
HIPSSA Project

Support for Harmonization of the ICT Policies
in Sub-Sahara Africa

ITU/HIPSSA TECHNICAL ASSISTANCE ON ELECTRONIC TRANSACTIONS
FOR THE REPUBLIC OF RWANDA 2013

Capacity Building on Electronic Transactions and e-Commerce

11-12 July 2013



Topics

- Effect of legal recognition of:
 - Writing
 - Digital signatures
- Incorporation by reference
- .rw DNS



Jafta v Ezemvelo KZN Wildlife [2008] 10 BLLR 954 (LC)



- Jafta: offer of employment on condition that he accepts via e-mail by 24h00 31 December 2007



The plot thickens...

- SMS from Wildlife's HR Manager stating that Wildlife needed to know whether Jafta was going to accept its offer.
- Jafta replied via SMS:
 - Have responded to the affirmative through a letter emailed to you this evening for the attention of your CEO. Had problems with email I had to go to internet café.



Jafta court

- The Court held: Jafta's SMS reply "to the affirmative" was a direct and unequivocal acceptance of the offer and formed a valid contract.

Text messages may seem casual, it would be a mistake to treat them as having no legal effect. A valid and enforceable contract can be formed through the exchange of text messages.



Legal Implications

- Burden of use of technology has shifted
 - Postal – offeror risk
 - E-communications addressee carries risk
- Designated info system: amended through SMS message



SMS sent in Haste

- *SIHLALI, MAFIKA v SABC* CASE NO: J 700/08
- Suspended - SMS message - Chair of Board resigning
- Resignation accepted via e-mail message and a follow-up letter
- Retraction – not proper resignation
- Not able to retract after resignation was accepted



Digital signatures

COMPANY: TEST INC. (demo)

Jane Human



Signix, Inc.

[Handwritten signature]



Digital signature = e-signature

Transformed a data message

Asymmetric cryptosystem

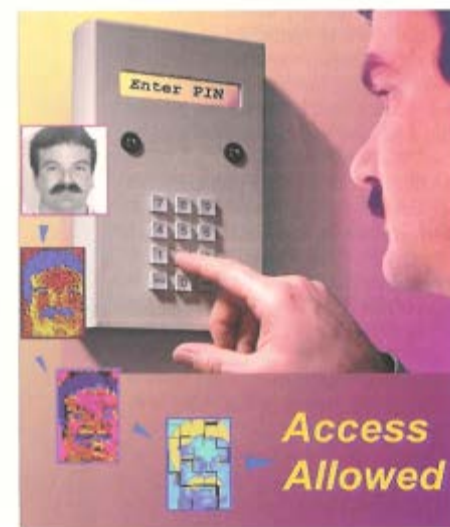
Accurately verified- Transformation

private key = transformation signer's

public key

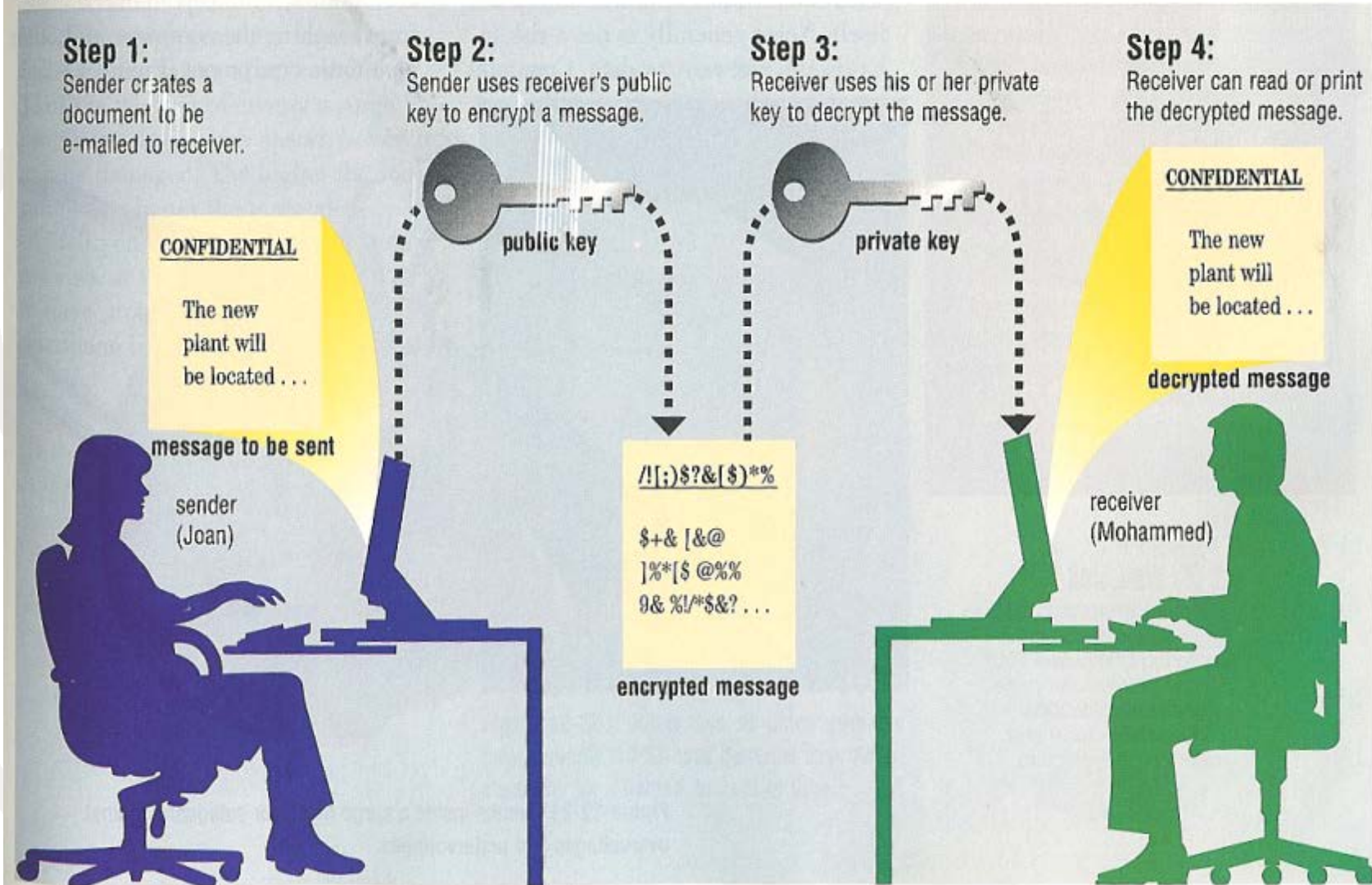
Initial record = unaltered

Biometric features

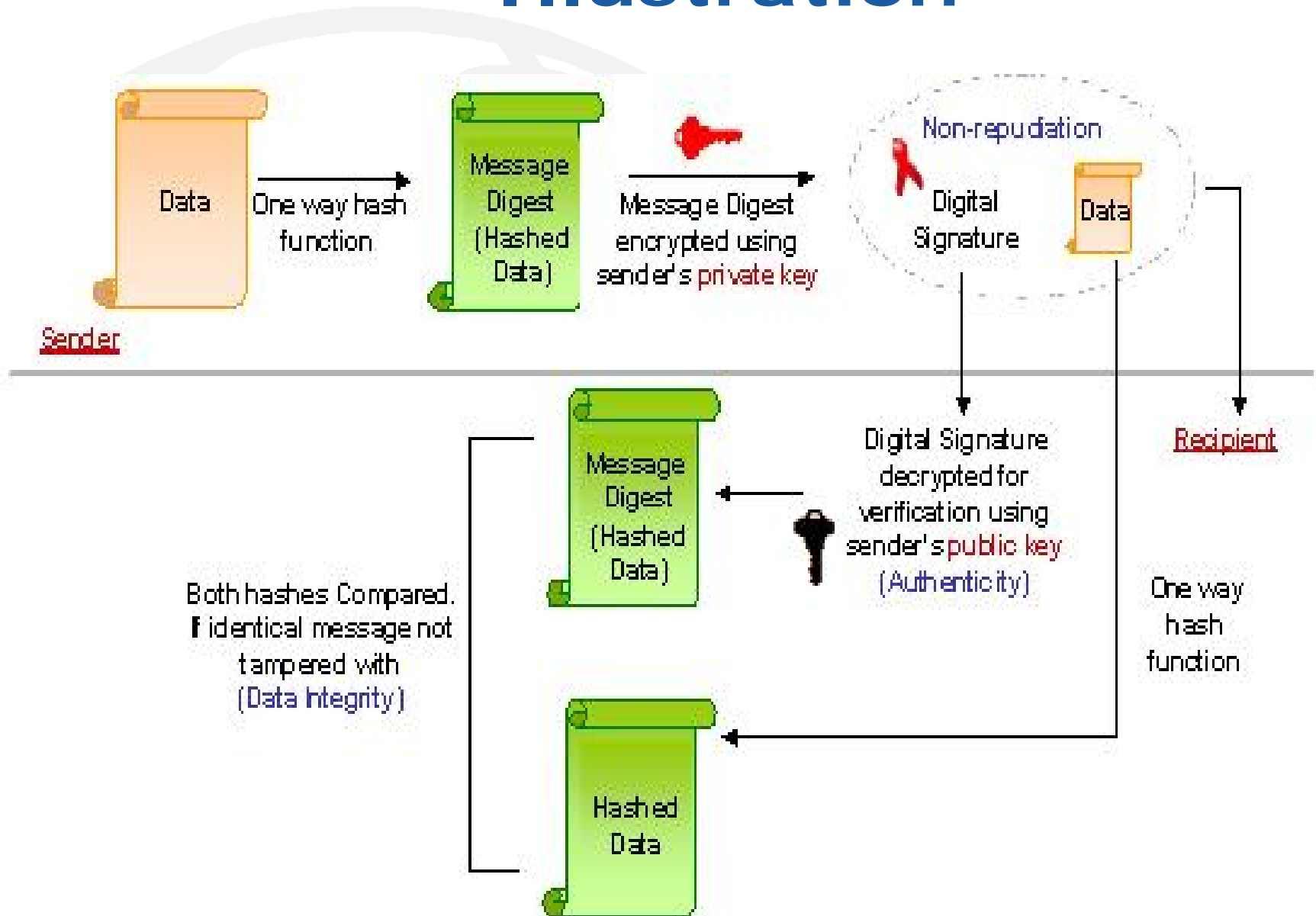


Public Key Encryption

Figure 12-20 AN EXAMPLE OF PUBLIC KEY ENCRYPTION



Illustration

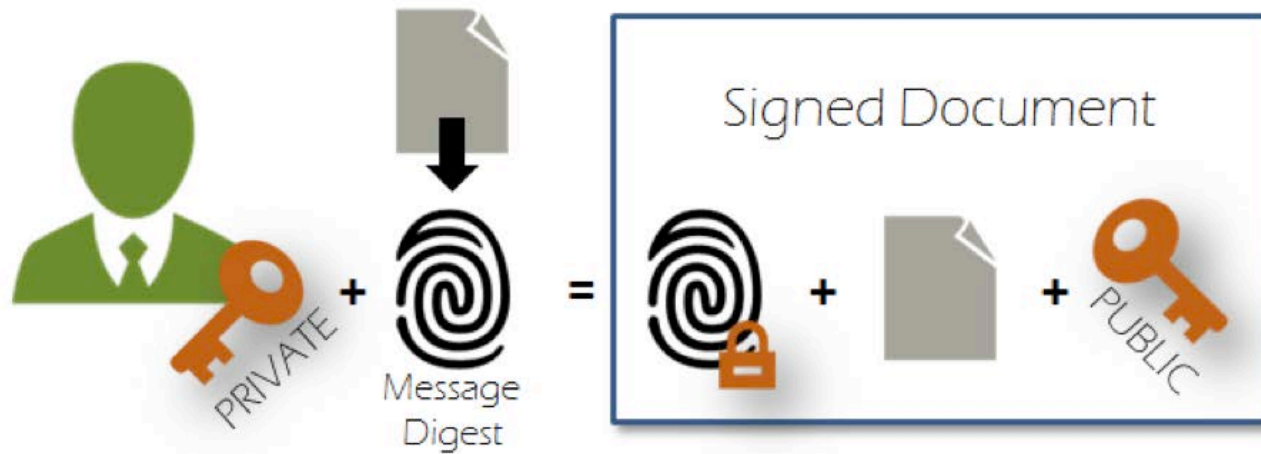


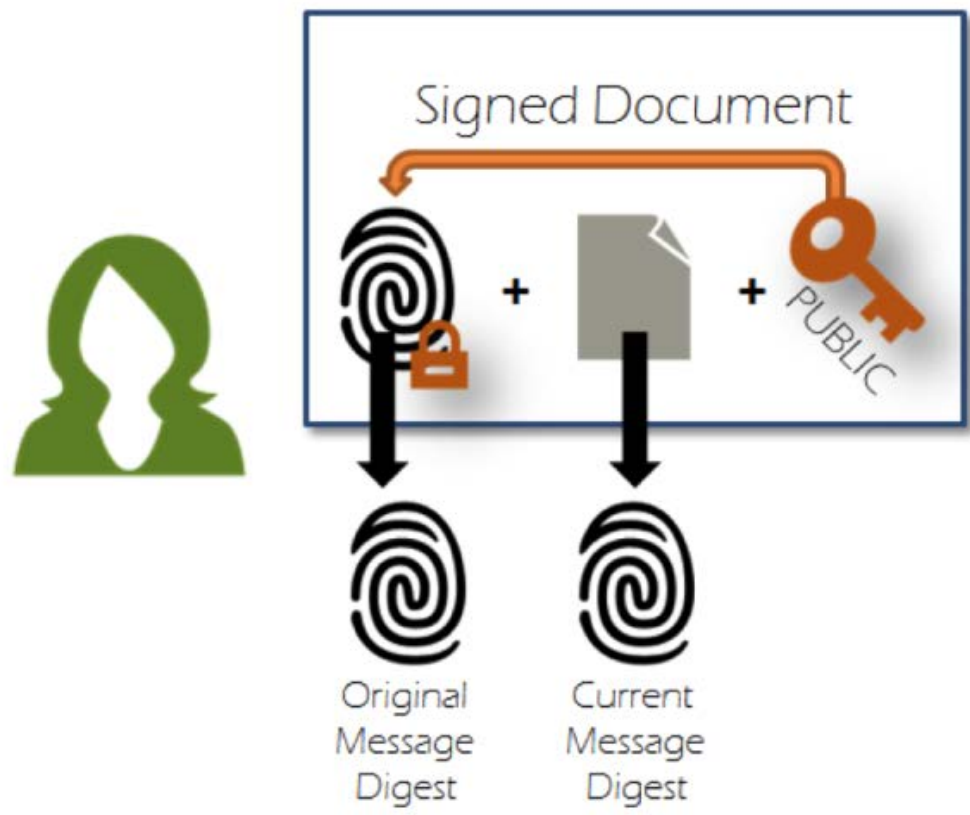
Correct the spelling of one word in message: "withdrawal"

- Message digest:
874E9EED73DDDCF55
- Previous message digest:
1A25CF6990F82C0RIPEM128



Source: <http://www.signix.com>







Original
Message
Digest

=



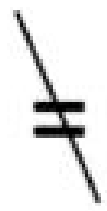
Current
Message
Digest

=





Original
Message
Digest



Current
Message
Digest



Value

- Authenticates and identifies e-commerce parties;
- Non-repudiation - authorises transactions;
- Verifies integrity of info sent over Internet



FUTURE

Abidjan and India: Mobile digital signatures



Continental to replace car keys with digital signature



motorstown.com



Art 175 Incorporation by reference

- Information shall not be denied legal effect, validity or enforceability solely on the grounds that it is not contained in the data message purporting to give rise to such legal effect, but is merely referred to in that data message.
- Best practice: Ticket cases



Were terms expected?



Yes

No

Would reasonable person have noted the incorporation?

Not bound

Yes.....

No



Bound whether terms were read or not.



Example

New Tariffs New Telkom tariffs w.e.f. 1 August 2007... [more>>](#)
Buy a PC from Telkom! Buy a PC on your Telkom account for as little as R219.37 per month... [more>>](#)
Telkom PrepaidFone Waya-Waya Stay connected all year for R120 and ringa waya-waya [more>>](#)
Moving home? Now Telkom SmartMoves has an easy to use service to inform your friends and family your new contact details in one go!..... [more>>](#)
Let your opinion be heard... Have your say and earn exciting rewards... [more>>](#)
[Home](#) | [PAIA](#) | [Terms & Conditions](#) | [Proudly South African](#)

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[Online ITU Terms and Conditions](#)

[Ease-e-Bill Terms and Conditions](#)

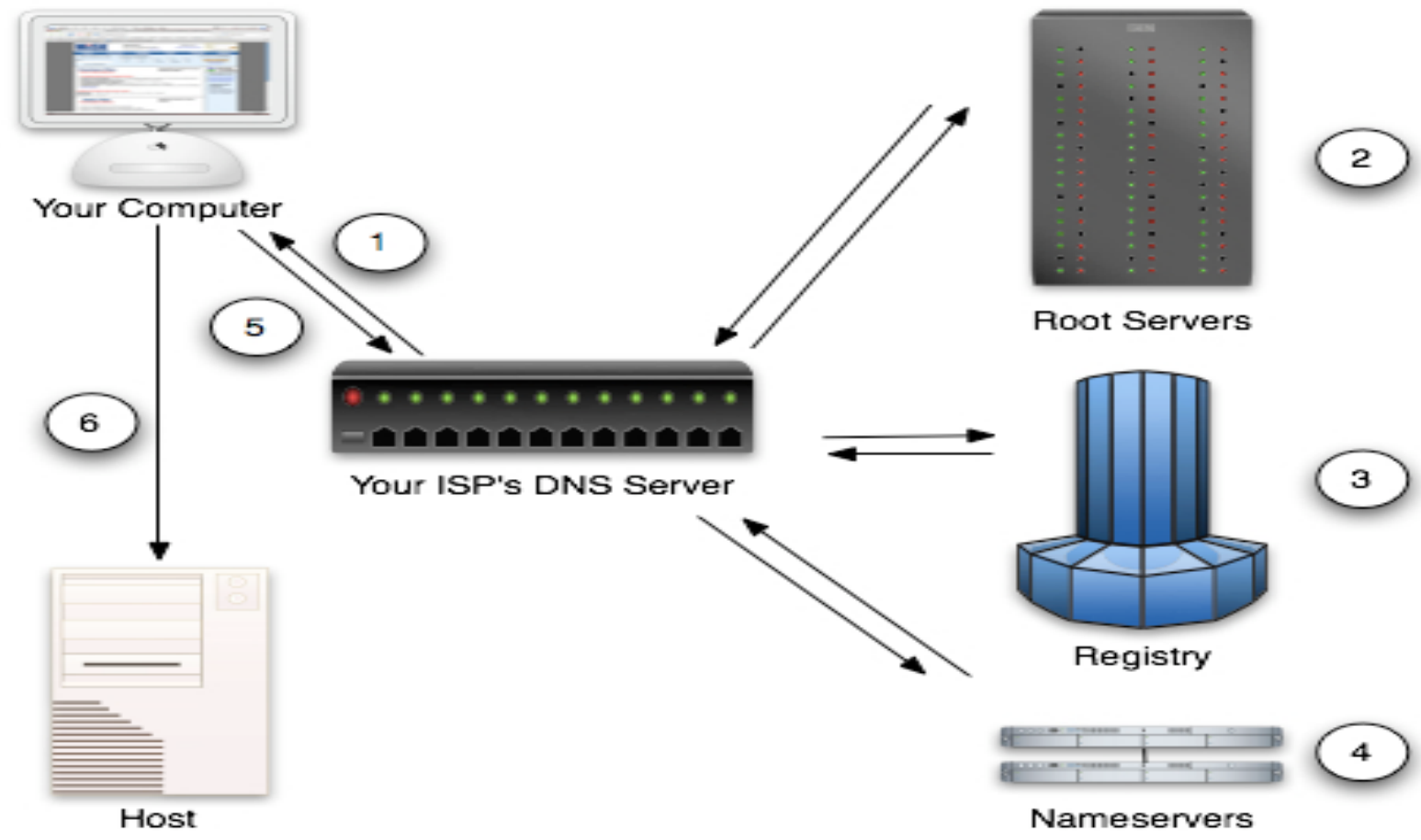


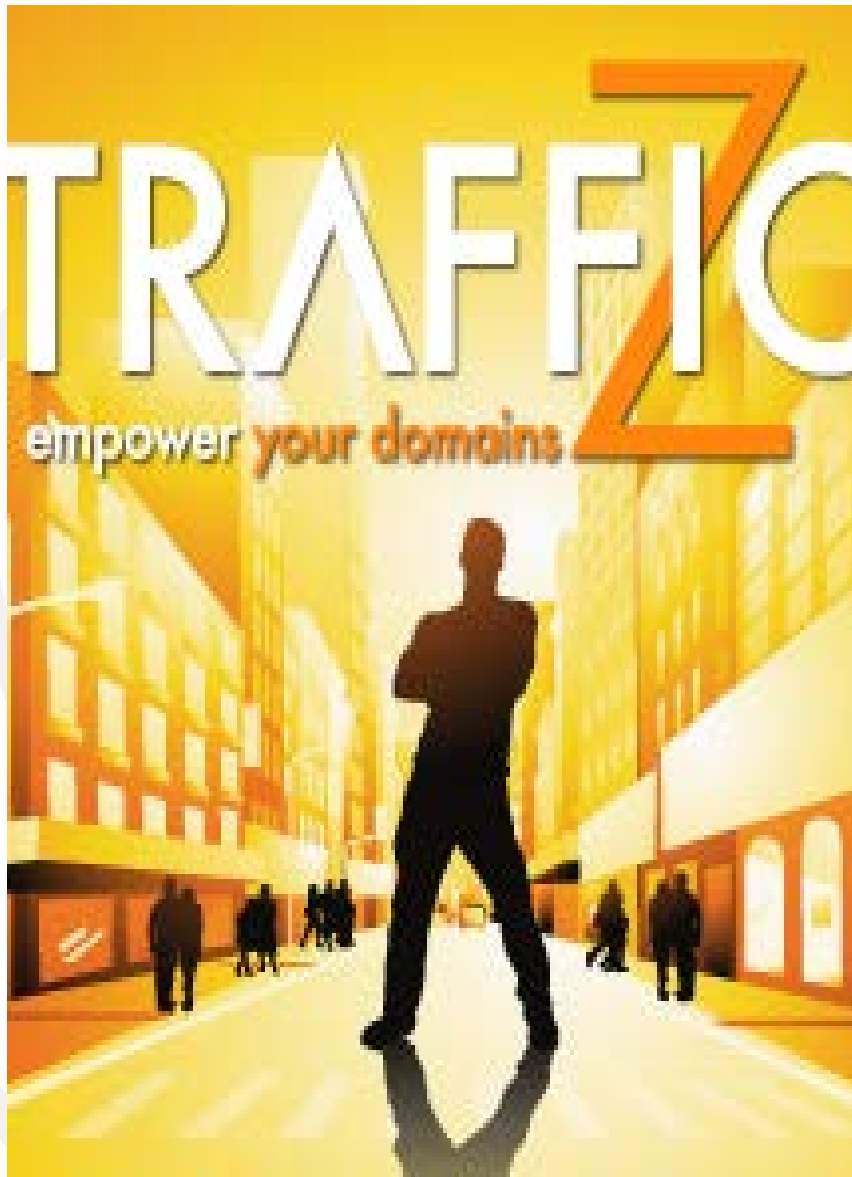
Introduction

- Computers connected Internet Protocol (IP) addresses
- Easier to remember computer names than IP addresses or numerical strings
 - www.sabnet.co.za or 198.54.80.16?
- First come-first-serve



FUNCTION OF DNS





WHY

- On-line presence
 - Worldwide
 - Unique
- Open & closed systems



European
Commission



.RW Domain Name Space

- 246 million top-level domains TLDs
- National priorities -Cybersquatting vs trademark protection
- ccTLD – national asset – international recognition: GAC principles –

➤ <http://youtu.be/BPHx87hysr0>










People Eating Tasty Animals

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A resource for those who enjoy eating meat, wearing fur and leather, hunting, and the fruits of scientific research (and more!).

Meat	Leather	Fur	Taxidermy	Hunting	Fishing
 Pets	 Research	 Miscellaneous		 Comments	Hate Mail 

Protest sites or cybergripping

- Telkomsucks.co.za
- F*cktelkom.co.za
- Hellkom.co.za
- **Neverflysaa.com**
- Limits of tm in the on-line world
- Cybergripping – public policy balance



*Prices that'll
make you sweat*



Conclusion I

- DNS plays an important part in Rwanda's ICTs
- Compelling policy imperatives for the management of the .rw DNS
- Regulations should be adopted for
 - ADR proceedings and
 - accreditation of ADR providers in accordance with national policies



Conclusion II

- Paper-based contracts e-amended
- Incorporation by reference-technical requirement
- Secure e-signatures – NB role in authentication & integrity



THANK YOU...

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