

The Internet of Things: marrying cybersecurity with product liability litigation

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The Internet of Things (IoT) refers to objects which have network connectivity, allowing them to send and receive data. Examples include thermostats, baby monitors and medical devices. As the number of connected devices proliferates, so too will the risk that vulnerabilities will be exploited by hackers, implicating new cybersecurity issues. Developments relating to damages caused by the vulnerabilities of IoT devices demonstrate how creative plaintiffs are exploiting this new technology medium.

Malefactors are exploiting vulnerabilities in certain IoT devices that fail to have adequate cybersecurity measures, resulting in attacks that cause either physical damage or the theft of personal data. For example, ADT's home security system has been targeted in multiple suits on the basis that its wireless



systems allow hackers to, among other things, tamper with equipment and/or use customers' own security cameras to spy on them.

The next wave of IoT-related litigation will likely be in the context of a distributed denial of service attack (DDoS). For example, coffee makers

are hacked and then used to issue thousands of queries to a website, effectively making that website inaccessible or denying service from that site. In such instances, a plaintiff such as Macy's could sue for intangible damage caused by the inability of customers to access their website.

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