform). This shared data normally saved to the internet server, normally it is not deleted or removed.⁴

There are two type of world have exist in this time. One is real world and another is cyber world or cyber space. Cyberspace is a “virtual” world created by links between computers, Internet-enabled devices, web server, website, different type of social media platform, and other components of the Internet’s infrastructure. As opposed to the Internet itself, however, cyberspace is the place produced by these links. It exists, in the perspective of some, apart from any particular nation-state.⁵ People shares, transfer or showing there photo, different type of writing work, there photo, different type of writing work, intellectual property such as copyright related work, trademark or trade sign etc. to the Cyberspace. According to the definition of the property, anything that is owned by a person or entity called the property of

¹ William F. Birdsall, and Merrilee Rasmussen, ‘The Internet and the right to communicate’ (1 May 2003) <www.firstmonday.org/article/view/1102/1022 > accessed 17 September 2019

² ibid

³ Arjun Rathor, ‘Definition - What does File Sharing mean?’, <<https://www.techopedia.com/definition/16256/file-sharing>> accessed 17 September 2019

⁴ “Server computing” Wikipedia: the Free Encyclopedia, 19 September 2018, <<https://en.wikipedia.org/wiki/Cleopatra>. Accessed 19 September 2019.

⁵ Jennifer Bussell, ‘Cyberspace Communications’ (28 November 2017) <<https://www.britannica.com/topic/cyberspace>> accessed 19 September 2019

the persons.⁶ So, when any person shares there different type of file or data to the internet then this data is property of that person and there have some legal rights to those properties.⁷

Huge number of people connected to the internet around the world and they share their data to any website which may blog website, web journal, online newspaper website or different type of social media platform such as Facebook, Twitter, Whatsapp etc. Those data or file which is shared by the peoples can be misused by different type of method i.e. download data without permission, commercially use without permission of the owner, commit crime by using another person's data or file such as blackmailing by using another person picture or contact number or address, violation of copyright related task etc.⁸

There is lot of example cases around the world where misuse of data from internet. Recently world big search Engine Company named Google.Inc faced breach of user personal data case filed some of person of United State.⁹ Where Google has admitted, and apologized for, gathering e-mail, computer passwords and other information from private Wi-Fi networks without the owners. For that reason the privacy watchdog agency imposed a fine of 100,000 euros (\$142,000) to the Google.Inc.¹⁰ Another world top ranking social media named Facebook disposes the user data (post, contact number, email, address, and picture, some of personal data) to another company. US regulators have reportedly voted to fine Facebook \$5 billion for

⁶ Rizwanul Islam, 'Property Rights And Developing Or Least Developed Countries' Vol 19, No 1, DLJ (2008)<

<http://journal.library.du.ac.bd/index.php?journal=DULJ&page=article&op=view&path%5B%5D=1603&path%5B%5D=1511>> 20 September 2019

⁷ THE TRANSFER OF PROPERTY ACT, 1882 (ACT NO. IV OF 1882).

⁸ "Digital rights" Wikipedia: the Free Encyclopedia, 3 January 2001, <https://en.wikipedia.org/wiki/Digital_rights> Accessed 20 September 2019.

⁹ Tomáš Foltýn, 'Google Fined €50 Million For Violating EU Data Privacy Rules' London Times (22 Jan 2017) < <https://www.nytimes.com/2011/03/22/technology/22privacy.html> > Access on: 24 September 2019

¹⁰ ERIC PFANNER, 'Google Faces French Fine for Breach of Privacy' London Times (MARCH 21, 2011) < <https://www.nytimes.com/2012/08/01/technology/01iht-google01.html> > Access on: 24 September 2019

data breaches.¹¹ The whole idea about data privacy and misuse of data from internet directly violate the rights of owner of that data can be called cyber property rights violation.

Computer and internet concept is not old concept in Bangladesh. But in a rapidly growing world of internet users, Bangladesh also participated there and has been ranked fifth largest internet using country in Asia.¹² Over 80 million people had access to the internet in Bangladesh in December of 2017, which was 0.1 million in 2000, according to recent data released by the Internet World Stats.¹³

In Bangladesh rapidly growing the internet user and also growing victim of data misuse or cyber data/property rapidly. In some couple of years there are many of case come in front of us related the misuse of the cyber property rights by different method.¹⁴ Bangladesh has some of law relevant Cyber crime and security. But there have not adequate clause to cover the area of cyber property rights violation. As a result day by day increase violation of cyber property rights in Bangladesh.

1.2 Literature Review

The concept of “Cyber Property & Rights in Bangladesh” is very much new concept to us as. No Bangladeshi writer yet writes any book on the area of Cyber Property or right of cyber property. In local market there are very few numbers of books available on cyber law but no book found about cyber property rights in Bangladesh or protection of cyber property rights. But there are some others book related my research object found on Internet and law journal and some of from Daffodil International University library.

The books I have been collected which is “*Guide to cyber law*” by Justice Yasiandra Singh. In this book writer introduce cyber world and controlling law for cyber world. There are 309

¹¹ Rober Jems, ‘Facebook faces \$5 billion fine over privacy violations’ *DW News*, (JULY 2018) < www.dw.com/en/facebook-faces-5-billion-fine-over-privacy-violations/a-49575702 > Access on: 25 September 2019

¹² Shimul Sarkar, ‘Bangladesh 5th largest internet using country in Asia’, *The Financial Express*, (October 07, 2018), < www.thefinancialexpress.com.bd/sci-tech/bangladesh-5th-largest-internet-using-country-in-asia-1538911365 > Access on: 29 September 2019

¹³ Abu Sofian, ‘Internet Use in Asia: Bangladesh in top 5’, *The Daily Star*, <www.thedailystar.net/online/top-internet-using-country-2017-in-asia-bangladesh-5th-1643752> Access on: 25 September 2019

¹⁴ Md Sanaul Islam Tipu, ‘3% conviction rate of cybercrime in Bangladesh’, *Dhaka Tribune*, (20 November 2019), < <https://www.dhakatribune.com/cybersecurity/2019/04/20/3-conviction-rate-of-cybercrime-in-bangladesh> > Access on: 25 September 2019

pages where nine chapters explore all about cyber world controlling laws. Another book is “*Intellectual Property law*” by P. Narayan. In this book author discuss different type of intellectual property and their rights. This is co relevant of my research topic. There are 268 pages where five chapters discuss all about intellectual property, rights and laws.

Cyber Law in Bangladesh” by Dr. Zulfiqar Ahmed. In this book author simply introduce the laws relevant cyber crime and crime using to computer and internet. There are three chapter where discuss recent condition of cyber crime and weakness of laws to prevent cyber crime in Bangladesh. “*Principles of Cyber Law*” by Prof. Md. Borhan Uddin which is collected from the library of Daffodil International University. author discuss different type of intellectual property and there rights. This is co relevant of my research topic. There are 268 pages where five chapters discuss all about intellectual property, rights and laws.

For preparing my paper I read so many articles and journals. I read the article *Cyber Property Insurance needs more attention* by Sha Alam Sipon.¹⁵ and New challenge for law enforcers by Alam. Md. Shah very carefully. Sipon writes in his article says about the idea about cyber property and rights related cyber property. Another article by Najrul Islam says about the variability condition about internet privacy and data sharing privacy of Bangladesh. I derive much important information from web sites also.

I collect statement of the expert people from the internet and I put it in my paper. I go public library several times to get information. But unfortunately I do not found any book of cyber Property or Cyber Property rights there. That is why it is becoming very difficult for me to get information of cyber property or protection of cyber property rights from the public.

I read the *Information and Communication Technology Act 2006, Digital Security Act 2018* and I also read the *Intellectual Property Law* of our country but I do not found any important information there about exact meaning of cyber property or cyber property rights and not found for any type of punishment about the violation of cyber property rights. So that I go through so many web-sites and collect much important information about Cyber Property Rights and also collect information about protection and control of cyber property rights.

¹⁵ Sha Alam Sipon, ‘*Cyber Property Insurance Needs More Attention*’, *Dhaka Tribune*, (20 November 2019), <<https://www.dhakatribune.com/cybersecurity/2014/02/07/cyber-property-insurance-needs-more-mttention>> Access on: 12 November 2019

I search so many newspapers. From Daily Star (Law and order section), Bangladesh Observer, Prothom Alo, New Age and Financial Express. I also take advice from my honorable teachers.

1.3 Object of the study

The general object of this study is to determine how cyber property rights violate from website and different type of social media platform and determine the effect of violation of those rights in Bangladesh context. Another object of this paper is to find out the mechanisms for the protection of cyber property rights by law in Bangladesh. Finally give some recommendations to take initiatives to protection & control of cyber property in Bangladesh. For better understanding here showing my specific object of my research as follows;

1. To explain and examine the cyber property and its rights.
2. To find out the way of violation of cyber property rights from website and social media platform.
3. To find out the effects of violation of cyber property rights.
4. To analyze the problems regarding the scheme of the existing cyber legislations in Bangladesh.
5. To revisit the legal measures, about protection of cyber property rights taken in Bangladesh as well as some other countries
6. To make possible suggestions for the protection of cyber property rights in Bangladesh.

1.4 Research Questions

1. How to violate cyber property rights through websites and social media platforms?
2. What are the mechanisms for the protection of cyber property rights?
3. What is the consequence of the violation of cyber property rights?
4. What initiatives can be taken for protection & control of cyber property rights in Bangladesh?

1.5 Methodology

Bearing in mind the nature, analytical and empirical research method has been resorted to complete this work. Primary and secondary sources of data have been taken into consideration for the purpose. The references have been adopted from national and international updated statutes, books of famous writers, articles published in credible journals, decided cases, research reports, acts, newspapers and websites etc. In course of this research, some renowned cyber jurists and computer engineers have been interrogated to know their views about cyber property and violation of cyber property right related technical & legal issues.

As the Research Paper is that will be making by the **Qualitative Research** method. It is consist or made by analysis of some abstract idea, doctrine or theory.

In this study, it had been largely relied on the subsequent **primary** and **secondary** methodologies in doing my research monograph; these are;

- Laws
- International Court Judgment
- Secondary documents as like books, journal, and articles, online blogs (which mentioned in Bibliography).
- The content analysis of legal provisions of law in Bangladesh.
- Shared the observations, comments, and recommendations of various authors.

1.6 Significance of the study

This paper will look to the trend towards the brief concept of Cyber Property Rights in Bangladesh Context: Selected to Website & Social Media Platform. Day by day increase the rate of cyber property rights in Bangladesh. In this country internet is new things and most of all the people have no idea about their cyber data/property which is sharing on the website and social media platform.¹⁶ They don't know that they can fall into many types of harassment or financial loss or reputation of any company or organization by different type of data misuse from internet i.e Domain Squinting, trademark, Copy Right related issue, Blackmailing etc.¹⁷

¹⁶ MELISSA LOCKER, 'People On The Internet Have No Idea How Bad They Are At Online Security', *Fast Company*, (3 November 2015), < <https://www.fastcompany.com/90350494/people-on-the-internet-have-no-idea-how-bad-they-are-at-online-security>> Access on: 5 October 2019

¹⁷ Thomas Peter, 'Here Are The Biggest Cybercrime Trends Of 2019', *Fast Company*, (16 May 2011), < <https://www.weforum.org/agenda/2019/03/here-are-the-biggest-cybercrime-trends-of-2019/>> Access on: 5 October 2019

Every moment of the world violates the cyber property rights by misuse of data from website or social media platform such as facebook, twitter, whatsapp etc.¹⁸

In the recent time huge number of people using internet and digital platform and people may share their data like pictures, article, or any type of intellectual idea to website or social media platform.¹⁹ For the thin or ill knowledge people suffer different kinds of problem in this platform. Many of time people suffer big loss and reduce their reputation.²⁰ Day by day this type of problem incising in our country because digitalize of our country and incising the internet user. Many people of Bangladesh everyday day get different type of bad experience about that type of issue. Some time people suffer irreparable loss for violation of their rights by data misuse.²¹

In this study try to explore Cyber Property Rights in Bangladesh and different type of way by violate the cyber data or property rights and also showing the consequent of violation of that rights in Bangladesh context. Here will be find out also the loophole of our laws and rules and suggest the way to recover that loophole of the laws. For seeing all of the condition around the world and also Bangladesh of cyber data issue, this paper is so important. Because in this paper explore the problem and related that issue and explore the way of recovery of that issue. To recover the violation of cyber property right issue this research is so important in that time.

¹⁸ Mishel Jon Bork, 'Facebook Under Criminal Investigation Over Data Sharing With Tech Firms,(16 May 2011), *The Guardian* < <https://www.theguardian.com/technology/2019/mar/13/facebook-data-sharing-investigation>> Access on: 5 October 2019

¹⁹ Lotif Sarkar, 'Internet Use in Asia: Bangladesh in top 5', *The Daily Star*, <www.thedailystar.net/online/top-internet-using-country-2017-in-asia-bangladesh-5th-1643752> Access on: 25 September 2019

²⁰ Sharier Emon, 'Loss Probe report in Bangladesh Bank heist case 2 July,(21 July 2018), *Prothom Alo* < <https://en.prothomalo.com/economy/news/195943/Probe-report-in-Bangladesh-Bank-heist-case-2-July> > Access on: 2 October 2019

²¹ Didarul Alam Rumon, 'Loss ICT sector fails to attract investment: minister, (October 07, 2018), *Prothom Alo* < <https://www.thedailystar.net/online/cyber-attack-in-bangladesh-government-organisation-faced-4600-times-1643437>> Access on: 6 October 2019

Chapter 2

Concept of Cyber Property Rights

2. Introduction

The word cyber or cyberspace is connected to computer and internet. This is a virtual world made by millions of computer connection. The Cyber World, or cyberspace, is more than just the Internet.²² There are two type of world have exist in this time. One is real world and another is cyber world or cyber space. Cyberspace is a “virtual” world created by links between computers, Internet-enabled devices, web server, website, different type of social media platform, and other components of the Internet’s infrastructure. As opposed to the Internet itself, however, cyberspace is the place produced by these links. It exists, in the perspective of some, apart from any particular nation-state.²³

People shares, transfer or showing there photo, different type of writing work, there photo, different type of writing work, intellectual property such as copyright related work, trademark or trade sign etc. to the Cyberspace. It refers to an online environment where many computer users are involved in social interactions and have the ability to affect and influence each other. People interact in cyberspace by sharing their data through the use of website or digital media platform, such as social networking sites Facebook, Twitter and Instagram etc. The millions of data every day share to the internet by the peoples.

2.1 Major Definitions

(a) Website

Website is a digital web presence enables content such as texts, images, and videos to be displayed on the internet or cyberspace.²⁴ A website is a collection of publicly accessible, interlinked Web pages that share a single domain address name.

A website is also known as a web presence.²⁵ There are different type of website we seen, some website contain some text with image and some of contain video, PDF file or music download. These are the entire website in different category i.e. news website, video sharing website, social media website, blog website, music download website etc.

A website may be creating for the purpose of individual data sharing or business purpose. This can be created and maintained by an individual, group, business or organization to serve a

²² About the Cyber World, ICT-connection, (December 2011) <
<https://ictconnection.moe.edu.sg/cyber-wellness/cyber-wellness-101/about-the-cyber-world>> Access on: 13 September 2019

²³ Jennifer Bussell, ‘Cyberspace Communications’ (28 November 2017) <
<https://www.britannica.com/topic/cyberspace>> accessed 19 September 2019

²⁴ What exactly is a website, Digital Guide, January 2006,
<<https://www.ionos.com/digitalguide/websites/website-creation/what-exactly-is-a-website/>> Access on: 19 November 2019

²⁵ What does Website mean?, January 2009, <
<https://www.techopedia.com/definition/5411/website>> Access on: 19 November 2019

variety of purposes.²⁶ Together, all publicly accessible websites constitute the World Wide Web. The example of the website is www.prothomalo.com, www.facebook.com, www.youtube.com etc.

(b) Social Media Platform

Social media platform is a part of the cyber world which is web and ISO based technology providing data sharing, video streaming, photo sharing, chatting, microblogging option to the peoples. Social media platform also provides the ability to create social connectivity and services with complete social media network functionality.²⁷

Social media platform is a term which is a combination of social media website and different social media apps or software which is provides different option to their users to sharing their data like text, image, videos, microblog (post of facebook or small writing).

Social Media Platform include different type of social media website, apps and software where some of photo sharing app or website, some of video sharing apps or website and some of social networking website. All of this website, apps or software create a platform name social media platform. Different type of social media platform is given bellow;

Different Types Of Social Media Platforms

- Social networking (Facebook, Google+, LinkedIn).
- Microblogging (Twitter, Tumblr).
- Photo sharing (Instagram, Snapchat, Pinterest).
- Video sharing (YouTube, Facebook Live, Periscope, Vimeo).

(c) Cyber Property

Cyber property means property which is in the cyberspace. Any type of data (text, image, video, music) to the internet and owned by any persons or any company or organizations and for the misuse of that cyber data is depreciated the owner of that data is called the cyber property.

Cyber property is all those properties which are on the internet shared by the people and give permission to access publicly. This is a intangible property by the legal definition of property. Intangible property refers to personal property that cannot actually be moved, touched or felt, but instead represents something of value such as internet data, negotiable instruments, securities, service (economics), and intangible assets including chose in action.²⁸

²⁶ *ibid*

²⁷ Know to social media now, Dibbons USA, < <https://www.bigcommerce.com/blog/social-media-advertising/#what-are-the-benefits-of-advertising-on-social-media-channels>> Access on: 19 November 2019

²⁸ Romesh Raja, "Tangible and Intangible property", (March 2013), <<https://www.realtymyths.com/different-types-of-property/>> Access on: 20 November 2019

Cyber property may not be physical as we usually define it, but there's no doubt it can be damaged and losses can result.²⁹ Many times we've all seen that type of property may corrupt and misused by different way from the internet. Example of the cyber property: Photo, video, news article, blog or microblog (social media post) etc.

(d) Cyber Property Rights

Any cyber property which is on the cyberspace which is owed by any persons or organizations and misused that property by the others people get hampered to the main owner of that data or property. In here a right grows up over that data of the main owner, which may vary to the circumstance this rights is called cyber property rights.

Any news article with cover image which is posted to the news website by news agencies, this news article and cover image owned by the news agencies. If any other person without permission copy there news and cover image and use another place then may cause for damage to the news agencies who are the main owner. Here violated the news agencies rights which are related to the cyber property. That's why this right is called cyber property rights.

2.2 Cyber Property in Social Media Platform

Social media platform is a term which is a combination of social media website and different social media apps or software which is provides different option to their users to sharing their data like text, image, videos, microblog (post of facebook or small writing). Social Media Platform include different type of social media website, apps and software where some of photo sharing app or website, some of video sharing apps or website and some of social networking website.³⁰

People share their photo, video, music or any type of short text of writing which may call microblogging. Different social platform use by the people by the phone or computer every day. Many people use Facebook, Twitter and Google plus for social networking in easy word connecting to the other people. Some of people use Photo sharing social media platform like Instagram, Snapchat, Pinterest etc. And many people use Youtube, Vimo for shsre their videos.

All of the data which is shared by the people to the different type of social media platform is owned by those people who are share or who are original creator or owner of the data. For any breach of data get damage of original data owner. In simple word any data share to the social media platform by the user this data is property of this user because he is the original owner and any misuse or violation of those data get hampered or damaged of the original property

²⁹ Barlins Arons,"What does Social Platform mean" (December 2007), <<https://www.techopedia.com/definition/23759/social-platform>> Access on: 20 November 2019

³⁰ ibid

owner. So all of the social media data which is shared by the people and this data is property of the people and this property is cyber property owned by the social media users.

2.3 Website & Cyber Property Rights

A Websites is involve a variety of media (text, sound, graphics, databases, etc.), and are thus covered by a number of different areas of cyber property and intellectual property law.³¹ A website is also known as a web presence.³² There are different type of website we seen, some website contain some text with image and some of contain video, PDF file or music download. These are the entire website in different category i.e. news website, video sharing website, social media website, blog website, music download website etc. A website may be creating for the purpose of individual data sharing or business purpose. This can be created and maintained by an individual, group, business or organization to serve a variety of purposes.³³

There are different type of website (a)News website, (b)Blog webpage, (c)E-Commerce website, (d)Video sharing website, (e) Corporate website –which is make for any company or organizations for information sharing, (f) Social Networking website, (g)Job Circular publish website. All of the category of the website may contain different type of text (news, article, blog, information etc.), Image (website logo, news website cover image, any personal image which is shared by the people), video etc. This all the property of the owner of the website or organization. Because any breach of data get damage of original data owner get hampered or damaged. The data which is holds on the website this is also called cyber property because is connected to the internet or cyber world. The original owner of this cyber property which is on the website has rights over that data. Any damage or misuse of the data can get legal remedy of the original data owner.

2.4 Intellectual Property & Cyber Property

Intellectual property and cyber property has correlation between them. One is a part of the others. Intellectual property is some division of property that includes intangible property or creations of the human intellect. In Intellectual property law include some types of intellectual property, and some countries recognize more than others.³⁴ The most well-known Intellectual property types are copyrights, patents, trademarks, and trade secrets.

Copyrights is covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings. Patent covered

³¹ Web Property and Intellectual Property, April 2017, <
<https://cyber.harvard.edu/property99/protection/>> Access on: 23 November 2019

³² What does Website mean?, January 2009, <
<https://www.techopedia.com/definition/5411/website>> Access on: 19 November 2019

³³ Supra

³⁴ WIPO, "What is Intellectual Property?"< <https://www.wipo.int/about-ip/en/>> Access on: 27 November 2019

an exclusive right granted for a new invention. In generally speaking, a patent provides the original patent creator with the right to decide how or whether - the invention can be used by other peoples. Where trademark is covered sign or logo which is capable of distinguishing any of the service or goods from other enterprises.³⁵ Trade secrets are another part of the intellectual property which is IP rights on confidential information which may be sold or licensed. This is all about intellectual property. Cyber property is a part of the intellectual property.

Cyber property is a property which is on the cyberspace or internet owned by any person or any organizations. Cyber property cover all the data which is owned different people shared to the internet like any type of texts, photo, video, music, software etc. There is some of area of cyber property covered by the intellectual property but not all of them. There are so many area did not cover intellectual property law such as Microblogging, social media post, comments to the social media by users etc. Intellectual property covered copyright by some of area but not all of them of cyber property. Many of cyber property rights violated every day but which is not covered by intellectual property or any others law in Bangladesh.

2.5 Conclusion

Cyber property is a new term which is not uses any one before. In this term include all of the property which is on the internet or cyberspace. Over the cyber property many rights arise in different circumstance in the side of original cyber property owner.³⁶ Intellectual Property covers some of component of the cyber property and may give legal remedies but not covers all of the cyber property components. For the protection and give legal remedies have to identify all of the cyber property and related rights of cyber property.

For seeing all of the condition around the world and also Bangladesh of cyber data issue, this paper is so important. Because in this paper explore the problem and related that issue and explore the way of recovery of that issue. To recover the violation of cyber property right issue this research is so important in that time.

³⁵ Supra 2

³⁶ Cyber Property Insurance: Prose and Corns, February 2003, < <https://www.nationwide.com/what-is-cyber-insurance.jsp>> Access on: 23 November 2019

Chapter 3

Cyber Property Rights in Bangladesh

3. Introduction

Bangladesh's ICT industry has been expanding quickly and is making its presence wide and strongly felt both in the private and public sectors. More than 17 million personal computers are now in use in the country with three million internet users, by ICT industry estimates.³⁷ The number of active internet users in Bangladesh about 9.05 cores in August. About 18 lakh new connections to the network in a month of November 2018. Of them, 8.47 crore are connected with mobile internet, 57.33 lakh with fixed broadband Internet.³⁸ The huge number of internet users in Bangladesh connected to the internet and most of them everyday connect to the different social media and many people visit some website. In this chapter discuss about the present scenario of Bangladesh about social media users and others platform where people share their data and breach of data in different way in every day.

3.1 Present Scenario of Bangladesh

The eCommerce Association of Bangladesh (e-Cab), the trade body for eCommerce in Bangladesh, they make a survey and estimates there are 3 lakh blog website where people share their writing, 7000 thousand plus online news portal which is sharing their news online, 700 eCommerce sites and around 8,000 eCommerce pages on Facebook. Facebook remains a popular method for advertising and selling products, to a point that many businesses forgo creating websites. Around 10 billion taka in transactions take place on E-Commerce sites per year according to a 2018 e-Cab report.³⁹

Social media is widely used in Bangladesh. Facebook is the most popular and usable of different social media platforms where more than 29 million users in Bangladesh. Facebook is used to connect to the consumers and is also a major e-Commerce platform in Bangladesh. There are over 8,000 e-commerce Facebook pages in Bangladesh, where many of page are small businesses using solely Facebook to advertise and sell their products, ranging from clothes, beauty products to food.⁴⁰ With faster internet connections, Google cache servers, and better streaming, YouTube is also popular for video watching and sharing in Bangladesh.

³⁷ Justice Yasiandra Singh, *Guide to cyber law* (3rd edn, OUP 2009) Page:17

³⁸ Sahin Alam Bishwash, "Active internet connections 9cr" September 21, 2018
<<https://www.thedailystar.net/business/internet-users-bangladesh-over-9-core-active-1636477>> Last Access on: 10 December 2019

³⁹ Firoz Ahamed Faruk "Present Internet Users and Websites in Bangladesh" June 13, 2016
<<https://www.thedailystar.net/business/present-internet-users-and-websites-in-bangladesh-2336477>> Last Access on: 11 December 2019

⁴⁰ Ariful Khan "Social Media Users in Bangladesh" (December 09, 2015)
<<https://www.thedailystar.net/business/social-media-users-present-senerioin-bangladesh-24516477>> Last Access on: 12 December 2019

Everyday lots of people in Bangladesh visit different website for many reasons and using different social media platform i.e. Facebook, Twitter, Youtube etc. and share their data on here. Most of the people do not know properly using internet and they also do not know how to share data on internet. They also don't know their data is protected or not in the different platform of the internet.

Common Vulnerabilities in Cyber Space of Bangladesh

In present years, Bangladesh has become one of the most vulnerable countries in cyber space. Cyber-attacks often took place, which caused loss of assets in very recent time. With the increasing number of internet users, the number of attacks ratio is also going up.⁴¹

Encounter rate and CCM in Bangladesh compared to world

Metric	2015	2016	2018	2019
Encounter rate, Bangladesh	44.10%	39.70%	42.50%	57.20%
Worldwide encounter rate	17.60%	15.30%	17.80%	20.80%
CCM, Bangladesh	29.8	32.7	25	40.3
Worldwide CCM	5.4	8.4	6.1	16.9

In the recent time we saw the statics of the cyber crime mostly grown up by using the computer and internet. In here the primary target is data (may photo, texts, video, music or any component related to the internet or website).

We also saw the massive violation of copyright and trademark in the social media platform as well as websites. Any person may use another person's data which is shared to the internet by the misuse of this data may commits any crime to the internet or social media platform. In year of 2018 to 2019 there are around 679 people arrested by Criminal Investigation Department (CID) for committing different crime using social media platform. Many times blackmailing by using peoples photo or video which is sharing on the internet by another person easily, because there are no protection of cyber data or cyber property rights. In recent time a domain name was created similar to the Bangladeshi leading newspaper prothomalo.com. In different way people breach the cyber property and also commit crime by using this property every day in Bangladesh.

⁴¹ Toriql Hossain, "Common Vulnerabilities in Cyber Space of Bangladesh Common malware families encountered in Bangladesh", (September 23, 2019) < <https://www.cirt.gov.bd/common-vulnerabilities-in-cyber-space-of-bangladesh/> > Last Access on: 12 December 2019

3.2 Legal fabric of Bangladesh regarding Cyber Property Rights

There are some of laws in Bangladesh relating to cyber property or cyber crime protection and prevention of crime. Some of laws have few provisions which is connected to cyber crime and protection of cyber property rights. The main laws relating to cyber property is:

- Information Technology Act on 2006
- Digital Security Act 2018
- Penal Code 1860

The Penal code of Bangladesh have very few provision regarding cyber squatting. But in case of cyber crime or violation of cyber property rights like copyright without permissions of the owner and use their cyber property another place or any crime committed by the use of cyber property- there is nothing contained in our penal code. That's why it can be said that it is not easy of our government to control violation of cyber property rights by using some provision of the penal code.

The Information Technology Act on 2006 passed by the Government of Bangladesh. This is the most recent statute enacted by the government of Bangladesh with a view to consolidate Computer related matters and also prosecute computer and computer network related Offence. This statute contains several provisions regarding damage to computer and computer system. Most of the provisions do not cover all about the cyber property and protection of cyber property rights. According to Section 66 of the ICT Act provides Punishment for interfere with computer source documents. Section 66 says only for the few matters relation to the hacking or interfere others computer without permissions.⁴² All of the ICT act made for the protection of the hacking or commits the offence of "hacking". This is not cover the cyber property in social media platforms and website.

The another law is Digital Security Act, 2018, this Act is enacted to ensure National Digital Security and enact laws regarding Digital Crime Identification, Prevention, Suppression, Trial and other related matters.⁴³ This act is some of provisions cove some element of the cyber property or cyber property rights protection but not at all. It is not possible to cover all the things by implementing just only one act.⁴⁴ In order to control cyber Property Rights we need to have one specific cyber law in our country.

⁴² Miti Shanaj, "ICT laws which work" Dhaka Tribune,(September 2nd, 2018), <<https://www.dhakatribune.com/opinion/2018/09/02/ict-laws-which-work> > Last Access on: 28 November 2019

⁴³ Digital Security Act 2018, 23 Ashwin, 1425 on 08 October, 2018, (Available on: <https://www.cirt.gov.bd/wp-content/uploads/2018/12/Digital-Security-Act-2018-English-version.pdf>)

⁴⁴ ibid

3.3 Weakness of Cyber Laws in Bangladesh

In Bangladesh there have few laws relating to cyber crime which not cover all of the content of Cyber property.⁴⁵ The offences of the Bangladesh Information and Communication Technology Act, 2006 are Non-Cognizable offence in nature under section 76 subsection 2. The victim has to file an allegation to the law enforcing agencies to get remedy. This is the main weakness of the said act.⁴⁶ In the time of enactment of the said act it was said in section 68 said that a special tribunal will be the named Cyber Tribunal and will be established in every district of Bangladesh. But the matter is till now only a tribunal has established in Dhaka City not every district.

The main weakness of the cyber law is:

1. Most of cyber laws pass by legislations without sufficient public debate, which did not really serve the desired purpose.
2. Ambiguity in the definitions – Most of the laws in Bangladesh made the entire essential clause in complex word; People do not understand or catch them.⁴⁷
3. Not cover all area- The cyber law of Bangladesh is not cover all the cyber property or component which may cause for damage of any persons.
4. There is no cyber law in Bangladesh which is uniform in nature.
5. One important reason that the cyber laws are not achieving complete success is the lack of awareness among the s about their rights.
6. Jurisdiction issues are other loopholes of Bangladeshi cyber laws.
7. Time limitation- In Chapter 8 of the ICT Act creates a cyber tribunal to adjudicate of cybercrimes where judge of the tribunal have to complete the judgment procedure within 6 month of filing the case. This is the another limitation of cyber laws in Bangladesh.

This is all the weakness of our Bangladeshi cyber laws. This is part of a larger trend currently seen around the world, especially in Asia and across the Middle East and America, Africa. Many governments are regulating or attempting to protect and punish for violation of cyber property rights and they try to prevent targeted cybercrime from the cyber space.⁴⁸

⁴⁵ Meer Ahsan Habib, "The limitations of ICT and Cyber Security Acts", (July 29, 2015), <<https://www.thedailystar.net/op-ed/politics/the-limitations-ict-and-cyber-security-acts-118033>> Last Access on: 03 December 2019

⁴⁶ Johan Pooddar, "WEAKNESS OF CYBER LAW IN BANGLADESH"(February 25, 2017) <<https://www.ukessays.com/essays/information-technology/weakness-of-cyber-law-in-bangladesh-information-technology-essay.php>> Last Access on: 03 December 2019

⁴⁷ MD.MEHEDI HASAN, "Cyber law and its weakness: Bangladesh perspective", (Match 03, 2017), <<http://nilakas-duronto.blogspot.com/2011/04/cyber-law-and-its-weakness-bangladesh.html>>Last Access on: 05 December 2019

⁴⁸ Ashok Pal, "Common Vulnerabilities in Cyber Space of Bangladesh", (July 19, 2018), <<https://www.cirt.gov.bd/common-vulnerabilities-in-cyber-space-of-bangladesh/>>Last Access on: 05 December 2019

3.4 Cyber property rights in developed country

Cyber Property Rights protection and control is primary matter in all of the developed country, i.e. USA, Australia, Switzerland, England etc. Different countries have enacted their own national cyber laws keeping in mind their own national requirements.

The United States cyber security laws and privacy system is most powerful for the protection and control of the cyber crime and violations of cyber property rights. The State's' privacy system relies more on post hoc government enforcement and private litigation.⁴⁹ Currently, cyber security regulation comprises of directives from the Executive Branch and legislation from Congress that safeguards information technology and computer systems.⁵⁰

In August 2012, the Australian Government passed the Cybercrime Legislation Amendment Act 2012 (CLAA) for the protection and control of cyber crime.⁵¹ The purpose of the CLAA was to enable Australia to protection and control of cyber property related crime as well as prevent of the violation of cyber property rights in Australia.

Our neighbor country India also has updated cyber laws for prevention and control of cyber crime and protection of cyber property rights. The Information Technology Act, 2000 (also known as ITA-2000, or the IT Act) is an Act of the Indian Parliament (No 21 of 2000) notified on 17 October 2000. It is the primary law in India dealing with cybercrime and electronic commerce.⁵²

Most of the developed country makes the cyber laws for protection and control of cyber crime as well as cyber property rights on cyber space. We should follow the cyber law framework of the developed country and make updated cyber law for prevent cyber crime and protect cyber property rights.

3.5 Conclusion

In present years, Bangladesh has become one of the most vulnerable countries in cyber space. Cyber-attacks often took place, which caused loss of assets in very recent time. With the increasing number of internet users, the number of attacks ratio is also going up.⁵³ For the

⁴⁹ Adam Hasson, "Understanding the United States Cyber Security Laws and Regulation" (July 20, 2018), <<https://www.appknox.com/blog/united-states-cyber-security-laws>> Last Access on: 14 December 2019

⁵⁰ ibid

⁵¹ John Swinson, "Australia's cybercrime legislation", (January 24, 2013), <<https://www.lexology.com/library/detail.aspx?g=4ab62fdd-f177-47eb-b02d-e327cf9833a9>> Last Access on: 15 December 2019

⁵² Shiddu Pandia, "What is the importance of Cyberlaw ?" (18 November 2011), <<http://vikaspedia.in/education/Digital%20Litercy/information-security/cyber-laws>> Last Access on: 15 December 2019

⁵³ Toriqul Hossain, "Common Vulnerabilities in Cyber Space of Bangladesh Common malware families encountered in Bangladesh", (September 23, 2019) <<https://www.cirt.gov.bd/common-vulnerabilities-in-cyber-space-of-bangladesh/>> Last Access on: 12 December 2019

protection and control of cyber crime has to follow the developed country regulation related to cyber crime as well as cyber property rights protection laws.

In USA where Google have to pay millions of dollar for take their users information's but in Bangladesh there are no particle example like that. In here people may use cyber property for crime in cyber space easily and this trend is rising quickly.⁵⁴ For make better and secure cyber space for Bangladeshi people has to make updated rules and regulation and execute that for prevention of cyber property rights violation and protection of cyber property rights in Bangladesh.

⁵⁴ Anando Pal, "Rise in cybercrime worries women", Dhaka Tribune,(April 1, 2019)<<https://www.dhakatribune.com/cybersecurity/2019/04/01/rise-in-cybercrime-worries-women>> Last Access on: 17 December 2019

Chapter 4

Impact for Violation of Cyber Property Rights

4. Introduction

The impact of the violation or infringement of Cyber Property Rights covers both Civil and Criminal area. All of the cyber property has the rights of the original owner may any individual or any company or organizations. When any person illegally or without permission of the original owner of the data copy form the internet and use for another area may commercial purpose or doing any criminal act by using this data then arise civil or criminal impact. Cyber Property is multi-disciplinary, covering criminal and civil issues ranging from financial crimes to criminal acts.⁵⁵ In this chapter will be discussing about the impact or consequence for violation or infringement of the Cyber Property rights.

4.1 Economical Impact for Violation of Cyber Property Rights

Cyber Property is multi-disciplinary, covering criminal and civil issues. Violation of cyber property rights by any misuse of cyber property or any other act relating to the against original cyber property owner may consist civil or economical impact. That means infringement of cyber property rights formed some of economic impact. In this chapter discuss the economic impact which is constructed for infringe the cyber property rights.

Cause of damage

Any violations of cyber property rights may cause for big damage both victim and the person who is related to this work. Some time violation may be cause for decrees the company trust or reputation which is also a civil nature impact. If person willingly or unwillingly doing any work which is related to the cyber property (copy logo of a company, domain squirting, stealing information, unauthorized use of any data) may cause for a big economical loss of any individual or any company.

In November 28, 2018 Rapid Action Battalion (RAB) claimed to have arrested two people for their involvement in creating a websites similar to Bangladeshi leading newspaper online version prothomaalo.com and identical to those of different local media outlets and circulating false and “anti-government” news through them.⁵⁶ Prothomalo.com is a original and authorize website of Prothom Alo newspaper. There is around 2 million visitor visit Prothom Alo online version news paper. Income generate by visiting website through the ads of this website. For creating a similar website of prothomalo.com many of users bounce and visit to the false and similar website of Prothom Alo.⁵⁷ For that reason prothom alo faced a big economic loss as well as false news and anti-government news publish by that website give bad impact to the

⁵⁵ Sunil Pandia, “Cyberlaw Issue Areas”, (September 8, 2016)
<<https://hls.harvard.edu/content/uploads/2008/06/ip-cyberlaw-guide-final.pdf>> Last access on: 18 December 2019

⁵⁶ Jamal Khan, “2 arrested over fake news sites” The Daly Star, (30 November 2018),<
<https://www.thedailystar.net/city/creating-fake-prothom-alo-news-website-2-held-in-dhaka-1666777> > Last access on 17 December 2019

⁵⁷ ibid

users of Prothom Alo. Here prothom alo faced a economic loss for the misuse by their name and there data. Here violates Prothom Alo cyber property rights.

Loss of Reputations

Misuse of cyber property may cause for reputations of any individuals or any other company or any organizations. When a person collect some information from any social media platform or any website (facebook profile or facebook page or any other social media platform or any website) and then create a page or website same of the name of any individual or any company or organizations, then he publish some fake news or any news or information against the person or company or share anti-government news or intimidating someone by using this name of facebook page or website. For that work is obviously loss their reputations. This is another economical impact for violations of cyber property rights. So, here we can say violations of cyber property rights may cause for loss of any individual or company's reputations.

4.2 Infringement of Cyber Property Rights and Criminal Impact

Infringement of cyber property may constitute criminal impact. Because cyber property is a multi-disciplinary subject which is covering both criminal and civil issues. By the misuse of cyber property or violation of cyber property by misuse of cyber data/property can be arise criminal liability of nay persons who is actively connected to this issue.⁵⁸ In here we will about the criminal impact for violation or infringement of cyber property rights.

Harassment

Over the world social media websites such as Facebook, Twitter, and LinkedIn, as well as photo sharing platform like Instagram, video sharing platform youtube, vimeo, make information about private individuals more readily accessible than ever. Unfortunately, this accessibility sometimes facilitates cyber stalking, harassment, or cyber bullying and many of crime using those of cyber data or cyber property. Many times we saw some of people make victim of harassment from social media platform. A Person may make fake account by using another people's photo or name or information's from website or social media and continuously harassed someone of different circumstance of harassment.⁵⁹ Some one share false information or share nude photo by using another person's name or photo or information's from social media platform such as facebook, twitter etc.⁶⁰ These fake profiles are opened for various reasons:

- Harassing a group or an individual
- Hiding actual identity for doing illegal works on Facebook
- Spreading anti religious , anti national sentiment

⁵⁸ Halder, D., & Jaishankar, K. (2011) Cyber crime and the Victimization of Women: Laws, Rights, and Regulations , Hershey, PA, USA

⁵⁹ Nasir Hossain ,2015 . Social Networking Group (Facebook), Available From < <https://facebook.com/Nasir.Hossain.Bd/photos/a.191516877573740.47887.191458054246289/934271939964893/?type=1&source=46&refid=17> > Last Access on: 19 December , 2019

⁶⁰ Farah Khan ,2019 , Catch The Perverts , The Daily Star , 19 December 2019

- Business purpose
- Spamming
- Political propaganda

Suicide Attempts Due To Cyber harassment in Bangladesh

Year	Suicide Attempts
2015	28
2016	31
2017	39
2018	48

Figure : Suicide Attempts due to Cyber Crimes And Harassment in Bangladesh (Bangladesh Woman Lawyers' Association ,2014)This figure shows that the amount of suicide attempts due to cyber harassment is increasing every year .Many of today’s psychiatrists are concerned about the rise of cyber crime.⁶¹ This crime can be a great threat to the mental health of today’s youth and teenagers as well as other age groups.

Spreading False News and Rumor about Someone

When news is published or broadcasted in a mainstream media, the news is checked, edited and verified by an editor. And he is responsible for the news to the law enforcement agency.⁶²



Misuse of Picture: Screenshot Collected from Kick Off group help line where a friend of victim is seeking for help to stop spreading rumor.⁶³ (Kick Off Group, 2015) Sometimes, the victim’s photo is edited with a nude background. Those photos spread in online quickly. People with lower mind watch those photos and made bad comments.⁶⁴ And this type of harassment brings a lot of mental and social problem to the victim.

⁶¹ Cyber Bullying In Bangladesh ,2013 , Available from <<http://nobullying.com/bullying-in-bangladesh/>> Last Access on: 19 December , 2019

⁶² "Internet User Statistics In Bangladesh ", Available from <<http://www.btrc.gov.bd/telco/internet>> Last Access on: 19 December , 2019

⁶³ "Cyber Crime : who are the main victims" , The Independent, 23 September 2019

⁶⁴ ibid

Online Piracy

Online piracy is another element for infringement of cyber property owner rights. By unauthorized copy or download of picture, any writing, video or information of any company or organization by any person and then using of that data another place or sell or use for commercial purpose then it will be online piracy. By the online piracy violated the original owner rights which may call violation of cyber property rights. This may consist of civil and criminal impact.

4.3 Legal Consequences of Cyber Property Rights Violations

Cyber property rights violations prescribe harsh penalties for cyber property theft. In most cases, cyber property misuse or theft and infringement violations are charged as criminal issue.⁶⁵ They can result in consequences such as:

- Criminal fines
- Imprisonment for several years, depending on the nature of the charges
- Seizure of the property which is use for violation of cyber property rights
- Loss or suspension of a business operating license
- Civil charges filed by the victim of the crime (for instance, for lost business profits)

This is the legal consequence of cyber property rights violations which is not proper or adequate for that issue. If we want to prevent the violation of the cyber property rights on online sphere, we need to modernize the cyber laws of Bangladesh as well as Police and BTRC.⁶⁶ Without placing proper people to proper position, we can't remove misuse of cyber property and we did not protect cyber property rights from Internet.

4.4 Conclusion

The impact of cyber property rights violation is so wide and prejudicial for both victim and the perpetrator. It can be so pungent when its impact will be deep. For the violation of cyber property rights a victim can may suffer big economical losses or reputational losses, as well as who commit crime using cyber property or by misusing cyber property shall be punished by law. If we want to prevent the violation of the cyber property rights on online sphere, we need to modernize the cyber laws of Bangladesh as well as Police and BTRC.⁶⁷ Without placing proper people to proper position, we can't remove misuse of cyber property and we did not protect cyber property rights from Internet.⁶⁸

⁶⁵ "What Are the Legal Consequences of Cyber Property Theft?" (August 4, 2015), <
<https://www.legalmatch.com/law-library/article/what-is-cyber-property-theft.html>> Last Access on: 22
December 2019

⁶⁶ Halder, D., & Jaishankar, K. (2011) Cyber crime and the Victimization of Women: Laws, Rights, and Regulations, Hershey, PA, USA

⁶⁷ Halder, D., & Jaishankar, K. (2011) Cyber crime and the Victimization of Women: Laws, Rights, and Regulations, Hershey, PA, USA

⁶⁸ "Protecting Cyber Property Against Cyber-attack", (January 6, 2013), Available from: <
<https://www.csoonline.com/article/3245310/protecting-cyber-property-against-cyberattack.html>> Last
Access on: 19 December, 2019

We have to create awareness about the impact of infringement of cyber property or property rights. Some of initiative have to take of awareness of the people of their cyber property sharing and also there rights. Aware the people, how to get remedy when violate their cyber property rights as well as preventative measure for protection of cyber property rights in cyber space.

Chapter 5

Cyber Property Rights in Bangladesh: Protection and Control

5. Introduction

Rapid growth of information and communication technology (ICT) with spread of internet people get touch of modern communication system such as social media platform website etc. But at the same time may people commit crime by using this technology. By the using of social media or website can be violated or can commit digital crime easily.⁶⁹ The impact of cyber property rights violation is so wide and prejudicial for both victim and the perpetrator. It can be so pungent when its impact will be deep.

For the violation of cyber property rights a victim can may suffer big economical losses or reputational losses, as well as who commit crime using cyber property or by misusing cyber property shall be punished by law.⁷⁰ At this time we should to take some initiatives for protection and control of violation of such crime as well as protect cyber property rights of the people. In this chapter will be discussing the way to protection of cyber property rights violation as well as control of violation. Here also discussing initiative taken by the Government of Bangladesh for prevents this crime also protect the cyber property rights violation of the people, as well as I will give some recommendations for protection and control of cyber property rights violations.

5.1 What initiatives should be taken to protect cyber property rights in Bangladesh?

Cyber property is all those properties which are on the internet shared by the people and give permission to access publicly. In easy word any data owned someone which is on the internet and any one may access it is called cyber property.⁷¹ Over this property the owner have some rights and anyone will not violate that rights. Rapid growth of information and communication technology (ICT) and spread of internet people get touch of modern communication system such as social media platform to the people of this country.⁷² Everyday huge number of data people shared on the internet i.e. website or any other social media platform. Some of people knowingly or intentionally commit cyber crime or violate another cyber property rights by using this property.

⁶⁹ Md Sanaul Islam Tipu, "3% conviction rate of cybercrime in Bangladesh", (April 20th, 2019), <<https://www.dhakatribune.com/cybersecurity/2019/04/20/3-conviction-rate-of-cybercrime-in-bangladesh>> Last access on: 19 December 2019

⁷⁰ Amnah Rashid, "Cyber Crime and Bangladesh Perspective", (July 19th, 2017), <https://www.academia.edu/4488760/Cyber_Crime_and_Bangladesh_Perspective> Last access on: 19 December 2019

⁷¹ Gary Marchitello, "Protecting cyber property — with property insurance" (August 23, 2017) <<https://www.willistowerswatson.com/en-US/Insights/2017/08/protecting-cyber-property-with-property-insurance>> Last access on 24 December 2019

⁷² Sumiter Patel, "Awareness for prevention of crime" (July 17, 2018) <<https://gcn.com/Articles/2017/01/11/strategies-addressing-cybercrime.aspx>> Last access on 24 December 2019

The impact of these acts is a big economical loss or arise criminal liability to the people. So, this is the high time to take some measure or initiatives for protection of crime using cyber property and control of those crimes. Now in here I will discuss, what initiatives should be taken to protect cyber property rights in Bangladesh;

(a) Make adequate Rules and Regulations

For the protect cyber property rights in Bangladesh should be make or implement adequate rules and regulation about protection of cyber property rights. Because, in Bangladesh existing laws related to the cyber crime is not adequate for the protection of cyber property rights. The existing laws related to the cyber security and cyber crime is not cover all the element of cyber property. The present laws include some of element of cyber property and give inadequate remedies to the victim.

- Technology Act on 2006
- Digital Security Act 2018
- Penal Code 1860

This is the existing laws for preventing cyber crime and cyber security in Bangladesh. But the main thing is all of the existing laws in not adequate for protection of the cyber property rights in all the area. Some of cyber property which is not include to any laws of Bangladesh such as Microblogging, Facebook status, photo from social media, Comment of the social media, any texts which is represent any individual or any company or organizations etc. All of the micro cyber property some time cause for loss of economic damage or reputational losses or may cause for a criminal liability for misuse or committing crime by those cyber property.⁷³ That's why that is the high time for making adequate laws and regulations for protection of cyber property rights violations in Bangladesh. We have to make more some laws relating cyber property and amending the existing laws for including the entire element of cyber property in Bangladesh. This initiative can be reduce violation of cyber property rights form Bangladesh.

(b) Raising Awareness

A comprehensive and sustained imitative is raising public awareness of the risk and impact of violation of cyber property rights and impact for misuse another person's data using for committing crime.⁷⁴ The explosion of connected devices -- from smart refrigerators, lighting systems, heating and air conditioning, security services to autonomous automobiles -- puts an exclamation point behind the importance of cyber property rights protection for individual users and organizations of all sizes and levels of internet users of Bangladesh.⁷⁵

⁷³ Thomas Josifey, "Establish relations, gain assessments and provide assistance", (September 22th, 2017) <<https://www.thegfce.com/initiatives/establish-relations-gain-assessments-and-provide-assistance> > Last access on 24 December 2019

⁷⁴ Ibrahim Khalil, "Actions for Prevention of Cyber Crime" (25 July 2013) <<https://www.unodc.org/unodc/en/frontpage/2018/May/taking-action-where-we-can-to-stop-cybercrime.html> > Last access on: 24 December 2019

⁷⁵ ibid

Awareness should cover:

- Impact of violation of cyber property rights
- How to use social media platform properly and secure personal data.
- How to protect your cyber property rights by help of laws
- Awareness about rules and regulation related cyber property

This type of public awareness may help to prevent and protect cyber property rights violations in Bangladesh.

(c) Rules for Cyber Property Management

Another initiative should be create data sharing rules and regulation for Bangladeshi social media users and users of internet. In this way government may make rules and implement for the cyber property/cyber data management in Bangladesh.⁷⁶ There are some of developed country implement the data share and management rules on their country for protect and prevent cyber property rights violation form cyber space.

We should make rules at this time for prevent cyber property rights violations and make a safe cyber environment for Bangladeshi peoples.

(d) Executives action

The executive authority will be essential contribute for protection of cyber property rights in Bangladesh territory. The police force and other law enforcement agency can contribute for the cyber property rights violation as well as control of crime using another person's cyber property. They can trace the offender who are breach another person's cyber data rights and take away to the court for execute them by laws.⁷⁷ The executive authority also can make agreement to the different social media platform and website as well as web hosting provider for the protection of person's cyber data in Bangladesh. The law enforcing agencies and BTRC are still ineffective. Because of their ineffectiveness the criminal get extra privileges to violate another cyber property rights.

(e) Implement EU General Data Protection Regulation (GDPR) in Bangladesh

The General Data Protection Regulation (GDPR)⁷⁸ is a regulation in European Union law for data protection and privacy of all individuals within the jurisdiction of European Union. GDPR is the largest European regulation of personal cyber data protection over the last 20 years and will affect almost every international and national organization.

⁷⁶ Sania Jabin, "Defeating Cybercrime With Awareness and Good Habits", (November 04, 2014) <<https://www.tripwire.com/state-of-security/security-data-protection/cyber-security/defeating-cybercrime-with-awareness-and-good-habits/>> Last access on: 24 December 2019

⁷⁷ JEFERSON, "Cyber Security and Protecting Intellectual Property Rights", (March 9th, 2018) <https://www.esa.int/About_Us/Digital_Agenda/Cyber_Security_and_Protecting_Intellectual_Property_Rights> Last access on: 24 December 2019

⁷⁸ The General Data Protection Regulation (GDPR) (EU) 2016/679 (Enforce: 25th May 2018) <Available on: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2016:119:FULL>> Last access on: 24 December 2019

Why GDPR important for a Bangladeshi? In short, the answer is, GDPR is a local law with global reach. The provisions of the General Data Protection Regulation are applicable to all data processing activities related to personal data of EU individuals, including offering goods and services to EU and monitoring their behavior.⁷⁹ If GDPR is followed in our country then cyber data protection will be more efficient with the global cyber data protection style.⁸⁰

According to article 4 GDPR data to be protected as: any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. This also includes IP addresses and content data such as comments on blog articles.⁸¹ All of the cyber data protected by this European Union regulation. When it directly applies in our country or makes laws following to the GDPR regulations framework then we can also protect our cyber data privacy and prevent cyber property rights violations.

5.2 Governments initiative for protection and control of cyber property rights violation

For the protection of cyber property rights and control of violation of cyber property rights in Bangladesh must have Government initiative to overcome to this issue. Bangladesh government already takes some measure to prevent cyber crime and cyber data protection. The government of Bangladesh has adopted a cyber-security declaration 2017 asking the organizations to develop modern and actionable cyber security road maps to be approved and monitored by the top management.⁸² Our Government makes a special cyber security experts and representatives of local and foreign technologists, cyber security giants and protects people's cyber property rights in Bangladesh.

The Governments also have taken some other initiative for protection of cyber property rights in Bangladesh, such as;

⁷⁹ "EU law for data protection and privacy of all individuals", Industry Information, (28 July 2018) < <https://made-in-bangladesh-ev.org/data-privacy/?lang=en> > Last access on: 24 December 2019

⁸⁰ Nurullah Jewel and Dr. Mohammad Ershadul Karim, "European General Data Protection Regulation", The Daily Star, (June 19, 2018), < <https://www.thedailystar.net/law-our-rights/law-vision/european-general-data-protection-regulation-1591840> > Last access on: 24 December 2019

⁸¹ Kamal Hossain and Mim Khondoker, "What Does DGPR means for Bangladesh?", Dhaka Tribune, (July 2nd, 2018), < <https://www.dhakatribune.com/opinion/op-ed/2018/07/02/what-does-gdpr-mean-for-bangladesh> > Last access on: 24 December 2019

⁸² "Bangladesh Government adopts cyber security declaration", (September 22th, 2017) < <https://www.cirt.gov.bd/bangladesh-government-adopts-cyber-security-declaration/> > Last access on: 24 December 2019

- Make adequate rule and regulation for control of all Social Media Platform and data protection
- Give proper training to the people about cyber data protection
- Make well trained law enforcement agency for overcome to this issue.
- Make a modern cyber tribunal for tried all of the case

The Government of Bangladesh have some of infrastructure for prevent and protection of cyber crime. However, Bangladesh attributes considerable importance to the protection of critical information infrastructure.⁸³ Therefore, the Government will lead the cyberspace security and cyber data privacy also protection of cyber property rights to the people. The Government's procurement process will mandate the inclusion of security clauses in service contracts to encourage development of secure cyberspace technologies.⁸⁴

5.3 Recommendations

The Aim of my research is define the cyber property and the mechanism or way of violation of cyber property rights in Bangladesh and also suggest the government to enact modern and adequate cyber law in our country to prevent cyber crimes using cyber property and prevent to violating cyber property rights in Bangladesh.⁸⁵ I have some of recommendation or may called suggestion to Government for protecting cyber property rights in Bangladesh. Which is put on given below?

- 1) Make adequate cyber laws in Bangladesh which is covers all element of cyber property.
- 2) Make regulation for control of social media data sharing or data management in Bangladesh.
- 3) Establish one digital forensic laboratory in our country for investigation and detection of cyber criminal.
- 4) Follow (GDPR) General Data Protection Regulation in Bangladesh for data privacy.
- 5) Make regulation for website and web server for protection of cyber property rights.
- 6) Make public awareness about cyber crime and impact of cyber property rights violation, as well as how they protect their cyber data.
- 7) Make a special cyber security team for monitoring cyber property.
- 8) Implement existing cyber laws and intellectual property laws.
- 9) Urgent need to develop cyber crime legislation in Bangladesh.

⁸³ "Secure Government Infrastructure", (February 17, 2016)

<http://www.dpp.gov.bd/upload_file/gazettes/10041_41196.pdf> Last access on: 24 December 2019

⁸⁴ Jafor Saha, "National Cyber Security Framework"(June 23, 2018) <

<http://www.lawyersnjurists.com/business/public/article/cyber-crimes-bangladesh-845782455/>> Last access on: 24 December 2019

⁸⁵ Jahan Khhan, "Cybercrime prevention tips", (June 7, 2017), <

<https://www.ennia.com/en/preventionshop/prevention-tips/cybercrime-prevention-tips/> >Last access on: 24 December 2019

10) Have to stop online information piracy by implementing regulations.

11) Establish more cyber tribunal in every district in Bangladesh for give remedies who are victim of cyber property rights violation as well as cyber crime.

It is not possible to the person alone to prevent and protect cyber property rights violation and cyber crime in Bangladesh. The sluggish reality is Bangladesh Police or BTRC don't have the technological ability to prevent or track down cyber criminals as well as to prevent cyber property rights violation from Internet.⁸⁶ The government of the Bangladesh and all the people of the Bangladesh who use internet and social media also have some responsibility.⁸⁷ Government only cannot prevent violation of cyber property rights if we are not helping to the government to do this. We have to aware about the impact of the cyber crime as well as our cyber data violation.

⁸⁶ "Cyber Crime : who are the main victims" , The Independent, (23 September 2019).

⁸⁷ "Cyber Security & Crime Division, CTTC, DMP" (September 17, 2018), <
https://en.wikipedia.org/wiki/Cyber_Security_%26_Crime_Division,_CTTC,_DMP > Last access on: 24
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Chapter 6

Conclusion

In Bangladesh has huge number of internet users and day by day it is incised continuously. There is lots of internet user everyday using different type of social media and visiting different type of website for connecting other person or acquire information. In this process of communicate to others people share their valuable data on the internet. But the problem is their cyber data is not protected on the cyber space. For the inadequate laws and lack of knowledge about the impact of cyber data, many time in different grounds people suffer huge economic loss, reputation loss, harassment, blackmailing and any other different criminal issue arise. Here someone easily misuse another person's cyber data by collect from internet.

Over the world, most of the developing countries like Bangladesh have limitations in access to information and the available access is not affordable because of the inadequacy of the existing laws and regulations with implementing body as well as the non-availability of appropriate cyber awareness. The challenges are posed by the lack of an integrated computer security system and education about cyber security and protect their own cyber property from others.

This is the existing laws for preventing cyber crime and cyber security in Bangladesh. But the main thing is all of the existing laws in not adequate for protection of the cyber property rights in all the area. All of the micro cyber property some time cause for loss of economic damage or reputational losses or may cause for a criminal liability for misuse or committing crime by those cyber property.⁸⁸ That's why that is the high time for making adequate laws and regulations for protection of cyber property rights violations in Bangladesh. The sluggish reality is Bangladesh Police or BTRC don't have the technological ability to prevent or track down cyber criminals as well as to prevent cyber property rights violation from Internet.⁸⁹ The governments of the Bangladesh and all the people who use internet and social media also have some responsibility to protect own cyber property rights.⁹⁰ The huge public awareness about the value of their property and impact for the violations of cyber property can help more to overcome this issue form Bangladesh. If government will make adequate laws which is properly cover all there elements of cyber property and protection and control of cyber property rights violation then it will be very easy to overcome this issue from Bangladesh and make a safe cyber environment for Bangladeshi internet users.

⁸⁸ Thomas Josifey, "Establish relations, gain assessments and provide assistance", (September 22th, 2017) <<https://www.thegfce.com/initiatives/establish-relations-gain-assessments-and-provide-assistance> > Last access on 24 December 2019

⁸⁹ "Impact of Cyber Crime : who are the main victims" , The Independent, (23 September 2019).

⁹⁰ "Cyber Security & Crime Division, CTTC, DMP" (September 17, 2018), <https://en.wikipedia.org/wiki/Cyber_Security_%26_Crime_Division,_CTTC,_DMP > Last access on: 24 December 2019

Chapter 7

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