

ROUNDTABLE PANEL ON TECHNOLOGY AND INTERNATIONAL LAW

"IS THE INTERNET SUBVERTING NATIONAL BORDERS?"

1. Speakers

Chi Carmody (moderator), Ian Kerr, Sunny Handa, Ysolde Gendreau, Mark Hayes, and Jeff Richstone.

2. Overview

The purpose of the roundtable panel was to explore the impact of technology on international law. The evolution of the Internet is transforming the manner in which states regulate their laws, economy and international relations. In essence, "the national is becoming international, and the international is becoming national". The development of the Internet raises serious legal issues relating to jurisdiction, accessibility, responsibility and government regulation, especially in the areas of taxation and morality. The growing role of the Internet raises the question: Is the Internet subverting national borders?

3. Discussion

Ian Kerr discussed the advent of the technology now known as the Internet. The Internet was initially developed, as technology called "packet switching", to save the cost of telecommunication and to build a network that could survive a nuclear attack. The idea was to share scarce resources (such as mainframe computers), increase communication (thus enhance cooperation), and to annihilate distances. The basic ideology behind the creation of the Internet was to share information, *i.e.*, "information wants to be free". However, the result has been "global anarchic conversation". Mr. Kerr presented the Bernado/Homolka case as the prime example. Despite a publication ban, the information of the trial was available on the Internet posted by the American media outlets. Furthermore, Canadian web sites were set up to share the information in violation of the publication ban. As the authorities shut down the web sites, almost identical sites with similar information were launched immediately, thus effectively circumventing the ban. In addition, *Wired* magazine was stopped at the Canadian border for carrying information about the trial. However, they successfully posted the same information on their web site, which was accessible within Canada. Similar issues were dealt with by Chief Justice Lamer (as he was then), in *Dagenais v. CBC*, where he observed that technology would make it difficult to enforce publication bans. Essentially, the Internet is proving to be a technology for freedom and architecture of control.

Sunny Handa discussed the general themes of copyright law. Copyright can be most succinctly defined as the protection of written and spoken word. The advent of the Internet has seriously affected the enforcement of copyright. Internet mediums such as MP3, Napster and iCraveTV are all considered illegal, as they deal with flow of content. What is important to note is that copyright laws are nationally based, with little universality in the international sphere. There are, however, some minimum standards in treaties under the auspices of the World Intellectual