



**UNIVERSITI KUALA LUMPUR**  
**MALAYSIAN INSTITUTE OF INFORMATION TECHNOLOGY**

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**FINAL EXAMINATION**  
**JANUARY 2016 SEMESTER**

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**COURSE CODE** : IGB 30303  
**COURSE NAME** : CYBER LAW  
**PROGRAMME NAME** : BCSS, BCEM, BSE, BNS, BIMD, BCAD  
**DATE** : 30 MAY 2016  
**TIME** : 9.00 am – 11.30 am  
**DURATION** : 2 HOURS 30 MINUTES

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**INSTRUCTIONS TO CANDIDATES**

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1. Please **CAREFULLY** read the instructions given in the question paper.
2. This question paper has information printed on both sides of the paper.
3. This question paper consists of **ONLY ONE (1)** section; Section A.
4. Answer **FOUR (4)** of the **SIX (6)** questions.
5. Please write your answers on the answer booklet provided.
6. Answer all questions in English language **ONLY**.

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**THERE ARE 6 PAGES OF QUESTIONS, INCLUDING THIS PAGE.**

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SECTION A (Total: 100 marks)

**INSTRUCTION: Answer FOUR (4) of the SIX (6) questions.**

**Please use the answer booklet provided.**

**Question 1**

- (a) The High Court is part of the judiciary system in Malaysia. There are **THREE (3)** types of jurisdiction of High Court. Elaborate.

(12 marks)

- (b) The unwritten law is also part of Malaysian law that is not written and not enacted neither by the parliament nor the State Assemblies, which includes the Customary Law or Adat. In your own words, explain the definition and application of Customary Law or Adat in Malaysia.

(8 marks)

- (c) Apart from the Customary Law or Adat, there are also other sources of written and unwritten under Malaysian Law. Name the other **FIVE (5)** sources.

(5 marks)

**Question 2**

Angelina Haven works as a network system administrator to maintain the hospital's computer network at a community hospital in Petaling Jaya. The hospital relies heavily on the network, using it to store and process patient medical records, employee records, supply records and all of the hospital's financial records. As the system administrator, Angelina has "root" access to the network. This means, that Angelina has a master account that allows her to access and modify any file within the network.

One afternoon while at work, Angelina Haven decides to help out her friend Brad Billy. Brad's company targets individual patients in need of medical care and sends them advertisements for pharmaceutical products that relate to their medical problems. Angelina figures that she can help Brad by acquiring the names and mailing addresses of some of the hospital's patients, along with a short description of their medical conditions, and sending them on to Brad. Angelina logs on to the network by entering her user name then bypass the usual warning banner that appears on her monitor. The banner states: "WARNING: This network is authorized for official use only." Angelina Haven accesses the portion of the computer where patient medical records for names and addresses. She creates an automated program that scans the network's servers and looks for key words that signal patient medical records as well as designs the program to collect the records automatically and e-mail the file directly to Brad Billy. Angelina also installs a surveillance tool called a "sniffer" that will read any new medical record as it is entered into the network and automatically e-mail it to Brad.

Brad Billy is quite surprised when she accesses her e-mail the next day and finds a file from Angelina Haven containing thousands of patient records. The records include patient names, addresses, and medical diagnoses along with lists of currently prescribed medications. Uncertain of the ethics and legality of using the list, Brad calls Angelina and asks her not to send any additional records. Angelina Haven apologizes and Brad decides to keep her copy of the list just in case she needs it, although she feels confident that she will never use or share it.

(a) Should Angelina Haven's conduct be a crime? What are the law and punishments appropriate for Angelina Haven (if any)?

(20 marks)

(b) What do you think of Brad's conduct? Elaborate and provide reasons for your answer.

(5 marks)

### Question 3

(a) Internationally, Transborder Data Flow (TBDF) requires privacy protection. Explain in your own words the definition of TBDF and its importance. Elaborate **THREE (3)** basic principles of TBDF.

(10 marks)

(b) The Organisation for Economic Co-operation and Development (OECD) provides the Guidelines governing the Protection of Privacy and Transborder Flows of Personal Data for its member countries. The guidelines underlined for a free data flow regulation rather than a data protection. Discuss among the **FIVE (5)** basic principles of OECD.

(15 marks)

**Question 4**

The famous film producer Dato' Yusof Shamsul has produced a cartoon animation movie entitled Boboyile and the movie was released in a number of South East Asia countries last year. However, early this year, a freelance music writer Mr. M. Adnan had claimed in a press conference that the theme song for the movie was made by him and no permission was given for such song to be used in the movie. Dato' Yusof Shamsul seeks your legal advice on the following:

- (a) Is there any protection under the Malaysian Law for multimedia? Provide your answer with justification. (5 marks)
- (b) Discuss the **THREE (3)** problems relating to multimedia protection in Malaysia. (15 marks)
- (c) Further to the story above, Dato' Yusof Shamsul had read an article published in New Route Times that to overcome such problems relating to multimedia protection in Malaysia, there is suggestion to adopt the approach taken by the US government. Discuss such approach and its effectiveness. (5 marks)

**Question 5**

David and Khan, run an online business for selling hijab and muslimah clothing. Both of them plan to open a boutique in Publika and for that they would want to register their brand name "DAVIAN" and market their products in other supermarkets in Malaysia. As legal consultant, they seek your advice regarding the registration of such brand name.

- (a) In Malaysia, which agency administers the registration of trademark? Basically, there are **FIVE (5)** classifications of trademark for the agency to consider in registering such trademark? Discuss.

(15 marks)

- (b) David and Khan plan to have their own portal for such brand. Explain to them the meaning of domain name and each component that contained in the domain name by using their registered business name.

(5 marks)

- (c) What are the **TWO (2)** advantages that David and Khan might gain from registration of their brand as domain name?

(5 marks)

**Question 6**

- (a) Defamation may be defined as oral or written false statements that wrongfully harm a person's reputation. Under the law of defamation, there are four elements of proof required in establishing a case of defamation. Elaborate.

(20 marks)

- (b) Defamation in the written or published form is known as libel. Discuss **TWO (2)** cases on libel by providing the name, facts, issue (s) and judgement for such case.

(5 marks)

**END OF EXAMINATION PAPER**