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- Remote electronic discovery
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 electronic signature; civil procedure
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Electronic evidence, continuity

TlnRnKo 09.01.2017, 1-15-9051, Tallinna Ringkonnakohus (Tallinn Circuit Court)

Estonia; VAT on property; admissibility of evidence collected by surveillance; digital evidence guidelines; continuity of evidence (also known as chain of custody); MD5 hash – whether sufficient to prove evidence not altered; status of opinion of external expert (a lawyer)

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Electronic evidence, integrity

Hangzhou Huatai Yimei Culture Media Co., Ltd. v. Shenzhen Daotong Technology Development Co., Ltd. (2018) Zhe 0192 Civil Case, First Court No. 81, Hangzhou Internet Court of the People’s Republic of China, translated by Dr Jiong He

China; intellectual property infringement; authenticity of electronic evidence; screenshot of webpage; SHA256 hash value; blockchain related evidence; Bitcoin block chain; integrity of evidence; law of electronic signatures

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Electronic evidence, life cycle

Electronic Evidence in Criminal Procedure. On the Effects of ICT and the Development towards the Network Society on the Life-cycle of Evidence

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Xinchuan Online (Beijing) Information Technology Co. Ltd. v Zigong Branch of China Network Communication Group (2008) Min Shen Zi No. 926, translation and commentary by Dr Jiong He

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- Bulgaria; Civil Procedure Code; formation of contract; electronic evidence; exchanges via social networking website; proof*
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4 (2007) 91 – 92

GmS-OGB 1/98

Facsimile transmission sent directly from a computer (Computerfax) with a scanned signature, complies with the requirements of written form for formal court pleadings

2 (2005) 103 – 104

OLG Köln, 19 U 16/02; LG Konstanz, 2 O 141/01 A; AG Erfurt, 28 C 2354/01

Evidential value of declarations sent by e-mail

2 (2005) 105 – 106

19 February 2009, IV R 97/06

Statement of claim; submitted with a digital signature (qualified electronic signature); certificate; monetary limit; validity of signature

6 (2009) 278

2 BvC 3/07, 2 BvC 4/07 Federal Constitutional Court of Germany

Unconstitutional use of electronic voting machines

6 (2009) 279 – 280

22.09.2009, 1 K 365/09.TR

Right to appeal; electronic means; administrative proceedings

7 (2010) 156 – 157

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- Appeal by e-mail; signed with a qualified electronic signature; verification of the signature*
7 (2010) 158
- Germany, case translations
Ur19 U 16/02, OLG Köln, 6 September 2002
Evidential value of declarations sent by e-mail
5 (2008) 108 – 109
12 U 34/07, Court of Appeal Berlin (Kammergericht Berlin), 30 August 2007
Private electronic documents; ‘instrument’; qualified electronic signature
5 (2008) 110 – 111
5 October 2004, XI ZR 210/03, published BGHZ 160, 308-321 Bundesgerichtshof (Federal Court of Justice)
Electronic signature (PIN); ATM; card holder; theft of card; subsequently used by thief; liability
6 (2009) 248 – 254
- Georgia
Problems of legal regulation and investigation of computer crimes in Georgia
7 (2010) 53 – 66
- Greece, articles
Electronic signatures: value in law and probative effectiveness in Greece
4 (2007) 34 – 40
- Greece, case notes
Case number 1327/2001 – Payment Order from the Court of first instance of Athens
Electronic document; e-mail; e-mail address; electronic signature; meaning; evidential weight
1 (2004) 83 – 86
Court Decision No. 1963/(2004)
- E-mail address; status; electronic signature; private document*
2 (2005) 107 – 111
Court Decision No. 3279/(2004)
State procurement; mechanic stamp of signature; validity
3 (2006) 101 – 103
- Greece, case translations
Court Decision No. 5526/1999
Cash card; PIN; theft of card; unauthorized withdrawals; liability
4 (2007) 89 – 90
Case No. 1327/2001 – Payment Order
Electronic document; e-mail; e-mail address; electronic signature; meaning; evidential weight
3 (2006) 104 – 107
Case No 803/2004, Council of State for Suspensions, 15 September 2004
Administrative appeal; e-mail; need for hard copy
5 (2008) 112 – 116
Court Decision No. 9460/1999 (9460/1999 ΕΦ ΑΘ)
Banking; sending a card and electronic signature (Personal Identification Number (PIN)) through the national post; loss of items; liability for subsequent unauthorised withdrawals
7 (2010) 134 – 136
Payment Order 8444/2011, Court of First Instance of Athens
Electronic documents; meaning and distinctions of electronic documents; evidential weight of an attested copy of an e-mail; whether it meets the requirements of article

623 of the Code of Civil Procedure for the issuance of a payment order

8 (2011) 231 – 234

Payment Order 1932/2011, translation and commentary by Michael G. Rachavelias

Definition and legal nature of electronic documents; evidential weight of an e-mail message; function of an e-mail address as an electronic signature; evidential weight of the printed copy of an e-mail; authenticity issues regarding electronic documents

10 (2013) 198 – 200

46/2014, translated by Michael G. Rachavelias

Greece; private documents; definition of electronic document; e-mail address; articles 443 – 444 Greek Civil Procedure Code; control of property; prerequisites; trespass

12 (2015) 76 – 80

Hacking

Norway, case law

HR-2012-2056-A, translation reviewed by Arve Føyen

Criminal offence; hacking; ‘cloud’ (online) storage of personal digital data; data protection; data controller; privacy

10 (2013) 201 – 208

Obtaining evidence

Online searches and online surveillance: the use of trojans and other types of malware as means of obtaining evidence in criminal proceedings

13 (2016) 88 – 96

Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters

France, case law

In re Advocate Christopher X, Cour de cassation chambre criminelle du 12 décembre 2007 n°07-83228

7 (2010) 130 – 133

Hash values

Hangzhou Huatai Yimei Culture Media Co., Ltd. v. Shenzhen Daotong Technology Development Co., Ltd. (2018) Zhe 0192 Civil Case, First Court No. 81, Hangzhou Internet Court of the People’s Republic of China, translated by Dr Jiong He

China; intellectual property infringement; authenticity of electronic evidence; screenshot of webpage; SHA256 hash value; blockchain related evidence; Bitcoin block chain; integrity of evidence; law of electronic signatures

16 (2019) 61 – 70

TlnRnKo 09.01.2017, 1-15-9051, Tallinna Ringkonnakohus (Tallinn Circuit Court)

Estonia; VAT on property; admissibility of evidence collected by surveillance; digital evidence guidelines; continuity of evidence (also known as chain of custody); MD5 hash – whether sufficient to prove evidence not altered; status of opinion of external expert (a lawyer)

16 (2019) 71 – 89

Hearsay

Digital data as hearsay

6 (2009) 7 – 24

E-mail evidence and the hearsay rule – commentary on a recent Malaysian case

10 (2013) 107 – 114

An analysis of the judicial and legislative attitude to hearsay electronic data in South Africa

20 (2023) 10 – 29

Hong Kong

The Singapore Electronic Transactions Act and the Hong Kong Electronic Transactions Ordinance

5 (2008) 7 – 20

Hong Kong’s new electronic discovery procedures

11 (2014) 29 – 36

Electronic evidence and electronic discovery in the Hong Kong Special Administrative Region, People’s Republic of China

13 (2016) 26 – 43

Horizon system

The Post Office Horizon system and Seema Misra

13 (2016) 133 – 138

The harm that judges do – misunderstanding computer evidence: Mr Castleton’s story

17 (2020) 25 – 48

The Post Office Horizon IT scandal and the presumption of the dependability of computer evidence

17 (2020) 49 – 70

Scandal at the Post Office: The intersection of law, ethics and politics

19 (2022) 12 – 28

The Post Office IT scandal – why IT audit is essential for effective corporate governance

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19 (2022) 123 – 127

Ismay Report: Horizon – Response to Challenges Regarding Systems Integrity (Post Office Limited, 2 August 2010)

19 (2022) Document Supplement

The Law Commission and section 69 of the Police and Criminal Evidence Act 1984

20 (2023) 62 – 95

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Human memory

PINs, passwords and human memory

6 (2009) 116 – 122

Hungary

Electronic evidence in Hungary: a general overview

8 (2011) 44 – 59

Hungary, case translation

BH (Court Decisions) 2006/324, A Magyar Köztársaság Legfelsőbb Bíróságának (Supreme Court), by Szecskay Ügyvédi Iroda

Electronic documents; identifiable signature; unsigned e-mail; legal effect; requirement for an advanced electronic signature

8 (2011) 235 – 237

Identification of sender of digital communication

Judgment in the case of *K.U. v Finland*: the European Court of Human Rights requires access to communications data to identify the sender to enable effective criminal prosecution in serious violations of private life

6 (2009) 33 – 45

Identity, digital

Federated identity management: enabling legal control over digital property in the cloud

8 (2011) 33 – 43

Illegal content, hiding

<p>Hiding illegal content in the SWF format and spreading through social network services: a legal approach 7 (2010) 116 – 121</p> <p>Illegal file sharing Denmark, case law Poul Erik Gravgaard Larsen v IFPI Danmark, Case 27/2009, Højesterets Dom (Supreme Court) <i>Illegal file sharing of music over the internet; assessment of digital evidence</i> 8 (2011) 219 – 230</p> <p>Illegal tweets France, case law Union des Etudiants Juifs de France and J'accuse! ... action internationale pour la justice v Twitter, Inc. (with voluntary interventions by Le Mouvement Contre Le Racisme et pour L'Amitié Entre Les Peuples, Association SOS Racisme-Touche pas a mon pote and La Ligue Internationale Contre Le Racisme et L'Antisémitisme), with a commentary by François Delerue <i>Host; ID; Twitter; responsibility; illegal content; author; Data Protection Law; communication; data; injunction; Article 145 of the CPC; French law; enforcement; jurisdiction</i> 10 (2013) 188 – 197</p> <p>Illegally obtained evidence Belgium The use of illegally obtained evidence in Belgium: a 'status questionis' 10 (2013) 63 – 66</p> <p>Slovenia</p>	<p>I Ips 7/2009 7 (2010) 163 – 165</p> <p>Imagery, computer generated The use of computer generated imagery in legal proceedings 13 (2016) 3 – 25</p> <p>Immovable property Implementation of public e-services for immovable property contracts in Lithuania 3 (2006) 77 – 83</p> <p>India Digital Evidence: An Indian Perspective 5 (2008) 214 – 220 The Supreme Court of India re-defines admissibility of electronic evidence in India 12 (2015) 33 – 37 The role of digital signatures in the digitisation of loan documentation in India 14 (2017) 61 – 66</p> <p>Indonesia The Indonesian law on electronic information and transactions 6 (2009) 202 – 206 Indonesia: the controversy over the Bill concerning lawful interception 8 (2011) 130 – 138 Electronic evidence and electronic signatures in Indonesia: the probative value of digital evidence 10 (2013) 136 – 143 Electronic title certificate as legal evidence: the land registration system and the quest for legal certainty in Indonesia 20 (2023) 47 – 61</p> <p>Information retrieval</p>
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6 (2009) 210 – 213
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10 (2013) 59 – 62
Xinchuan Online (Beijing) Information Technology Co. Ltd. v Zigong Branch of China Network Communication Group (2008) Min Shen Zi No. 926, translation and commentary by Dr Jiong He
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10 (2013) 158 – 161
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Poul Erik Gravggaard Larsen v IFPI Danmark, Case 27/2009, Højesterets Dom (Supreme Court)
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8 (2011) 219 – 230
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LIN; AY6903, Voorzieningenrechter In Kort Geding (Services Court Judge Amsterdam), 345291 / KG 06-1112 AB
6 (2009) 263 – 269
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Bonnier Audio AB, Earbooks AB, Norstedts Förlagsgrupp AB, Piratförlaget AB and Storyside AB v Perfect Communication Sweden AB (the Ephone case)
6 (2009) 290 – 291
- United States of America
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- Irish Supreme Court extends the scope of electronic discovery: *Dome Telecom v Eircom*
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Italy; evidence of contract; e-mail; validity of electronic signature; payment of invoices; Code of the Digital Administration decree 82/2005; Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC OJ L 257, 28.8.2014, p. 73–114

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Italy, translation, data protection preliminary verification

Date of decision: 12 September 2013

Requested by Fineco Bank S.p.A.

Italy; data protection; preliminary verification; biometric data; advance electronic signature

11 (2014) 207 – 212

Date of decision: 31 January 2013

Requested by IT Telecom s.r.l. and Cassa di Risparmio di Parma e Piacenza S.p.A.

Italy; data protection; preliminary verification; biometric data; advance electronic signature; need to amend contracts; consent

11 (2014) 213 – 220

Date of decision: 31 January 2013

Requested by Unicredit S.p.A.

Italy; data protection; preliminary verification; biometric data; advance electronic signature

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Japan, case law

Alteration of evidence

Heisei 22 Nen (Wa) 5356 Gou

Prosecutor; alteration of digital evidence; criminal offence

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Formation of contract, telex, signature

Showa 33 (Wa) No.681, 10 November 1962

Formation of contract; expressions of intent by letter and telex; cancellation of contract; liability

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Japan; executable code; causing disruption; causing innocent third parties to act as a conduit to post threats; criminal acts; misleading the investigating authorities; innocent parties falsely accused, arrested and convicted; creation of false evidence

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whether provider of service is required to provide identification and registration data of the person who registered e-mail accounts, including the IP address, date and time of the registration; the e-mail address associated with the profile; any other relevant personal information that could lead to identification of the user; electronic communications network; provider of an electronic communications service

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8 (2011) 208 – 215

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Estonia; VAT on property; admissibility of evidence collected by surveillance; digital evidence guidelines; continuity of evidence (also known as chain of custody); MD5 hash – whether sufficient to prove evidence not altered; status of opinion of external expert (a lawyer)

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Case No. 11534-13

Sweden; advanced electronic signature; effectiveness; administrative proceedings

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Convention on Road Traffic; driver must be in
control of vehicle*
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in English High Court litigation
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- Ten years of computer forensic tool testing
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registration; the e-mail address associated with the profile; any other relevant personal information that could lead to identification of the user; electronic communications network; provider of an electronic communications service

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In re Advocate Christopher X, Cour de cassation chambre criminelle du 12 décembre 2007 n°07-83228

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7 (2010) 130 – 133

Union des Etudiants Juifs de France and J'accuse! ... action internationale pour la justice v Twitter, Inc. (with voluntary interventions by Le Mouvement Contre Le Racisme et pour L'Amitié Entre Les Peuples, Association SOS Racisme-Touche pas a mon pote and La Ligue Internationale Contre Le Racisme et L'Antisémitisme), with a commentary by François Delerue

Host; ID; Twitter; responsibility; illegal content; author; Data Protection Law; communication; data; injunction; Article 145 of the CPC; French law; enforcement; jurisdiction

10 (2013) 188 – 197

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1042/2011; RG No 11-11-00080 (not
published), 12 December 2011

*France; revolving credit; extensions of credit;
failure to pay; digital evidence; electronic
signature; civil procedure and time limit of
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Arrêt No 442/12 of 14 February 2013 (not
published)

*France; revolving credit; extensions of credit;
failure to pay; digital evidence; electronic
signature; civil procedure and time limit of
application*

11 (2014) 168 – 170

n° 13DA00046 (not published at Recueil
Lebon), 30 May 2013

*France; penalty points driver's license;
approved digital device; procedure; digital
evidence; electronic signature; biodynamic
version of a manuscript signature; proof*

11 (2014) 171 – 173

Groupe Philippe Bosc/MMT, translated by
Laura Ramkhalawan

12 (2015) 56 – 58

*France; brand; web site; finding; search engine;
parasitism; brands; source code; meta tag;
proof; nullity*

Arrêt n°211 du 26 février 2013 (12-14.771),
translated by Laura Ramkhalawan

12 (2015) 59 – 60

*France; tax authority; search and seizure;
application of article L. 85 of the Book of Tax
Procedures*

Arrêt du 27 février 2013, translated by Laura
Ramkhalawan

12 (2015) 61 – 66

*France; copyright; probative value of official
report; Afnor NFZ67-147 standard; software;
internet; validity; co-author*

26 June 2014 – no. 13/19600, translated by
Laura Ramkhalawan

12 (2015) 67 – 70

*France; special power of attorney issued
online; electronic signature; reliability criteria
regarding identification of the author of an
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articles 1316-1 et 1316-2 du Code civil;
application of terms*

Jugement du 19 décembre 2014, translated by
Laura Ramkhalawan

*France; procedure; electronic signature;
validity; litigation; writ of summons; telephony;
subscription*

12 (2015) 71 – 75

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6 April 2016, translated by Laura Ramkhalawan

*France; electronic signature; validation of
signature; formation of contract*

13 (2016) 159 – 161

Décision n° 2018-696 QPC du 30 mars 2018, Le
Conseil constitutionnel (Constitutional Court)
translated by Pauline Martin

*France; encrypted data; refusal to reveal key to
authorities; criminal offence; constitutional
position*

15 (2018) 92 – 94

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Ur19 U 16/02, OLG Köln, 6 September 2002,
by Henriette Picot and Marlene Kast

*E-mail; internet auction; proof the bidder is the
same person as the owner of the e-mail
account; burden of proof to prove fraudulent
use; assessment of evidence to include security
of the internet*

5 (2008) 108 – 109

12 U 34/07, Court of Appeal Berlin (Kammergericht Berlin), 30 August 2007, commentary by Dr Martin Eßer

Whether print-outs from a private database constitutes an electronic document; requirement for qualified electronic signature; probative value of documentary evidence

5 (2008) 110 – 111

5 October 2004, XI ZR 210/03, published BGHZ 160, 308-321 Bundesgerichtshof (Federal Court of Justice), commentary by Dr Martin Eßer, further commentary by Dr Thomas Kritter

Electronic signature (PIN); ATM; card holder; theft of card; subsequently used by thief; liability

6 (2009) 248 – 254

XI ZR 91/14, Bundesgerichtshof (Federal Supreme Court of Germany), translated by Florian Büth

Germany; evidentiary principles regarding disputed payment orders in online banking

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Court Decision No. 5526/1999, by Fylla, Anastasia

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7 (2010) 137 – 140

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8 (2011) 238 – 241

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6 (2009) 255 – 262

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