

**UNIVERSITY OF FORT HARE**  
**FACULTY OF LAW**

**CYBER LAW**  
**LCL 412E / 413E**

**DEGREE EXAMINATIONS**  
**JUNE 2023**

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**Time:** 3 hours

**Subject:** Cyber Law LCL 412E / 413E

**Marks:** 100

**This paper consists of Three (3) pages including the cover page**

**Internal Examiners**  
**Ms V Tatchell**

**External Examiner**  
**Mr N Ncamane**

**GENERAL INSTRUCTIONS**

- a. Answer all the questions
- b. Each question must be answered as per the instructions provided
- c. It is in your best interest to write clearly, neatly and legibly
- d. Rely on relevant case law and statutory provisions where applicable

**QUESTION 1 [25 Marks]**

Alex and Sindy go out together for a night out on the town. Sindy gets into an altercation with Daisy while at a bar, this altercation turns physical and other patrons begin to record it. With reference to relevant legal authority, critically discuss the admissibility and weight of the electronic evidence, being the video footage recorded by the other patrons.

**QUESTION 2 [25 Marks]**

Discuss the South African position regarding substantive cybercrimes prior to and after the Electronic Communications and Transactions Act 25 of 2002 came into effect.

**QUESTION 3 [25 Marks]**

With reference to case law, critically discuss liking, framing of online content and caching as conduct that can infringe copyright through the medium of the internet.

**QUESTION 4 [25 Marks]**

4.1 Ms Carmichele a client of yours, advises you that she has been corresponding via Electronic Mail (E-mail) with a Property company called DHA to lease a certain block of flats for a period of 15 (fifteen) years. She shows you a particular e-mail exchange between herself

and a certain Mr Pieterse who represents DHA, wherein DHA offers to lease a block of Flats named, Pluto to Carmichele properties (Gp) for a period of 15 (fifteen) years. With reference to case law and legislation, advise Ms Carmichele whether this qualifies as an electronic contract and if so, the enforceability thereof. (15)

4.2 With reference to case law and legislation, discuss the validity of electronic signatures in South Africa. (10)

**[TOTAL 100 MARKS]**