



## **Cybersecurity Law & Policy Conference**

# Liability for cybersecurity breaches and IoT

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#### **Overview**

- Cybersecurity: notion and phenomenology
- International legal framework for cybersecurity
- ❖ IoT related security risks
- Liability challenges in the IoT
- Contract laws
- Tort laws

 Sectorspecific laws

Design of new legal rules







## **Cybersecurity: notion and phenomenology**

#### Elements of IoT definition

## Cyber threat landscape

- Threat agents
- Threat tools
- Threat types





## International legal framework for cybersecurity

#### **Global efforts**

- UN: Group of Governmental Experts (GGE)
- ITU, WTO: Multilateral Treaties

#### **European efforts**

- Council of Europe,BudapestConvention
- European Union:NIS Directive,Cybersecurity Act

# Other supra-state efforts

- NATO: Tallinn Manual
- East Asia:ShanghaiCooperationOrganization



## **IoT-related security risks**

Low vs. high risks for IoT products / services

Private standards vs. governmental regulations

International vs. national law

Criminal vs. civil law





## Liability challenges in the IoT **Traditional Accountability Sector-specific** regulations liability concepts concept Governance issues Contract liability

General tort liability

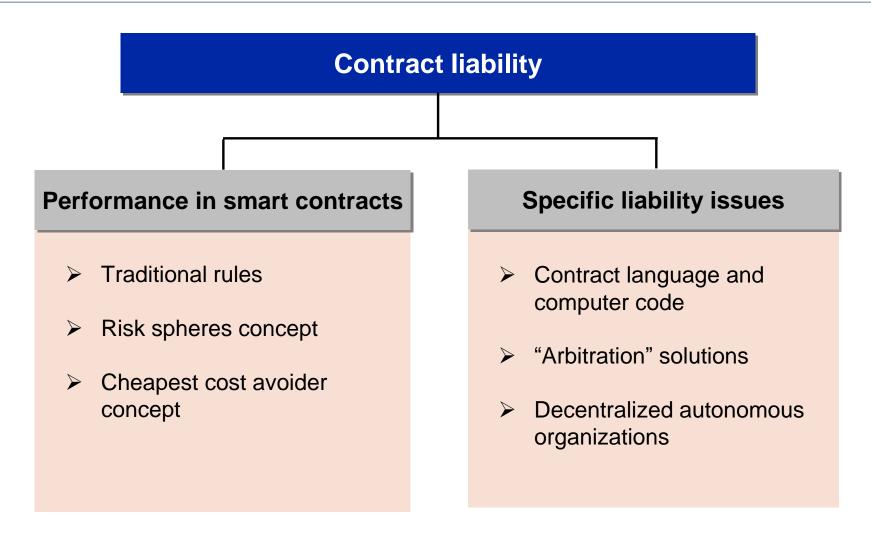
Product liability

- Trust issues

- **Telecommunications** law
- Data protection law

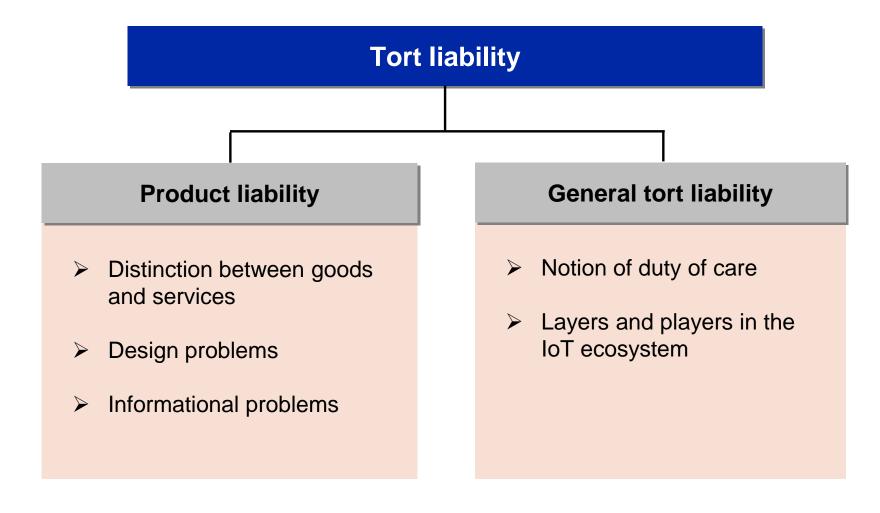
















## **Design of new legal rules**

New design of duty of care notion

Concept of shared responsibility (risk allocation)

Certification frameworks

Risk management models

Voluntary or mandatory insurance schemes

### **Outlook**



Privacy and security in the IoT as central challenges



Suitable concretization of contract liability and improvement of tort liability



Implementation of certification frameworks and issuance of "half-binding" recommendations (NIST)



Higher emphasis on accountability, risk management and governance