

Pressrelease

Public International Computer Network Law Issues

by Henrik Spang-Hanssen



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This book uses two essential terms, which are vital for any discussion about the worldwide public international computer networks (the Internet).

One is “*Pure Online*” incidents, which is characterized by no physical shipment or tangible things are involved, and at least one user is an alien, that is, a non-resident or a non-national. Thus, the pre-condition is “pure online” cases with an alien as a defendant with only bit-transmission as link or connection to the forum State. This term had been used in the author’s previous publications.

This book introduces a new term “*Global Jurisdiction*” which is characterized by a State’s jurisdictional rules taken on its “wording” reaches all alien cybernauts, thus making a Worldwide jurisdiction involving aliens whom can be anywhere in the world (outside the forum state). This term has to be distinguished from Universal Jurisdiction.

Both of these terms have come up only because of the invention of public international computer networks where acts or incidents suddenly appears to be everywhere and at the same time for anyone. Thus, from the perspective of any court or any State these could argue being a proper court or jurisdiction.

Spang-Hanssen has again written on Public International Law in the Computer Age.

He is one of very few legal scholars in the world to have gone so deeply into this subject.

Few scholars in public international law deal with Cyberspace probably because it requires knowledge of how the computer networks technically works. Most of printed articles and books cover issues of national or private international law, which only survives if it is valid under public international law. This book in overall deals with this primary requirement and tries to outline when national legislation will be in violation with public international law.

Bertram Ramcharan
Professor in Public International Law.
For many years working in the United Nations.
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However, Global jurisdiction is prohibited by public international law, which requires closeness (a close link) and reasonableness between the jurisdiction and the alien in question. Furthermore, under public international law any jurisdiction has to respect the sovereignty of other States and their right to self-determination of rules for and over its citizen.

Sofar public international law can be said to have been a “grenz law”, but Cyberspace does not “respect” geographic drawn borders. Thus, when dealing with Cyberspace one should turn the view upside down and begin with the view – not from the perspective of a State and its borders – but from the fact that Cyberspace is global reaching and that there has to be made some division of this “global space”. On the other hand, this does not require a special jurisdiction for Cyberspace.

He has previously written: Cyberspace Jurisdiction in the U.S. and Cyberspace & International Law on Jurisdiction.

Since 1998 Henrik Spang-Hanssen has been doing research as a full time Senior Researcher mainly on questions of public international law and computer networks at Stanford University in California, at Oxford University in England, and at the Norwegian Research Center for Computer and Law, Oslo University, Norway. He first time used a computer back in 1971 at the Niels Bohr Institute in Copenhagen. He has Master's degrees in Law from Denmark and California (US High Tech Law). He is a licensed Supreme Court attorney-at-law in Denmark and has previously worked as prosecutor in Danish Appeal Courts. He is a previous student at the Technical University of Denmark.

The book is written in English and contains a large Appendix. It also contains two chapters on certain Danish statutes related to Cyberspace.

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