

The International Conference

The Rule of Law in the Digital Era

Cluj-Napoca, Romania
8-9 May 2015



It is both a pleasure and an honor to welcome all participants to the **International Conference “The Rule of Law in the Digital Era”**. The Conference is organized by the Faculty of Law, Babeş-Bolyai University, in partnership with prestigious organizations: the U.S. Secret Service; Western Union; eBay; Bitdefender; Banca Transilvania; the e-Europe R&D Centre of the Faculty of Management, Comenius University of Bratislava; the Legal Informatics Chair, Faculty of Law, University of Milan; Microsoft; Intensa; Betfair; the Cluj Police; Kaspersky Lab; the Romanian Association of Intellectual Property Law; and the Eco Romania XXI Foundation.

Aristotle believed that “The rule of law is better than that of any individual.” The “rule of law” is a concept that is often used, however, difficult to define. There are a number of definitions of what constitutes the “rule of law”, but none has received worldwide acceptance.

The “rule of law” can be considered the foundation on which true democracy and economic progress and development build, and includes as essential components the equality before the law; the protection of human, economic, and intellectual rights; the guarantee of order and security; and the stability and efficient application of laws. The “rule of law” faces numerous challenges in today’s world, such as illicit trafficking; insufficient safeguards against corruption; ineffective cooperation regarding transnational organized justice; and cybercrimes, particularly in the form of computer damage and fraud, and the theft of intellectual property.

Cybercrimes represent a major concern for states, private and public organizations, and citizens. To effectively address the challenge posed by cybercrimes, it is imperative to educate all stakeholders about the importance of fighting cybercrimes, to implement effective national responses, that would ensure the harmonization of substantive and procedural criminal law, and to improve the international cooperation in this field. The Conference’s Workshop “Cybercrime: A Major Threat to the Rule of Law” is an excellent opportunity to discuss these issues and to assess the effectiveness of the current legal framework.

The Conference features an exceptional array of presenters and will provide a forum for discussing essential research, policies, and practice issues, including Cyberattacks Prevention and Investigation; Enforcement of Intellectual Property Rights and of e-Contracts; e-Payments; Protection of International Human Rights and Security; Transnational Organized Crime and Criminal Networks; Anti-Corruption Strategy; Law Enforcement Technology; International Law Enforcement Cooperation; e-Discovery Solutions; and Effectiveness of the Romanian Laws and Law Enforcement. We trust that the presentations and discussions at the Conference will provide valuable insights, to be used for the strengthening of the Rule of Law.

Professor Ioana VASIU, *Conference Chair*
 Faculty of Law, Babeş-Bolyai University

You are cordially invited to attend

The International Conference

The Rule of Law in the Digital Era

Program

8 MAY 2015 - AULA MAGNA, Babeş-Bolyai University (Str. M. Kogălniceanu 1)

8:30–9:00 **Registration**

9:00–9:15 **Welcome Speeches**

Professor Radu CATANĂ, Vice-Rector, Babeş-Bolyai University

Professor Florin STRETEANU, Dean, Faculty of Law, Babeş-Bolyai University

9:15–9:40 **Opening Speeches**

Ms. Maria ARSENE, Adviser, CVM for Romania, Secretariat General, European Commission

Professor Dan Claudiu DĂNIŞOR, Rector, University of Craiova

Mr. Christopher J. TOLEDO, U.S. Secret Service

9:40–10:20 **Keynote Speech**

Ms. Marisa MAC ISAAC, Rule of Law Officer, U.S. Embassy Bucharest

Educating Society for the Digital Era of Crime

10:20–10:40 **Keynote Speech**

Mr. Nico TUIJN, Senior Justice, Court of Appeal 's-Hertogenbosch, The Netherlands

Cyber Law and the Role of the Judiciary

10:40–11:00 **Coffee Break**

11:00–11:30 **Keynote Speech**

Professor John A.E. VERVAELE, Institute of Criminal Law, Utrecht University, The Netherlands
President of the International Association of Penal Law (IAPL)

The Digitalisation of Criminal Enforcement and Related Human Rights Issues

11:30–12:00 **Keynote Speech**

Professor Giovanni ZICCARDI, Legal Informatics Chair, Faculty of Law, University of Milan, Italy

The Death of Privacy in the Age of Control (and the Rule of Law)

12:00–12:30 **Distinguished Presentation**

Mr. Paul J. VITCHOCK, Assistant Legal Attaché, U.S. Embassy Bucharest

Botnets: Legal Challenges to Takedowns

12:30–13:45 **Lunch Break**

13:45–15:30 **AULA MAGNA, Babeş-Bolyai University**

WORKSHOP “CYBERCRIME: A MAJOR THREAT TO THE RULE OF LAW” - PART I

CHAIRPERSONS: Mr. Christopher J. TOLEDO & Professor Ioana VASIU

13:45-14:05 **Mr. Herbert SMETANA**, Director - Global Investigations, Western Union, Austria
Mr. Petru SINCULEI, Senior Manager – Global Investigations, Western Union
Western Union Global Investigations - Law Enforcement Outreach and Support

14:05-14:25 **Dr. Cătălin COȘOI**, Chief Security Strategist, Bitdefender
Bitdefender Forensics

14:25-14:45 **Mr. Tiberius RUSU**, Principal Investigator, Technical Investigation Team, eBay
eBay/Paypal - The Types of Frauds We Are Facing

14:45-15:05 **Dr. Marco A. CALAMARI**, Hermes Center for Transparency and Digital Human Rights
Dr. Giovanni Battista GALLUS, Hermes Center for Transparency and Digital Human Rights and
Nexa Center for Internet and Society, Italy
Globeleaks: A Free/Open Source Platform for Anonymous Whistleblowing

15:05-15:30 **Dr. Ludovic TIRELLI**, Attorney at Law, Switzerland
Representative of the International Institute of Higher Studies in Criminal Sciences (ISISC)
Criminal Investigations in the Cyberspace: Balancing Security Requirements and Core Human Rights Principles

15:30–16:00 **Coffee Break**

16:00 **Parallel Sessions**

SALA CLUB of the UBB (Str. E. de Martonne 1)

WORKSHOP “CYBERCRIME: A MAJOR THREAT TO THE RULE OF LAW” - PART II

CHAIRPERSON: Professor Ioana VASIU

Mr. Keith SHARP, Director, Global Security and Investigations, MoneyGram International, U.K.
Law Enforcement and Private Sector Partnerships

Mr. Silviu SOFRONIE, Forensics Expert, Bitdefender
Honeypot Facts and Event Correlation

Professor Acad. Mitar LUTOVAC, Center for National Security and Strategic Research and
University Union, Republic of Serbia
Computer Abuse and the Protection Against Cyber Terrorism

Mrs. Magda POPESCU, Outside Counsel for BSA and Microsoft
The Link Between Unlicensed Software and Cybersecurity Threats

Dr. Mina ZIROJEVIĆ, Institute of Comparative Law, Republic of Serbia
Legal Framework of Computer-related Crime: The Case of Serbia

Mr. Ștefan TĂNASE, Senior Security Researcher, Kaspersky Lab
Cyber-Espionage Operations Targeting Romania

Dr. Zvonimir IVANOVIĆ, Academy for Criminalistic and Police Studies, Republic of Serbia
Digital CSI in Serbia

ROOM # 113, FACULTY OF LAW: Presentations from the Call for Papers

CHAIRPERSONS: Professor Florin STRETEANU & Professor Radu CATANĂ

Special Presentation: Dr. Dragan PRLJA & Professor Gordana GASMI, Legal Aspects of E-Governance in European Countries

Dr. Mădălina-Cristina DĂNIȘOR (PUTINEI), Statul de drept – garanție a vieții private în era cibernetică

Dr. Ciprian Raul ROMIȚAN, Drept de suită în beneficiul autorului unei opere de artă originale

Dr. Daniel-Ștefan PARASCHIV, Protecția dreptului la un mediu sănătos prin incriminarea infectării apei

Dr. Ramona-Gabriela PARASCHIV, Sancționarea penală a faptelor de concurență neloială

Dr. Valentin-Stelian BĂDESCU, Unele considerații privind arbitrajul electronic

Dr. Mariana Narcisa RADU, Considerations on the solicitation of minors for sexual purposes

Ms. Amalia BONDREA, Analogia în defavoarea inculpatului

Ms. Gabriela Aura FODOR, The struggling state: the impact of balancing individual rights and data surveillance legislation on state sovereignty

Mr. Bogdan Dumitru MOLOMAN, Reglementarea infracțiunii de racolare a minorilor în scopuri sexuale în noul Cod penal român

Ms. Alisa Valeria TOMA, Protecția penală a programelor pentru calculator în dreptul român

Mr. Tiberiu BAN, From credit card fraud detection to examination tests fraud suspicion

Mr. Bogdan URS, Computer forensics in cloud computing systems

Mrs. Liana Iulia PETRUȘ, Securitatea datelor informatice în comerțul electronic

Mr. Petruț COBÂRZAN, PowerSpy: o nouă metodă de a localiza un smartphone

19:00– **Dinner - Piramida Restaurant** (Str. Mihail Kogălniceanu 5)

9 MAY 2015 - Opera Plaza Panoramic Conference Room (Str. General Traian Moșoiu 10-12)

9:45–12:00 **Presentations from the Call for Papers & Cybercrime Panel**

CHAIRPERSONS: Professor John A.E. VERVAELE & Professor Ioana VASIU

9:45-10:15 **Distinguished Presentation**

Professor Dusan SOLTES, Director, e-Europe R&D Centre, Comenius University, Slovak Republic
E-Government: Just Smart Technologies are Not Enough, It Also Needs Stronger Legislation

10:15-10:30 **Assoc. Professor Ancuța Gianina OPRE & Ms. Simona ȘANDRU, Romanian Data Protection Authority, The Right to Private Life and the Legal Data Retention Activities**

10:30-10:45 **Dr. Jennifer BENNING, Collaborative Educational Projects in Service Learning As a Vehicle for Improving Quality of Life on the Pine Ridge Reservation in South Dakota**

10:45-11:00 **Ms. Isabela PORCIUS, European Human Cyber Rights**

11:00-11:15 **Professor Ioana VASIU & Dr. Lucian VASIU, Credit Card Frauds**

11:15-11:55 **DISTINGUISHED PANEL ON CYBERCRIMES: Mr. Nico TUIJN, Professor Ioana VASIU, Professor Giovanni ZICCARDI & Mr. Horea OLTEAN, Chief, Cluj Brigade for Combating Organized Crime**

11:55-12:00 **Conclusion and Closing Remarks**