

Property Organization (WIPO) and the World Trade Organization (WTO). Regardless, copyright law is based on two broad categories: (i) positive law theory, *i.e.*, copyright laws are to achieve social utility; and (ii) natural law theory, *i.e.*, universal law directs our conduct. Mr. Handa outlined that there are two methods of protecting copyright: (i) the "copy-right" system, *i.e.*, the right to copy (mostly exercised in the common law jurisdictions); and (ii) the "*droit d'auteur*" system, *i.e.*, the right of the author to control the use of his or her work. The Canadian copyright regime is a combination of utilitarian and economic approach, while the U.S. law is primarily concerned with economics.

Ysolde Gendreau spoke about the infringement of copyright laws resulting from the rise of the Internet. Grave issues arise when copyright violation takes place in a foreign jurisdiction. International intellectual property agreements provide limited remedies to such a problem. Agreements such as the *Berne Convention* and the *Agreement on Trade Related Aspects of Intellectual Property (TRIPS)* provide some substantive minimum standards for copyright laws. However, rights are defined broadly, providing wide discretion to countries for enforcement. The conflict of law provisions however minimize some differences between national copyright regimes. Ms. Gendreau pointed out that the lack of a uniform international regime has resulted in regional agreements, such as directives under the European Union, the *North American Free Trade Agreement (NAFTA)*, and the *Andean Pact*. The greatest challenge is the harmonization between international agreements (the top-down approach) and regional agreements (the bottom-up approach). The international approach, however, will have a greater impact on the proliferation of copyright laws.

Mark Hayes shared his experience in the iCraveTV legal dispute. The iCraveTV dispute raised some serious jurisdictional issues. Essentially, iCraveTV set up a web site to retransmit TV programming over the Internet. The retransmission of a broadcast is not illegal under the Canadian law. However, such retransmission is contrary to American law unless royalties are paid to the copyright holder. iCraveTV was shut down because it was not restricted to the viewers in Canada. This dispute raises the question: Do U.S. courts have the jurisdiction to take action against a Canadian Internet entity that is in violation of U.S. laws? According to Mr. Hayes, this is not a new problem. The retransmission via satellite is also not 'leak proof'. Various approaches could be taken to protect copyright, such as "Zoned Internet", technological protections, and "Whack-a-Mole". However, all these solutions raise some sort of policy concerns that will need to be addressed. Essentially, the Internet is forcing harmonization of copyright laws.

Jeff Richstone discussed how the Internet could be regulated. Courts, especially the U.S. courts, have assumed jurisdiction despite the cross border nature of the issues. The courts, however, are faced with defining the Internet. So far courts have taken the position that the Internet is a means of communication. Thus, they have applied existing communication laws to the Internet. The courts also have taken a broad view of jurisdiction. For example, Yahoo! France was stopped from linking Nazi arms web sites. This did not, however, prevent French residents to access the link from Yahoo! USA site. Similarly, the Alberta Securities Commission took jurisdiction over a web site located in the Cayman Islands. The Commission determined that any Albertan clicking on the web site was in fact conducting business in Alberta. According to the court in the *Zippo*