

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
DEGREE OF MASTER OF LAWS BY COURSEWORK - 2023/24
2nd SEMESTER END EXAMINATION

(ICT Law – TLLM 12311)
(Three Hours)

Total number of questions: 04

Answer any **Three** questions only.
(Candidates will be penalized for illegible handwriting.)

Question 01

“Sri Lanka, as a signatory of the UN Convention on the Use of Electronic Communications in International Contracts (2005), enacted the Electronic Transactions Act, No. 19 of 2006 to facilitate electronic transactions, essential for international commerce. This Act was significantly amended by Act, No. 25 of 2017 to address new challenges in e-commerce. However, the rapid development of international e-commerce has created novel challenges to the existing legal framework, highlighting the need for further amendments”

Critically evaluate (a) How does the existing law relating to electronic transactions in Sri Lanka modify the traditional contract law to facilitate e-commerce (b) What are the gaps in the current law that need to be addressed to overcome the novel challenges in e-commerce? (c) What recommendations would you make for the Sri Lankan law relating to electronic transactions based on the lessons learned from a developed jurisdiction of your choice?

(20 Marks)

Question 02

‘The scope of the offenses provided under the Computer Crime Act, No. 24 of 2007 in Sri Lanka covers a vast range of categories, although some provisions are far from clarity. It is widely argued that the Act contains many deficiencies relating to policy issues. Additionally, the dynamic nature of cyber threats and ICT developments presents ever increasing challenges.’

Do you agree? Critically analyze the scope of the Computer Crime Act, No. 24 of 2007 of Sri Lanka. If you agree with the above statement, explain how the imperfections in the current law

can be rectified by focusing on the developed cybercrime laws in other jurisdictions. In your answer, you should also discuss how the Sri Lanka's legal framework should adapt to the evolving landscape of cyber threats and ICT advancements.

(20 Marks)

Question 03

Assume that you are appointed as a member of a law reform committee established for the purpose of enhancing the protection granted by the Sri Lankan intellectual property (IP) law regime to software and computer programs considering their contribution to country's economy. Prepare a summary report addressing the following aspects:

- a) How software and computer programs can be protected through a wide range of IP law mechanisms.
- b) The scope of the existing law in Sri Lanka for protecting software and computer programs.
- c) The requirements that software inventions must fulfill to be eligible for patent protection in the US, UK, and Europe.
- d) What lessons can be learned from these jurisdictions to reform the relevant legal landscape in Sri Lanka.

(20 Marks)

Question 04

'Given the increasing concerns about digital risk due to the development of information and communication technology and the consequent expanded use of personal data, countries are focusing on strengthening their legal regimes on data protection and privacy. Sri Lanka is no exception and has enacted the new Personal Data Protection Act, No. 9 of 2022, with the objective of providing a mechanism for protecting personal data, while simultaneously facilitating growth and innovation in the digital economy.'

You are required to critically discuss the current legal regime relating to data protection in Sri Lanka and suggest recommendations to further improve it by focusing on two other jurisdictions of your choice.

(20 Marks)
