

Computer Crimes & Intellectual Property Loss

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Author Note

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Objective

Utilize the U.S. Justice Department's Cyber Crime website to find a computer related crime within the past year (2016-2017). The case must conflict with an ethical code. Summarize the case, list all case elements, and the law(s) that were violated. Provide your own code of ethics with at least five distinct rules.

To combat the uptick in computer crimes and intellectual property losses, the FBI releases annual fiscal year reports on several key cases for both computer and intellectual crimes. One of the more high-profile cases involved a now-former developer for IBM selling trade secrets to Chinese businesses and the Chinese Government. Jiaqiang Xu was convicted, after pleading guilty in May of 2017 to selling "a type of software known as a clustered file system" (Fortune, 2017), to "benefit the National Health and Family Planning Commission of the People's Republic of China" (Justice Dept, 2017).

This case primarily violates intellectual property laws: Xu intended to steal IBM's source code and "create additional scripts" (Fortune, 2017) to mask which tech company it had originally come from. In another incident, Xu also tried to sell the secrets to an undercover FBI agent who was posed as a business investor. The trade secret promised to increase processing speed by distributing the workload across multiple machines. On October 13, 2017 he was given a sentence of five years (Reuters, 2018)

With this case in mind, I believe this clearly violates both legal and ethical standards; Xu had the intention of stealing the property of another through illicit means. His full intention was

to give the source code away to the Chinese government and in that aspect, steal potential profit from IBM who sells this service to a wide range of businesses and educational institutions.

In an article by Forbes, they specify that source code is indeed copyright material. They recommend ensuring that specific people legally have the source code as intellectual property under their name. It's also recommended to document who has the intellectual property.

My five, distinct code of ethics are as follows:

- Unless given explicit authorization, do not make any attempt to breach a system.
- Respect another person's technology.
- Never attempt to scam, phish, or otherwise exploit end user awareness for your own personal gain.
- On a similar note, refrain from "black hat" activities that would violate the laws of your country and others.
- Make no attempt to steal intellectual property, physical property, or similar.

These rules are fairly easy to follow and require very little effort, if any, on the end user's part. Gaining explicit authorization for a penetration test isn't difficult: anyone that's requesting a legitimate, legal penetration test will be more than happy to give you explicit authorization. Along similar lines is the respect of another person's technology...Never should you touch or attempt to harm another person's tech, whether it be a thumb drive or an expensive workstation. Not scamming people should be a basic human principle, but it seems lacking sometimes. Subsequently, I feel it should be reinforced where possible: trying to steal information from an unsuspecting person is immoral. Black hat activities must be refrained from: they'll end you up in front of a jury. Finally, theft of physical and intellectual property is something that kind of

encompasses all of the previous rules; at the end of the day, you want to avoid going to jail so it's as simple as not stealing things unnecessarily.

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