

Jurisdiction and Sovereignty

1

Compare Content Regulations

- Who's affected
- Effectiveness
- Narrow Tailoring
- Administrability and Enforceability
 - watch when this trumps other concerns e.g. enlistment of ISP chokepoints
- Transparency
- What is the content being regulated

2

NEW YORKER

On the Internet, Nobody Knows You're a Dog



Peter Steiner, *New Yorker*, July 5, 1993 (Vol. 69 no. 20), p. 61

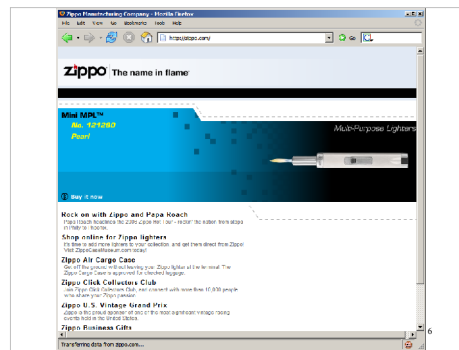
Where's Waldo's Bookstore?



- Your client, Waldo Emerson, owns a bookstore in Boston. He's just heard of Amazon.com (he's a bit behind the times) and decided he needs a website too. Waldo purchased the domain name whereswaldosbooks.com, but he's a bit concerned -- his shelves include books appealing to the "prurient interests" and a broad history section with World War II propaganda, of which he knows some states and countries disapprove, and he's also got some pesky trademark problems. He doesn't need answers to the liability questions right now, but he wants to know where he could be sued.
- Waldo has a few ideas in mind for the website, ranging from a simple page showing his catalog and store address to a full-fledged online ordering system. Advise Waldo on the way courts might view these activities for jurisdictional purposes, as you try to help him balance business interests with avoidance of jurisdictional risk.



5



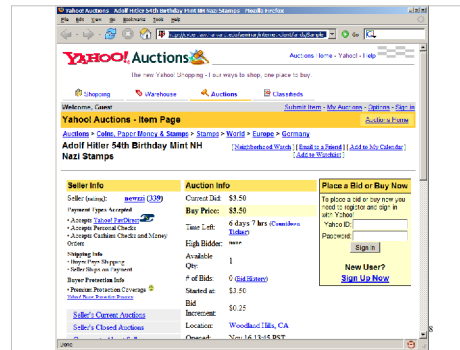
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Where's WalTube?



- Waldo opens a video site to compete with YouTube. He has some success, and people start posting videos including:
 - Cute cats
 - Sexually explicit videos
 - Videos disrespecting the King of Thailand
 - A video Pakistani leaders denounce as "blasphemy"
 - Protests against the Chinese Communist party
- What should Waldo do when governments protest?

7



Sealand



9



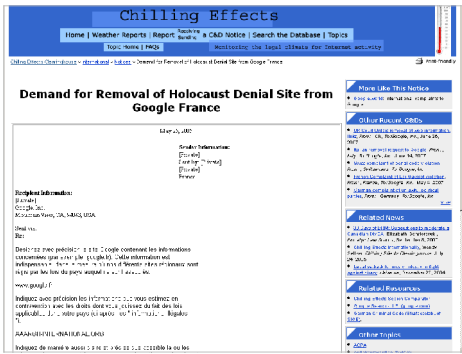
- "Publication of this article on nytimes.com has been delayed temporarily on the advice of legal counsel. It is also being omitted from the British circulation of the International Herald Tribune. This arises from British laws that prohibit publication of information that could be deemed prejudicial to defendants charged with a crime."

10



11





What is the *right* scope for sovereignty and jurisdiction?

Are any areas uniquely “Internet,” proper for a new jurisdiction?

- “We reject kings, presidents, and voting. We believe in rough consensus and running code.”