

Lecture Session on

Technology & Law - Emerging Areas



DDE, NALSAR University of Law

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Scheme of Presentation - Session I

1. What forms of Technologies are emerging which requires Regulation
2. Video Gaming - Regulations
3. Online Betting - Regulations
4. Cyber Laundering

Scheme of Presentation - Session II

1. Digital Currency - Cryptocurrency and Bitcoin
2. Cloud Computing
3. Regulations relating to Drones

1. What forms of Technologies are emerging which requires Regulation

Vide

o Gaming - Regulations

Gaming - Recreation to Regulation

IPR - Protection for Video Games

Games - Is it eligible for protection - Yes/No

What is eligible for protection

What all are parts of Video Games ?

Pictures - Moving, Stagnant, Virtual Reality, Trade Marks

Audio - Third Party Permission or Infringement

Computer Program - Software/ Code

Pictures - Moving, Stagnant, Virtual Reality, Trade Marks

Audio - Third Party Permission or Infringement

Computer Program - Software/ Code

Absence of single regulation governing the protection of IPR in Games.

Few Countries give separate protection to each component in Video Games and in few the entire

Video Games gets protection as Audio Visual Creation

Online Betting - Legality and Regulations.

Betting or Gambling - Prohibition/ Regulation

Public Gambling Act - Pre Independence Act and still in force

Gambling - An Act of chance and not based on skill - Banned in many states

Lottery - Legalised in many states and not prohibited - Only by State/ Governments

Games and Betting - State Subject - Legislative Powers

States wanted to ban Online Games and Betting - Tamil Nadu, Kerala and Karnataka - But was not successful.

Ban was challenged as violative of Article 19 (1) (g) - Courts have declared the same as unconstitutional - Review pending.

Sikkim, Meghalaya and Nagaland - Have enacted Laws regulated Online Games and even Bettings (Goa already has Law allowing Casino and other gambling)

Huge Source of Revenue to Government if Online Games are regulated including Betting.

Foreign Capital inflow is present attractive and promotes employment.

Indemnity and Liability are areas of Legal reasoning.

Consumers Rights also not clear.

Cyber Laundering

Money Laundering + Internet - Cyber Laundering

3 Stages of Laundering - Placement

Layering

Integration

All made easily possible due to evolution of Technology in Financial Transactions

Online / Financial Transaction - Boon or Bane

Scheme of Presentation - Session II

1. Digital Currency - Cryptocurrency and Bitcoin
2. Cloud Computing
3. Regulations relating to Drones

Digital Currency - Cryptocurrency and Bitcoin

Replacement of Physical/ Legal Tender or Money

Cryptocurrency - Decentralised and Private Finance Channel for Fund exchange

Blockchain Process - Encrypted Process for exchange of Digital Currency - Public Ledger

Mining - Process similar to minting of Crypto currency

Bitcoin - Popular form of Cryptocurrency - Others include **Ethereum (ETH), Tether (USDT), USD Coin (USDC), Binance Coin (BNB) and others**

Regulations not clear - Whether to regulate at source or the proceeds or the holding of the same as Investments

3 Category of Countries - Complete ban - India

Regulation of the transactions and assets holdings

Have recognised as Legal Tender

India - Digital Currency - Central Bank Digital Currency - Similar to Bitcoin - Has RBI Recognition

Finance Bill 2022 - 30 % of Taxes on proceeds of Bitcoin transactions

Crypto Exchange - Centralised - Banks/ Institutions

Decentralised - Private Investment Houses

Peer to Peer - Personal transactions

Huge Revenue to Government

Forms of legalising Cyber Laundering -

Cloud Computing - Privacy and Data Protection Laws

Law relating to Drones - Security Concerns and Space Policy Regime

Discussion Time

Thank you

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