



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A MAIN EXAMINATION

JANUARY – APRIL 2019 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 312: INFORMATION COMMUNICATION LAW

P.O. Box 62157

00200 Nairobi - KENYA

Telephone: 891601-6

Date: APRIL 2019

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

- Q1. a) BlackBerry, a former messaging powerhouse, sued Facebook last year for patent infringement in a lawsuit pending in U.S. District Court in California. In 2012 Yahoo sued Facebook for the infringement of 10 patents at the San José Federal Court in California. Using decided case law describe the patent law with regards to information communication technology. **(10marks)**
- b) Facebook was fined \$1.44million by the Spanish data protection authority for using people's personal data for advertising purposes. And just recently Facebook was fined £500,000 by UKs data protection authority for its role in Cambridge Analytical data scandal. Examine data protection laws that apply to cyberspace. **(10marks)**
- c) Maryanne Kanji is an online business woman. She sells wedding dresses through her website, Facebook, WhatsApp, Instagram and advertises on her YouTube page. She has received information that although her business is purely online and unregistered she must pay tax. Discuss e-commerce taxation by making special reference to the US supreme court ruling on the matter. **(10marks)**
- Q2. Regulating communication technologies is as important as it is challenging. Write short notes on:-
- a) UNCITRAL Model laws and Convention on electronic communications. **(5marks)**
- b) European ICT directives **(5marks)**

- c) Regional Commonwealth in the field of Communication **(5marks)**
- d) Communications Authority of Kenya **(5marks)**

Q3. YouTube rippers are seen as the largest piracy threat to the music industry. Critically analyze why in 2017 the Russian YouTube ripping company won the case in a US court. **(20marks)**

Q4. Kenya lost Ksh 21.1 billion to cybercrime in 2017 according to the 2017 Kenya Cyber security Report by Serianu, an information technology services consultancy firm. Access both local and International legal efforts to combat Cybercrime. **(20marks)**

Q5. a) In investigating the killing of the Saudi Journalist Jamal Khashoggi, law enforcement agencies found his WhatsApp messages to be quite informative. Explain how information communication technology can be used during criminal investigations **(10marks)**

b) WhatsApp is facing a lawsuit in Berlin over infringement of privacy caused by allegations that its sharing user data with Facebook. Examine this case and elaborate on the right to privacy owed to users of these apps.

(10marks)

END