

Table of legislation

INTERNATIONAL LEGISLATION

Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPs Agreement) 1994	5, 74, 77, 78, 80, 84, 93	Arts 1– 7	74	Arts 1, 2(2)(b)	453
Art 9(1)	74	Art 9(1)	74	Charter of the United Nations 26 June 1945 (entered into force 24 October 1945) ..	2, 13, 140, 141, 174, 175, 180, 251, 253, 255, 268, 285, 299, 301, 368, 381, 389, 394
Art 9(2)	88	Art 10(1)	84	Art 2(1)	175
Art 10(1)	84	Art 16(2), (3)	80	Art 2(4)	6, 138, 139, 141, 148, 173, 186, 187, 188, 233–50, 253, 254, 255, 261, 265, 266, 267, 276, 291, 295, 299, 300, 303
African Union Convention on Cybersecurity (Draft) 2012	192	Art 22	487	Art 2(5)	389
Art III-14	200	Art 25	389, 395	Art 22	487
Arts III-29–III-32	197	Chapter VII ...	172, 281, 389, 393, 394, 395	Art 25	389, 395
Art III-40	196	Art 41	238, 389, 395	Chapter VII ...	172, 281, 389, 393, 394, 395
Antarctic Treaty 1959 (entered into force 23 June 1963, as amended)	26	Art 42	238, 395	Art 41	238, 389, 395
Art IV	26	Art 49	389	Art 42	238, 395
ASEAN Convention on Counter Terrorism 2007 (entered into force 27 May 2011)	162	Art 51	6, 122, 138, 139, 148, 173, 238, 241, 255, 261, 265, 266, 267, 270–73, 275, 279, 282, 291, 294, 300, 301, 302, 304, 394	Art 49	389
Art II	162	Art 57	487	Art 51	6, 122, 138, 139, 148, 173, 238, 241, 255, 261, 265, 266, 267, 270–73, 275, 279, 282, 291, 294, 300, 301, 302, 304, 394
Art VI	162	Art 103	393, 395	Art 57	487
ASEAN Treaty of Amity and Cooperation in Southeast Asia, 24 February 1976 (entered into force 15 July 1976)	451	Czechoslovakia and Hungary Bilateral Agreement 1977	355	Art 103	393, 395
Art 2(c)	451	Commonwealth of Independent States Agreement on Cooperation in Combating Offences related to Computer Information 2001	192	Czechoslovakia and Hungary Bilateral Agreement 1977	355
Arab Convention on the Suppression of Terrorism, 22 April 1998 (entered into force 7 May 1999)	163	Council of Europe’s Convention on Cybercrime 23 November 2001 (entered into force 1 July 2004)	162, 192, 193, 204, 205, 212	Commonwealth of Independent States Agreement on Cooperation in Combating Offences related to Computer Information 2001	192
Berne Convention for the Protection of Literary and Artistic Works 1886 (Paris text 1971, amended 1979)	73, 74, 78, 79, 83	Art 2	194	Council of Europe’s Convention on Cybercrime 23 November 2001 (entered into force 1 July 2004)	162, 192, 193, 204, 205, 212
Art 2	73	Arts 3–6	195	Art 2	194
Art 2(1)	84	Art 6(1)	196	Arts 3–6	195
Art 5	74	Arts 7–9	196	Art 6(1)	196
Art 5(2)	78	Art 10	197	Arts 7–9	196
Art 6 <i>bis</i>	74	Art 13	194	Art 10	197
Art 10(1)	197	Art 14	199	Art 13	194
Charter of the Association of Southeast Asian Nations 20 November 2007 (entered into force 15 December 2008)		Art 15	199	Art 14	199
		Arts 16, 17, 19–21	198, 199	Art 15	199
		Art 22(1), (2), (5)	202	Arts 16, 17, 19–21	198, 199
		Arts 23, 24	199	Art 22(1), (2), (5)	202
		Art 30(3)	203	Arts 23, 24	199
				Art 30(3)	203

Art 35	199	Art 35(1)–(3)	134, 374
General Agreement on Trade in Services (GATS) (entered into force January 1995)	42	Art 36	120, 239
Art 16	42	Art 37	129, 357, 374
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 12 August 1949 (entered into force 21 October 1950) (GC I)	121, 312, 327, 340	Arts 40–42	374
Art 2	121, 328, 329, 367,, 368	Art 43	372
Art 3	126, 128, 327, 336, 337, 339, 340, 362	Art 44	357
Art 9	131	Art 46	172
Art 24	374	Art 47(2)	128
Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva Field 12 August 1949 (entered into force 21 October 1950) (GC II)	121, 312, 327, 329, 340	Arts 48–58	371
Art 2	121, 328, 367, 368	Art 48	122, 129, 130, 344, 353, 356
Art 3	126, 128, 327, 336, 337, 339, 340, 362	Art 49	371, 374
Geneva Convention Relative to the Treatment of Prisoners of War Field 12 August 1949 (entered into force 21 October 1950) (GC III)	121, 312, 327, 340, 398	Art 49(1)	122, 123, 129, 142, 282
Art 2	121, 328, 329, 367, 368	Art 51	345, 353, 356, 372
Art 3	126, 128, 327, 336, 337, 339, 340, 362	Art 51(1)	122, 129
Art 4(4)	128	Art 51(2)	161, 376
Art 4A(2)	127, 128	Art 51(3)	362
Art 4A(6)	128, 129, 398	Art 51(4)	133, 134, 361, 374
Geneva Convention Relative to the Protection of Civilian Persons in Time of War Field 12 August 1949 (entered into force 21 October 1950) (GC IV)	121, 312, 327, 340	Art 51(5)	124, 134, 135, 361, 364, 372, 373
Art 2	121, 328, 329, 367, 368	Art 52(1)	130
Art 3	126, 128, 327, 336, 337, 339, 340, 362	Art 52(2)	124, 130, 131, 358, 372
Art 18	131	Art 53	374
Geneva Conventions Additional Protocol Relating to the Protection of Victims of International Armed Conflicts 8 June 1977 (AP I)	327, 328, 344, 354, 356, 372, 373	Art 54	131, 374
Art 1	126	Art 55	131, 134, 374
Art 1(2)	344	Art 56	131, 136, 374
Art 12	131	Art 57	136, 353, 373
Art 13(2)	161	Art 57(1)	129
		Art 57(2)	124, 134, 135, 136
		Art 57(3)	136
		Art 57(4)	136
		Art 58	136, 137, 357
		Art 58(a)	137
		Art 58(c)	129, 137
		Art 60	133
		Art 65	372
		Geneva Conventions Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-international Armed Conflicts (AP II)	336, 339, 340
		Art 1	336, 339
		Art 1(2)	336
		Art 3	327
		Art 13(3)	128
		Geneva Convention on the High Seas (1958) Art 2	26
		Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land 18 October 1907 (entered into force 26 January 1910)	121, 327, 394, 397, 398, 399

Art 22	134, 344	Hay-Bunau-Varilla Treaty (Convention for the Construction of a Ship Canal), 18 November 1903	383
Art 23(e)	134, 374	International Convention against the Taking of Hostages, 17 December 1979 (entered into force 3 June 1983)	152, 154
Hague Convention (V) Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land 18 October 1907 (entered into force 26 January 1910)	121, 385, 386, 393, 394, 396, 397, 398, 399	International Convention for the Suppression of Acts of Nuclear Terrorism, 13 April 2005 by UN General Assembly Resolution 59/290 (2005) (entered into force 7 July 2007)	152, 153
Art 1	387, 393	Art 2(1)	153
Art 2	388, 393, 397	International Convention for the Suppression of Terrorist Bombings, 15 December 1997 by UN General Assembly Resolution 52/164 (1997) (entered into force 23 May 2001)	152, 154–5
Art 3	388, 393, 396	Art 2(1)	155
Art 4	388, 398	International Covenant on Civil and Political Rights 1966 (ICCPR)	76, 100, 101, 103–4, 114, 116, 199
Art 5	388, 391, 393, 396	Art 1	23
Art 7	388, 389	Art 17	103
Art 8	396, 399	Art 19	100, 101
Art 10	389, 394	International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)	77, 104–6, 116
Hague Convention (VIII) Relative to the Laying of Automatic Submarine Contact Mines 18 October 1907 (entered into force 26 January 1910)	121, 386, 394, 397, 398, 399	Art 1	23
Arts 1, 2, 4, 5	386	Art 2	105
Hague Convention (XI) Relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War 18 October 1907 (entered into force 26 January 1910) ...	386, 394, 397, 398, 399	Art 4	106
Hague Convention (XIII) concerning the Rights and Duties of Neutral Powers in Naval War 18 October 1907 (entered into force 26 January 1910)	121, 385, 393, 394, 396, 397, 398, 399	Arts 6–15	105
Art 1	387	International Law Commission Articles on the Responsibility of States for Internationally Wrongful Acts (ARS) (adopted 2001)	57–8, 62, 70, 125–6
Art 2	387, 393	Art 1	58
Art 5	393, 396	Art 2	58, 59
Arts 8, 9	387	Arts 4–6	59
Art 26	389, 394	Arts 4–9	126
Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954		Arts 7, 8	60
Art 8(1)	360	Arts 9–15	61
Hague Rules concerning the Control of Wireless Telegraphy in Time of War and Air Warfare, Part I: Rules for the Control of Radio in Time of War	386, 396	Arts 16–18	62
Art 3	396	Arts 20–25	62
Arts 4, 5, 8	397	Art 47(1)	61
Hague Rules concerning the Control of Wireless Telegraphy in Time of War and Air Warfare, Part II: Rules of Aerial Warfare	385, 388	Arts 49–54	62
		Art 50(1)	250
		Internet Corporation for Assigned Names and Numbers (ICANN)	21, 22, 72, 74, 76, 79, 92, 116, 220
		Lateran Pacts 1929	383
		League of Arab States Convention on Combating Information Technology Offences 2010	192

Arts 10, 11	196	UN Agreement Governing the Activities of States on the Moon and Other Celestial Bodies 18 December 1979 (entered into force 11 July 1984)	
Art 12	197	Art 11(7)(d)	23
Arts 15, 16	196	United Nations Convention against Transnational Organized Crime, 15 November 2000 (entered into force 29 September 2003) (Palermo Convention)	198, 199
Arts 30–43	200	Arts 1, 2, 6, 8, 29	198
North Atlantic Treaty Organization 1949 (NATO)	427–45	UN Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 23 September 1971 (entered into force 26 January 1973)	152
Art 2	427	Art 1(a)	153
Art 5	260, 268, 418	Art 1(c)	154
Organisation of the Islamic Conference Convention on Combating International Terrorism of 1999 1 July 1999	163	Art 1(d)	153
Paris Convention for the Protection of Industrial Property 1883 (Stockholm text 1967, amended 1979)	74, 78, 83	UN Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 10 March 1988 (entered into force 1 March 1992)	152, 153
Art 2	74	Art 1(a)	153
Art 4	73	Art 3(a)	154
Art 4bis(1)	78	Art 3(c)	153
Art 6	73	Art 3(d)	154
Art 6(3)	78	Art 3 (e), (f)	153
Art 6bis	80	Art 3(g)	154
Arts 9, 10	73	UN Convention for the Suppression of Unlawful Seizure of Aircraft 16 December 1970 (entered into force 14 October 1971)	152
Art 19	78	Art 1(a)	154
Paris Declaration Respecting Maritime Law of 16 April 1856	385	UN Convention on Acts of Nuclear Terrorism 2005	153
Rome Statute of the International Criminal Court 1998 (ICC Statute)	206	UN Convention on the Law of the Sea 10 December 1982 (entered into force 16 November 1994)	
Art 7	142, 143	Arts 87, 89	26
Art 7(1)	140, 141	Art 157(1)	23
Art 7(2)	142, 143	UN Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents 14 December 1973, (entered into force 20 February 1977)	152, 154
Art 8	121, 125, 126, 130, 135	Art 2	154
Art 8(2)	362, 135	UN Convention on the Rights of the Child 20 November 1989 (entered into force September 1990)	
Art 8bis(1)	140–41, 142		
Art 8bis(2)	137–140, 142		
Arts 22–24	140		
Shanghai Cooperation Organisation, Agreement on Cooperation in the Field of International Information Security 16 June 2009	113, 122, 192		
Shanghai Cooperation Organisation, Charter June 2002			
Art 2(4)	251		
Shanghai Cooperation Organisation Convention on Combating Terrorism, Separatism and Extremism of 2001 15 June 2001 (entered into force 29 March 2003)	163		
Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (7 September 1977)	383		
Treaty of Brest-Litovsk 1918	384		
Treaty of London (1839)	383		

Art 38 362

UN Convention Optional Protocol to the
Convention on the Rights of the Child
on the involvement of children in armed
conflict 25 May 2000 (entered into force
February 2002)

Art 1 362

UN Convention on the Suppression of
Unlawful Acts of Violence at Airports
1988 153

Protocol, art II 153

UN Convention against Transnational
Organized Crime 2000 (entered into
force 2013) 149

UN Draft Comprehensive Anti-Terrorism
Convention 155–62, 164

UN Protocol for the Suppression of Unlawful
Acts against the Safety of Fixed
Platforms Located on the Continental
Shelf 10 March 1988, (entered into
force 1 March 1992) 152

Art 2(1) 153, 154

UN Treaty on Principles Governing the
Activities of States in the Exploration
and Use of Outer Space, including the
Moon and Other Celestial Bodies
(19 December 1966)

Arts 1, 2, 7, 8 26

Uniform Domain Name Dispute Resolution
Policy (URDP) 74, 79, 92

Universal Declaration of Human Rights
10 December 1948 (UDHR) 106

Art 17 76

US-USSR Agreement on the Prevention of
Dangerous Military Activities (1989)

Art I(9) 251–2

Art III(1) 251

Vienna Convention on Diplomatic Relations
(1961) 67

Vienna Convention on the Law of Treaties
(1969)

Art 31(1) 237

Art 31(3) 246

WIPO Copyright Treaty 1996 74

Art 4 84

Art 8 74

WIPO Model Provisions on the Protection of
Computer Programs (1978) 84

World Health Organization Framework
Convention on Tobacco Control
(Geneva, 2003)

Art 13(7) 39

EUROPEAN UNION

Council Directive 89/552/EC of 3 October
1989 on the coordination of certain
provisions laid down by law, regulation
or administrative action in Member
States concerning the pursuit of
television broadcasting activities 50

Council Directive 2008/114/EC of 8
December 2008 on the identification and
designation of European critical
infrastructures and the assessment
of the need to improve their
protection 269

Art 2(a) 269

Council Regulation 1334/2000/EC of 22 June
2000 setting up a Community regime for
the control of exports of dual-use items
and technology 422

Council Regulation (EC) No 44/2001 of 22
December 2000 on jurisdiction and the
enforcement of judgments in civil and
commercial matters (Brussels I
Regulation) 411

Art 2 82

Art 5 83

Art 6 83

Art 5(3) 46

Art 15(1)(c) 45

Art 22(4) 82

Council Regulation (EC) No 6/2002 of
12 December 2001 on community
designs 80

Council Regulation (EC) no. 207/2009 of
26 February 2009 on the Community
Trade Mark (codified version) 80

Directive 95/46/EC of the European
Parliament and of the Council of
24 October 1995 on the protection of
individuals with regard to the
processing of personal data and on
the free movement of such data
(Data
Protection Directive) 103, 416

Art 4(1) 44

Directive 96/9/EC of the European
Parliament and of the Council of 11
March 1996 on the legal protection
of databases (Database Directive) 84,
85, 86

Art 1(2) 84, 85

Art 3(1) 85, 86

Art 7	84	the Member States relating to trade marks (codified version) (Trade Mark Directive)	77, 80
Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society (InfoSoc Directive)	90	Art 2	92
Art 6	90	Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (Software Directive)	84, 85, 86, 88, 89, 90
Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use		Art 1(1)	84
Art 87(1)	39	Art 1(2)	88, 89
Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market on electronic commerce (Electronic Commerce Directive)	39, 40	Art 1(3)	85
Recital 16	41	Art 4	87
Recital 21	39	Art 5	90
Art 1(5)(d)	41	Art 5(3)	90
Art 2(c)	50	Art 6	90
Art 2(h)	50	Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA	269, 281, 412
Art 2(h)(ii)	39	Directive 2014/26/EU of 26 February 2014 of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market	
Art 3(1)	50	Art 1	81
Art 3(2)	50	Art 43	81
Art 3(4)	50	EC Treaty	
Art 3(4)(i)	39	Arts 226, 227	50
Art 12(1)	88	EU Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism	163, 164
Art 13(1)	87	EU Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems	149, 162, 193, 202, 415
Art 14(1)	87	EU Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters	416, 417
Art 15	88	European Convention on Human Rights ...	77, 199, 204
Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the terms of protection of copyright and certain related rights (Term Directive)		Art 10	100
Art 1(1)	87	Art 15(1)	77
Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC	167	European Patent Convention (EPC) 1973 (revised 2000)	78, 83
Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of		Recital 8	81

Art 5(3)	81	NATIONAL	
Art 7(1)	81		
Art 52(2)	83, 91	Australia	
Art 52(3)	91		
Regulation (EC) No 460/2004 of the European Parliament and of the Council on 10 March 2004 establishing the European Network and Information Security Agency (ENISA)	258, 409		Criminal Code Act 1995 (Cth) s. 101.1 165
Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II Regulation)			Interactive Gambling Act 2001 (Cth) ss. 8, 9, 14, 15 41
Art 8(1)	83	China	
Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection	81, 84		Criminal Law of the PRC Art 287 164
Treaty on European Union (TEU)		France	
Art 3(5)	403		Code of Civil Procedure Arts 808, 809 38
Art 5(2)	405	India	
Art 13	405		Information Technology Act 2000 s. 66F(1) 167
Art 21	405, 421	New Zealand	
Art 24	421, 422		Gambling Act 2003 s. 19 41
Art 26	421	South Africa	
Art 37	421, 423		Protection of Constitutional Democracy against Terrorism and Related Activities Act 2004 164
Art 40	421, 422	The Netherlands	
Art 42	423		Act on the Use of Force by Guards of Military Objects 2003 Art 1 222
Art 42(7)	418	United Kingdom	
Art 43	423		Copyright, Designs and Patents Act 1988 (CDPA) s. 1 72
Art 47	422		
Treaty on the Functioning of the European Union (TFEU)			
Art 16	416		
Art 21(3)	420		
Arts 49, 56	42		
Art 75	424		
Art 83(1)	415		
Art 114	416		
Art 215	424		
Art 218	421, 423		
Art 222	417		
Arts 263, 267	420		
Art 275	422		
Art 276	89		

s. 1(1) 85
 ss. 3–8 85
 s. 3(1)(b), (c) 84
 s. 3(2) 85, 87
 s. 5A(2) 85
 s. 5B(4) 85
 s. 6(6) 85
 s. 8(2) 85
 s. 11(1) 87
 s. 12(2) 87
 s. 16 87
 s. 17 87
 s. 29 90
 s. 30 90
 s. 50A, 50B, 50BA, 50C 90
 s. 213 72
 s. 296, 296ZA, 90, 91
 s. 296ZE 91
 Digital Economy Act 2010 75
 s. 17 75
 Gambling Act 2005 51
 Gambling (Licensing and Advertising) Act
 2014 51
 Obscene Publications Act 1959 39
 Patents Act 1977 (PA)
 s. 1(2) 91
 s. 30(1) 72
 Registered Designs Act 1949 (RDA)
 ss. 1(2), 2 72
 Regulation of Investigatory Powers Act
 (RIPA) 2000 223
 Terrorism Act 2000
 s. 1(2)(e) 164
 Trade Mark Act 1994 (TMA)
 s. 1 92
 s. 2 72
 s. 10 91

United States

Act to Further Promote the Defense of the
 United States 1942 384
 Anticybersquatting Consumer Protection Act
 (1999) 15 USC
 § 1125(d) 47
 Computer Software Act 1980 84
 Copyright Act 1976
 § 102(b) 88
 § 512 75
 Digital Millenium Copyright Act 1998
 (DCMA) 74–5, 90
 Espionage Act 1917 171–2
 Federal Anti-Tampering Law 1982 312
 FISA (Foreign Intelligence Surveillance
 Act) Amendment Act 2008 (FAA
 2008) 224
 Patent Act 1952
 § 101 83
 Protect America Act (PAA) 2007 224
 Restatement (Third) of Foreign Relations
 Law (1986)
 § 403(1), (2) 49
 Trade Marks Act 1946 (Lanham Act)
 15 USC 80
 Uniting and Strengthening America by
 Providing Appropriate Tools Required to
 Intercept and Obstruct Terrorism Act
 2001 (PATRIOT Act) 165, 224, 269

Uruguay

Statute of the River Uruguay of 1975
 Art. 36 69

