

INFORMATION TECHNOLOGY

ACT,2000

Attribution acknowledgement and
despatch of electronic records

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INTRODUCTION

- IT Act 2000, was notified on October 17,2000.
- It was opposed by SAVE YOUR VOICE CAMPAIGN and other civil society organization in INDIA.
- In that time being, user review and mouth shut.com a social networking site had filed a write petition in supreme court.
- An act to provide legal recognition.
- Referred as ELECTRONIC RECORDS.



Section 11 of information technology act.

- **Attribution of electronic records.**
- An electronic record shall be attributed to the originator -
- if it was sent by the originator himself.
- by a person who had the authority to act on behalf of the originator in respect of that electronic record, or
- by an information system programmed by or on behalf of the originator to operate automatically.

Attribution acknowledgement

ATTRIBUTION OF ELECTRONIC RECORDS

An electronic record shall be attributed to the originator:

1. if it was sent by the originator himself.
2. By a person who had the authority to act on behalf of the originator in respect of that electronic record
or
3. By an information system programmed by or on behalf of the originator to operate automatically.



Meaning of attribution acknowledgement

- **Attribution**, in copyright law, is acknowledgement as credit to the copyright holder or author of a work. If a work is under copyright, there is a long tradition of the author requiring attribution while directly quoting portions of work created by that author.

Section 12.

- **Acknowledgment of receipt.**
- Where the originator has not agreed with the addressee that the acknowledgment of receipt of electronic record be given in a particular form or by a particular method, an acknowledgment may be given by -
 - any communication by the addressee, automated or otherwise, or
 - any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.
- Where the originator has stipulated that the electronic record shall be binding only on receipt of an acknowledgment of such electronic record by him, then unless acknowledgment has been so received, the electronic record shall be deemed to originate never sent by the originator.

Section 12 continue...

- Where the originator has not stipulated that the electronic record shall be binding only on receipt of such acknowledgment, and the acknowledgment has not been received by the originator within the time specified or agreed or, if no time has been specified or agreed to within a reasonable time, then the originator may give notice to the addressee stating that no acknowledgment has been received by him and specifying a reasonable time by which the acknowledgment must be received by him and if no acknowledgment is received within the aforesaid time limit he may after giving notice to the addressee, treat the electronic record as though it has never been sent.

Acknowledgement of receipt

ACKNOWLEDGEMENT OF RECEIPT

- Any communication by the addressee, automated or otherwise or
- Any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.
- Where the originator has stipulated that the electronic record shall be binding only on receipt of an acknowledgement.



Section 13.

- **Time and place of despatch and receipt of electronic record.**
- Save as otherwise agreed to between the originator and the addressee, the dispatch of an electronic record occurs when it enters a computer resource outside the control of the originator.
- Save as otherwise agreed between the originator and the addressee, the time of receipt of an electronic record shall be determined as follows, namely :-

Continue...

- if the addressee has designated a computer resource for the purpose of receiving electronic records -
 - receipt occurs at the time when the electronic, record enters the designated computer resource, or
 - if the electronic record is sent to a computer resource of the addressee that is not the designated computer resource, receipt occurs at the time when the electronic record is retrieved by the addressee.
- if the addressee has not designated a computer resource along with specified timings, if any, receipt occurs when the electronic record enters the computer resource of the addressee.

Continue...

- Save as otherwise agreed to between the originator and the addressee, an electronic record is deemed to be dispatched at the place where the originator has his place of business, and is deemed to be received at the place where the addressee has his place of business.
- The provisions of sub-section (2) shall apply notwithstanding that the place where the computer resource is located may be different from the place where the electronic record is deemed to have been received under sub-section (3).
- For the purposes of this section -
 - if the originator or the addressee has more than one place of business, the principal place of business, shall be the place of business.
 - if the originator or the addressee does not have a place of business, his usual place of residence shall be deemed to be the place of business.
 - "usual place of residence", in relation to a body corporate, means the place where it is registered.

TIME AND PLACE OF DESPATCH AND RECEIPT OF ELECTRONIC RECORD

- The time of receipt of an electronic record shall be determined as follows:
 1. If the addressee has designated a computer resource for the purpose of receiving electronic records.
 2. Receipt occurs at the time when the electronic record enters the designated computer resource.
or
 3. If the electronic record is sent to a computer resource of the addressee that is not the designated computer resource, receipt occurs at the time when the electronic record is retrieved by the addressee.





Thank you