Legal Foundation and Enforcement: Promoting Cybersecurity

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IPLEC Position

- U.S. Department of Justice prosecutor
- Work with 20 countries in Central and Eastern Europe
- Assist prosecutors and agents in the U.S.
  - 250 specialized computer crime and intellectual prosecutors
Central and Eastern Europe
Legal Foundation and Enforcement Overview

- Laws
- Global enforcement reach
- Investigation
- Prosecution/adjudication
- Effective networks/cooperative partnerships
Legal Foundation and Enforcement

• Provides framework to investigate, prosecute, and deter cybercrime
• Encourages security of and use of information and communication technologies
• Inspires confidence in legal system
• Promotes economic development and investment
Legal Foundation: Laws

• Challenges/Barriers
  – New methods of attack
  – More sophisticated crime
  – Organized crime
  – International dimension
Recent Trends

- Website attacks that exploit browser vulnerabilities
- Botnets
- Cyberespionage using targeted phishing to get large amounts of data
- Attacks on mobile phone and VOIP systems
- Insider attacks
- Identity theft from persistent bots
- Malicious spyware
- Web application security exploits
- Event phishing and VOIP phishing
- Malware on consumer devices in supply chain
Greater Sophistication

“Today’s attackers are increasingly sophisticated and organized, and have begun to adopt methods that are similar to traditional software development and business practices.”

- Increased professionalization and commercialization of malicious activities
- Threats that are increasingly tailored for specific regions
- Increasing numbers of multi-staged attacks
- Attackers targeting victims by first exploiting trusted entities
- Convergence of attack methods

Malicious Code By Type

Figure 2. Location of malicious code by type
Source: Symantec Corporation
Legal Foundation: Laws

- Laws
  - Updated
  - Sufficient for present cybersecurity needs
  - Address core substantive and procedural areas

- Global enforcement reach
  - Address local needs
  - International cooperation
  - Coordination
Legal Foundation: Laws

• Convention on Cybercrime
  – Framework
  – Substantive crimes
  – Procedural rules
  – International cooperation

• CCIPS review of draft laws
Investigation

Questions to ask:

• What is the ability of investigators to:
  – Follow criminal leads?
  – Collect and preserve evidence?
  – Find and apprehend violators?

• Where other countries are involved, how long will the process take?
Investigation

• Specialized training
  – Obtaining electronic evidence

• Cooperation
  – Mutual assistance processes
Prosecution and Adjudication

• Enforce criminal law
  – Admit evidence in court
  – Deterrence
  – Punishment
  – Train judges
Effective Networks/Cooperative Partnerships

- International partnerships

- Governments
  - National
  - State and local

- NGOs

- Industry/Private Sector
  - Assisting investigation
  - Reporting crime
• Public page
• Latest news releases
• Policies and programs
• Legal resources
• Contact info
• Cases
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