

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**DEGREE OF MASTER OF LAWS (BY COURSEWORK) - 2024/25**  
**2<sup>nd</sup> SEMESTER END EXAMINATION – 2025 (AUGUST)**

**(TLLM12311 – ICT LAW)**  
**(Three Hours)**

**Total number of questions: 04**

Answer any **three** questions only.  
(Candidates will be penalised for illegible handwriting.)

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**Question 01**

'The Personal Data Protection Act, No. 9 of 2022 of Sri Lanka represents a significant step towards establishing a comprehensive legal framework for the protection of personal data within the context of a rapidly evolving digital economy. The Act has significant implications for individuals, businesses, and the general public. At the same time, there are several challenges and regulatory complexities in navigating the evolving landscape of data protection in Sri Lanka.'

Do you agree with the above statement? Critically discuss with reference to the key provisions of the Act, underpinning legal principles, enforcement mechanisms, compliance with international standards, perceived gaps in the current law, and recommendations for law reform, if any.

**(20 Marks)**

**Question 02**

'The Electronic Transactions Act, No. 19 of 2006, as amended by Act No. 25 of 2017, was enacted to promote legal recognition and functional equivalence for electronic communications in Sri Lanka, in line with international standards such as the UN Convention on the Use of Electronic Communications in International Contracts (UN ECC). While the Act has contributed to fostering trust in digital transactions and enabling the development of e-commerce, the growing complexity of digital platforms, emerging technologies, and cybersecurity concerns has exposed limitations in the existing legal framework.'

Critically assess the adequacy of the current Electronic Transactions Act in addressing the core elements essential to electronic contracting, including the legal recognition of electronic communications, digital signatures, authentication processes, and the rules governing acknowledgment of receipt. You are further required to comment on whether the current legal framework sufficiently accommodates evolving technological practices and propose reasoned recommendations for legislative reform that would enhance the legal infrastructure for electronic transactions in Sri Lanka.

**(20 Marks)**

**Question 03**

Assume that you are an in-house legal consultant for a Sri Lankan technology firm that has developed a novel software platform incorporating artificial intelligence to optimize logistics and supply chain operations. The software features both unique algorithms and an innovative user interface with advanced functionalities. The firm is seeking advice on the most effective legal mechanisms for protecting its intellectual property rights, both domestically and internationally.

As it is evident, some jurisdictions, such as the United States and certain parts of Europe, allow for the patenting of computer-implemented inventions under specific conditions, while others are more restrictive. The firm also seeks guidance on the applicability of copyright and trade secret protection for other aspects of its software.

In light of the above scenario:

**(a)** Critically examine the criteria for patentability of software-related inventions in the United States, the United Kingdom, and the European Union. Compare these standards with the current legal position in Sri Lanka and assess whether Sri Lankan law adequately facilitates the patent protection of computer-implemented inventions.

**(12 Marks)**

**(b)** Advise the firm on how copyright and trade secret provisions in the Intellectual Property Act of Sri Lanka may potentially be used to protect different aspects of its software platform. Evaluate the strengths and limitations of these complementary forms of protection in the context of modern software development and commercialization. Support your answers with reference to relevant legal provisions, case law jurisprudence and policy considerations.

**(08 Marks)**

**(Total 20 Marks)**

**Question 04**

'With the increasing reliance on digital infrastructure and the proliferation of sophisticated cyber-attacks, Sri Lanka's legal framework for combating cybercrime has come under growing scrutiny. While the Computer Crime Act, No. 24 of 2007 was a pioneering step in addressing technology-related offences, legal scholars and practitioners argue that the Act suffers from limited scope, outdated definitions, and lacks effective enforcement mechanisms, particularly in areas such as digital forensics, jurisdiction challenges, and international cooperation.'

Critically assess the effectiveness of the Computer Crime Act, No. 24 of 2007, in addressing the practical and procedural dimensions of cybercrime enforcement in Sri Lanka. In your answer, examine whether the Act provides adequate tools for investigation, prosecution, and cross-border cooperation in cybercrime cases. You are required to critique the extent to which the incorporation of principles of the Budapest Convention on Cybercrime enhances Sri Lanka's existing legal and institutional framework. Propose well-reasoned recommendations for reform in light of global best practices and emerging cyber threats.

**(20 Marks)**

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