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International Internet Jurisdiction; Whose Law is Right? Yahoo!, Inc. v. La Ligue Contre le Racisme et L'Antisemitisme, 169 F. Supp. 2d 1182 (N.D. Cal. 2001)

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INTERNATIONAL INTERNET JURISDICTION:
WHOSE LAW IS RIGHT?:

Yahoo!, Inc. v. La Ligue Contre le Racisme et L'Antisemitisme,
169 F. Supp. 2d 1182 (N.D. Cal. 2001)

*Rinat Hadas**

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I. INTRODUCTION

Yahoo!, Inc. (Yahoo) sued la Ligue Contre le Racisme et l'Antisemitisme¹ (LICRA) and l'Union des Etudiants Juifs de France² (UEJF) for a declaratory judgment that an order of the Tribunal de Grande Instance de Paris (French Tribunal) requiring Yahoo to remove all Nazi-related information from its auction web site accessible in France was unenforceable in the United States as violative of the First Amendment.³

* This Comment received the Award for Best Comment, Spring 2002.

1. In English, the group is called The League Against Racism and Anti-Semitism. LICRA is a French "non-profit organization dedicated to eliminating anti-Semitism." *Yahoo!, Inc. v. La Ligue Contre le Racisme et L'Antisemitisme*, 169 F. Supp. 1181, 1183 (N.D. Cal. 2001).

2. In English, the group is called The Union of French Jewish Students. UEJF is also a French "non-profit organization dedicated to eliminating anti-Semitism." *Id.*

3. *Id.* at 1185-86. The process of selling and buying products on Yahoo's auction site is as follows: anyone can post an item for sale on the site, and anyone can access the site to bid on the item; Yahoo regulates the time frame of when the item was posted and the length of time the item is for sale; at the close of the time frame during which the item was posted for sale, Yahoo sends an e-mail to the highest bidder. *Id.* at 1184. Yahoo does have a disclaimer on the site that no one

Yahoo determined that the only way to comply with the order would be to eliminate Nazi items from the entire Yahoo.com web site, which Yahoo felt infringed on its First Amendment rights.⁴ Yahoo brought suit in the Northern District Court of California, where Yahoo has its principal place of business.⁵ After LICRA moved for summary judgment against Yahoo for lack of personal jurisdiction and failed,⁶ Yahoo moved for summary judgment.⁷ On the issue of personal jurisdiction, the district court found it had specific personal jurisdiction over LICRA,⁸ and HELD, the enforcement of the French order in the United States would violate Yahoo's First Amendment rights.⁹

II. BACKGROUND

This case began when UEJF and LICRA brought suit against Yahoo in France because some of the items that Yahoo allowed to be searched and bought on its auction web site, accessible in France, included Nazi objects.¹⁰ Allowing Nazi items to be bought and sold in France is a violation of French law.¹¹ The French Tribunal decided in favor of UEJF and LICRA and ordered Yahoo to remove all Nazi-related objects from its auction web site and other Yahoo web sites. Yahoo was also ordered to

should post for sale or offer to buy an item that violates any laws in the country where that person resides. *Id.* However, "Yahoo does not actively regulate the content of each posting, and individuals are able to post, and have in fact posted, highly offensive matter, including Nazi-related propaganda and Third Reich memorabilia, on Yahoo!'s auction sites." *Id.*

4. *Id.* at 1186.

5. Yahoo!, Inc. v. La Ligue Contre le Racisme et L'Antisemitisme, 145 F. Supp. 2d 1168, 1171 (N.D. Cal. 2001).

6. *Id.* at 1171.

7. Yahoo!, 169 F. Supp. 2d at 1183.

8. Yahoo!, 145 F. Supp. 2d at 1180. The district court stated that personal jurisdiction can be either "general" or "specific." General jurisdiction over a defendant that is not a resident of the forum exists when the defendant's contacts with the forum state are "substantial" or "continuous and systematic." *Id.* See *infra* text accompanying note 32.

9. Yahoo!, 169 F. Supp. 2d at 1194.

10. L'Union des Etudiants Juifs de France (UEJF), la Ligue Contre le Racisme et L'Antisemitisme (LICRA) v. Yahoo!, Inc. et Yahoo France, T.G.I. Paris, May 22, 2000, (Reporter), obs. C. Bensoam & J. Gomez, available at <http://www.juriscom.net/txt/jurisfr/cti/yauctions20000522.htm> (last visited July 18, 2002) [hereinafter *UEJF-May*]. Some of the items that were being sold on the auction site included Adolf Hitler's *Mein Kampf*, the *Protocol of the Elders of Zion*, and "evidence" denying that the Holocaust occurred. Yahoo!, 169 F. Supp. at 1184.

11. *Id.*

provide a warning on its yahoo.fr web site¹² that all users who accessed Nazi-related products would be sanctioned under French law.¹³ The French Tribunal then ordered for a second hearing to take place several months later to determine the progress Yahoo was making with its orders.¹⁴ At the second hearing, the French Tribunal upheld its earlier decision, and imposed time constraints on Yahoo to comply with its order.¹⁵ The question now turns on whether this order must be enforced in the United States.

The U.S. Supreme Court first dealt with the issue of comity in the late 1800s.¹⁶ The Court defined comity as “the recognition which one nation allows within its territory to the legislative, executive or judicial acts of another nation, having due regard both to international duty and convenience, and to the rights of its own citizens or of other persons who are under the protection of its laws.”¹⁷ The Court further stated that foreign judgments cannot be recognized where they are in “direct violation of the policy of our laws, and [do] violence to what we deem the rights of our citizens.”¹⁸

Unfortunately, the issue of a foreign judgment controlling content on the Internet has not been addressed by the U.S. Supreme Court. Other courts have, however, addressed the implications of First Amendment issues on foreign judgments involving U.S. entities.¹⁹ In *Matusevich v. Telnikoff*, the district court looked at whether a British judgment for libel against Matusevich could be upheld in the United States.²⁰ The district court held that since British libel laws are “repugnant to the public policies

12. Yahoo.fr is Yahoo's regional web site in France, available at <http://www.yahoo.fr> (last visited Aug. 19, 2002). The web site is in the native French language and is subject to local laws.

13. *UEJF-May*, supra note 10.

14. *Id.*

15. *L'Union des Etudiants Juifs de France (UEJF), la Ligue Contre le Racisme et L'Antisemitisme (LICRA) v. Yahoo!, Inc. et Yahoo France, T.G.I. Paris*, Nov. 20, 2000, (Reporter) 05308, obs. J. Gomez, available at <http://www.cdt.org/speech/international/001120yahoofrance.pdf> (last visited July 31, 2002) [hereinafter *UEJF-November*].

16. See *Hilton v. Guyot*, 159 U.S. 113, 163 (1895). In *Hilton*, the defendants asked the U.S. Supreme Court to examine a French judgment. *Id.* at 185. The defendants alleged that fraud was used in the French court's decision for the plaintiffs. *Id.* at 209. The U.S. Supreme Court here held that “international law is founded upon mutuality and reciprocity.” *Id.* at 228. Further, since a French court would reexamine a foreign judgment on its merits, so should the U.S. courts reexamine this case on the merits. *Id.* A foreign judgment is not conclusive. *Id.*

17. *Id.* at 164.

18. *Id.* at 193.

19. See *Matusevitch v. Telnikoff*, 877 F. Supp. 1, 2 (D.C. 1995).

20. *Id.* at 2.

of . . . the United States, [and] would deprive the plaintiff of his First . . . Amendment rights,” the judgment could not be upheld in the United States.²¹ The district court based its decision on the fact that British libel laws prohibit actions that U.S. law allows. Because of this difference in the law, enforcing the British order would be a violation of the plaintiff’s First Amendment right to free speech.²²

Similarly, the U.S. Supreme Court, in *R.A.V. v. City of St. Paul*,²³ addressed the issue of when the First Amendment protects speech. The Court looked at an ordinance that prohibited certain types of hate speech.²⁴ The ordinance prevented the placement of objects on private or public property that would cause anger or other similar emotions due to “race, color, creed, religion or gender.”²⁵ The issue for the Court was whether this ordinance violated the First Amendment.²⁶ The Court held that the ordinance violated the First Amendment because it prohibited hate speech based only on certain subjects.²⁷ The Court stated that the ordinance was based on *viewpoint discrimination* because its prohibitions were against bias-motivated hatred, and that this selective limitation is unconstitutional.²⁸

III. INSTANT CASE

The instant case is one of the first cases in the United States to apply the First Amendment to the enforceability of foreign judgments relating to Internet activity. The instant court was required to apply issues of international law, especially comity, to the U.S. right to free speech

21. *Id.*

22. *Id.* at 10. The district court added that “[i]n light of the different standards, this court concludes that recognition and enforcement of the foreign judgment in this case would deprive the plaintiff of his constitutional rights.” *Id.*

23. 505 U.S. 377, 380 (1992).

24. *Id.* at 380.

25. *Id.*

26. *Id.* at 381.

27. *Id.* The U.S. Supreme Court found the ordinance to be “facially unconstitutional in that it prohibits otherwise permitted speech solely on the basis of the subjects the speech addresses.” *Id.* Additionally, the ordinance, in the manner in which it was phrased, was not “reasonably necessary to achieve St. Paul’s compelling interest.” *Id.* at 395-96.

28. *R.A.V.*, 505 U.S. at 392. Further, the U.S. Supreme Court stated that “[t]he point of the First Amendment is that majority preferences must be expressed in some fashion other than silencing speech on the basis of its content.” *Id.*

covered in the First Amendment.²⁹ The French Tribunal attempted to regulate speech on Yahoo's Internet site that referred to Nazism.³⁰ In the instant case, the district court was faced with deciding whether this regulation constituted *viewpoint discrimination*, and thus unenforceable under the First Amendment.³¹

The first obstacle for the instant court was determining whether it had personal jurisdiction over LICRA.³² After reaffirming that the instant court did have personal jurisdiction over LICRA, the instant court acknowledged several issues it was not attempting to resolve in the instant case.³³ The instant court was not attempting to discuss the moral acceptability of Nazi propaganda, nor was it attempting to determine the validity of French laws.³⁴ The only issue addressed by the instant court was "whether it is consistent with the Constitution and laws of the United States for another nation to regulate speech by a United States resident within the United States on the basis that such speech can be accessed by Internet users in that nation."³⁵ In fact, the instant court emphasized the importance of deciding the case based only on U.S. laws, without intending to disrespect the laws of other countries.³⁶

29. Yahoo!, Inc. v. La Ligue Contre le Racisme et L'Antisemitisme, 169 F. Supp. 2d 1181, 1186 (N.D. Cal. 2001).

30. "Nazism" is defined as "the ideology and practice of the Nazis, especially the policy of state control of the economy, racist nationalism, and national expansion." WEBSTER'S II NEW COLLEGE DICTIONARY (1986).

31. *Id.* at 1186.

32. Yahoo!, Inc. v. La Ligue Contre le Racisme et L'Antisemitisme, 145 F. Supp. 2d 1168, 1171 (N.D. Cal. 2001). The instant court looked at the factors of purposeful availment, arising out of, and reasonableness to determine if it had specific personal jurisdiction over UEJF and LICRA in the Northern District of California. *Id.* at 1173-80. The instant court found purposeful availment to exist because the defendants utilized Yahoo's Santa Clara, California headquarters to send a "cease and desist" order to Yahoo, and the defendants used the U.S. Marshals in California to serve process on Yahoo for the lawsuit in France. *Id.* at 1174. Under the "but for" test, the instant court found that Yahoo's suit against UEJF and LICRA arose out of the defendants' activities in California. *Id.* at 1177. The instant court decided that without the defendants using California to serve Yahoo, the French order would not have been prosecuted and Yahoo would not need to determine the enforceability of the order in the United States. *Id.* In coming to the conclusion that it was reasonable to exercise personal jurisdiction, the instant court balanced a variety of factors, such as "the burden on the defendant in defending in the forum," "the forum state's interest in adjudicating the dispute," and "the existence of an alternative forum." *Id.* at 1177-80. The instant court, therefore, decided that it had personal jurisdiction over UEJF and LICRA. *Id.* at 1180.

33. Yahoo!, 169 F. Supp. 2d at 1186.

34. *Id.*

35. *Id.*

36. *Id.* at 1187. The instant court stated that "[t]he government and people of France have made a different judgment based upon their own experience. In undertaking its inquiry as to the

The instant court analyzed the enforceability of the French order under the First Amendment.³⁷ Because the French order banned Yahoo from allowing objects relating to Nazism to be sold or displayed on its web site, the instant court found this viewpoint-based restriction to be impermissible under the First Amendment.³⁸ Further, the instant court stated that the order of the French Tribunal, which rendered access to Nazi-related sites impossible, had a chilling effect on protected speech.³⁹ The instant court noted that this case is more difficult than a standard First Amendment case because of the worldwide range of the Internet.⁴⁰ Speech occurs simultaneously within the borders of multiple nations through the Internet. Despite differences in laws, the instant court was charged with upholding the First Amendment.⁴¹ Finding the French Tribunal's order inconsistent with the First Amendment, the instant court held that the order was unenforceable in the United States.⁴²

In coming to its decision, the instant court looked at the question of comity of nations.⁴³ The instant court recognized that foreign judgments cannot be enforced in the United States if the judgment is a public policy exception.⁴⁴ Although the instant court dealt with the novel issue of the Internet relating to comity, the instant court concluded that because the French order negatively affected speech commencing in the United States,

proper application of the laws of the United States, the instant court intends no disrespect for that judgment or for the experience that has informed it." *Id.* In addition to deciding this case based on U.S. laws, the instant court stated "that in so doing, it necessarily adopts certain value judgments embedded in those enactments, including the fundamental judgment expressed in the First Amendment that it is preferable to permit the non-violent expression of offensive viewpoints rather than to impose viewpoint-based governmental regulation upon speech." *Id.*

37. *Id.* at 1189.

38. *Yahoo!*, 169 F. Supp. 2d at 1189.

39. *Id.*

40. *Id.* at 1192.

41. *Id.* at 1193.

42. *Id.* at 1192.

43. *Yahoo!*, 169 F. Supp. 2d at 1192.

44. *Id.* at 1192. The instant court explained that "United States courts generally recognize foreign judgments and decrees unless enforcement would be prejudicial or contrary to the country's interests." *Id.*

the French order could not be enforced.⁴⁵ The instant court resolved that “the principle of comity is outweighed by the Court’s [sic] obligation to uphold the First Amendment.”⁴⁶

IV. ANALYSIS

The instant court was charged with the difficult task of applying the First Amendment to a novel, yet continuing, issue. Just as the French Tribunal was required to consider its own citizens and laws when addressing this issue, so was the instant court required to consider U.S. citizens and laws when suit was brought in the United States. As a result, the two courts came up with decisions which benefited the respective court’s country. The French Tribunal’s order subjected Yahoo to French laws,⁴⁷ while the instant court determined that Yahoo could not be subject to French laws which are inconsistent with U.S. law.⁴⁸ Thus, it appears that each country applies its own laws to Internet content, regardless of the content’s country of origin.

The only doctrines guiding the instant court were those of comity and the First Amendment. *Hilton*, the leading case on comity, declared that a

45. *Id.* The instant court added that “[t]he protection to free speech . . . embodied in [the First] amendment [sic] would be seriously jeopardized by the entry of foreign [] judgments granted pursuant to standards deemed appropriate in [another country] but considered antithetical to the protections afforded . . . by the U.S. Constitution.” *Id.* at 1193 (quoting *Bachchan v. India Abroad Publications, Inc.*, 585 N.Y.S.2d 661, 665 (N.Y. 1992)).

46. *Id.* at 1193. To determine whether there was an actual controversy to warrant declaratory judgment against LICRA that the French order was unenforceable in the United States, the instant court also looked at the status of the French order, whether there existed a real and immediate danger of Yahoo’s First Amendment rights being infringed, and whether the instant court should abstain from deciding the case. *Id.* at 1187-1192. Despite LICRA’s argument that an appeal in France could nullify the order, the instant court found that there was no appeal in progress, therefore the order was in effect and could be enforced. *Id.* at 1188. Further, because the French order was valid and could be enforced in France at LICRA’s pleasure, the instant court found that there was a real and immediate threat of sanctions, violating the First Amendment, against Yahoo. *Id.* at 1190. Finally, although the instant court conceded that grounds to abstain would exist if Yahoo’s intention was to forum-shop to get a judgment in its favor, this was not Yahoo’s goal. *Id.* at 1191. The instant court found that the action in the United States was prompted to determine whether the First Amendment would allow enforcement of the French order in the United States, not whether Yahoo’s web site violates French laws. *Id.* Therefore, the instant court concluded, based on these three factors and the issue of comity, that an actual controversy did exist to warrant a declaratory judgment against LICRA. *Id.* at 1194.

47. See *UEJF-May*, *supra* note 10; see also *UEJF-November*, *supra* note 15.

48. *Yahoo!*, 169 F. Supp. 2d at 1193.

foreign judgment “is not entitled to be considered conclusive.”⁴⁹ Further, the *Matusevich* court found that the First Amendment and other constitutional issues took precedence over the recognition of foreign judgments.⁵⁰ The instant court applied these decisions in coming to its conclusion that the French order could not be enforced in the United States.⁵¹ The instant court’s reasoning was based on the necessity to uphold the First Amendment.⁵² However, an issue not addressed by the instant court was whether the French order would otherwise automatically be enforced if the order did not conflict with the First Amendment, other U.S. law, or public policy.⁵³

In dealing with the First Amendment concern, the instant court used the limited previous-application background it had to apply the First Amendment to the Internet. The instant court used the decision in *R.A.V.* to determine the type of speech the French order was attempting to restrict.⁵⁴ The instant court decided the speech was *viewpoint-based*, and that this attempted restriction violated the First Amendment.⁵⁵

One difficulty in this decision, arising from First Amendment application, is whose law applies to the Internet.⁵⁶ As stated earlier, every country appears to want to impose its own restrictions on speech that flows within that country’s borders. Potentially, if one country is allowed to restrict the Internet, the floodgates will open to immense restraints on

49. *Hilton v. Guyot*, 159 U.S. 113, 228 (1895).

50. *Matusevitch v. Telnikoff*, 877 F. Supp. 1, 10 (D.C. 1995).

51. *Yahoo!*, 169 F. Supp. 2d at 1193. “This ruling does not mean that U.S. based websites no longer need to comply with foreign speech restrictions. . . . [A]n internet company like Yahoo! would still need to comply with French speech regulations if it wished to do business or maintain a physical presence in France.” Christine Duh, *Cyberlaw: Yahoo!, Inc. v. LICRA*, 17 BERKELEY TECH. L.J. 359, 374 (2002).

52. *Yahoo!*, 169 F. Supp. 2d at 1193.

53. Stephanie K. Hines, Comment, *Recent Development: An Analysis of UEJF et LICRA v. Yahoo!*, 5 J. SMALL & EMERGING BUS. L. 445, 449 (2001).

54. *Yahoo!*, 169 F. Supp. 2d at 1189.

55. See *R.A.V. v. City of St. Paul*, 505 U.S. 377, 381 (1992); see also *Yahoo!*, 169 F. Supp. 2d at 1189.

56. Another problem not addressed is when a country may exercise personal jurisdiction over an Internet company. William Crane, *Legislative Updates: The World-Wide Jurisdiction: An Analysis of Over-Inclusive Internet Jurisdictional Law and an Attempt by Congress to Fix it*, 11 J. ART & ENT. L. 267, 271 (2001). One method is to allow a country to exercise personal jurisdiction based only on the physical contact of the web site reaching within a nation’s borders. *Id.* Another method is to allow a country to only exercise personal jurisdiction when there are other physical contacts with the forum beyond the web site reaching the interior of a country. *Id.*

Hadas: International Internet Jurisdiction; Whose Law is Right? Yahoo!, Internet speech.⁵⁷ The instant case indicates that conflicting results can, and will, occur. Yahoo is now in the middle of two conflicting court decisions. The instant court decided that Yahoo does not need to worry about sanctions in the United States if it does not comply with the French order, yet Yahoo is still under an order in France to pay fines to UEJF and LICRA if Yahoo does not change its web site. Which decision should Yahoo ultimately follow?

The difficulty of determining whose law to apply stems from the lack of international law controlling the Internet.⁵⁸ The instant case shows the danger of not having uniform laws. Because the Internet is available in different places at the same time, one server could potentially be subject to numerous countries' laws. This idea seems unrealistic for the Internet companies, and for the countries attempting to regulate speech within their own country.⁵⁹

To resolve this issue, some scholars have suggested that Internet companies use geolocation technology⁶⁰ to determine where an Internet user is accessing a web site.⁶¹ If the user is trying to access information that is illegal in that country, the access to the web site would be denied.⁶² This would solve the problem of allowing U.S. citizens to enjoy their First Amendment freedoms, while restricting French users from accessing the sites that violate French laws. However, this is a complicated and burdensome solution to the problem.⁶³ Internet companies would need to

57. Brendon Fowler et al., Comment, *Can You Yahoo!? The Internet's Digital Fences*, 2001 DUKE L. & TECH. REV. 0012 (2001), available at <http://www.law.duke.edu/journals/dltr/articles/2001dltr0012.html> (last visited Aug. 19, 2002).

58. *Yahoo!*, 169 F. Supp. 2d at 1193.

59. Lisa Guernsey, *Welcome to the Web.Passport, Please?*, N.Y. TIMES, Mar. 15, 2001, at G1. Internet companies would potentially need to check the laws of all the countries that its web site reaches to determine whether the web site violates any country's laws. Further, the countries attempting to regulate speech within their own country will have difficulty imposing penalties on an Internet server whose web site originates in a country with different laws. *Id.*

60. *Id.* Geographic location technology (shortened to geolocation technology) can detect when an Internet surfer accesses a web site. The technology will look at the computer's I.P. address, which is simply a set of numbers that identifies the computer without indicating the computer's exact location. *Id.* The technology also can estimate a location based on previous data sent to the computer's location. Neither of these methods is exact. *Id.*

61. *Id.*

62. *Id.*

63. Ariana Enjung Cha, *Rise of Internet 'Borders' Prompts Fears for Web's Future*, WASH. POST, Jan. 4, 2002, at E01. Geolocation technology does not necessarily work perfectly. The exact location of a computer cannot always be found especially if the computer is not located in a large city. *Id.* Additionally, people can hide their identity to get past the technological border. *Id.*

know the laws in every country since web sites can potentially reach every country.⁶⁴

The geolocation technology also does not resolve the complications that arise when a country is capable of controlling the Internet within its own borders.⁶⁵ Although a judgment like that of the instant court seemingly implies that a foreign court could not impose fines or penalties on a U.S. corporation if that penalty violates the laws of the United States, the foreign court does have other options to enforce its decisions. For example, if a U.S. company has assets overseas, a foreign court could apprehend those assets in order to enforce penalties.⁶⁶ Therefore, although two countries may come to different conclusions in the same case, one country's conclusions will inevitably be more forceful. Each country feels its own laws are important, and although the instant court's decision sends a message that the United States will not enforce foreign orders that violate the First Amendment, other countries do not agree that the Internet should be regulated by the U.S. right to free speech.⁶⁷

V. CONCLUSION

For now, Yahoo is worry-free regarding the imposition of sanctions in the United States for violating the French order. However, the domain of international Internet law is just beginning to experience the problems that may arise if uniform standards are not established. While U.S. courts are justified in enforcing U.S. laws on its citizens, other countries are equally justified in desiring for their own laws to be imposed on their citizens.

64. *Id.* In addition, viewers may be able to bypass any screening devices an Internet server employs either by registering with a foreign ISP or by connecting through sites using a local ISP that will prevent the server from identifying the IP address of the user. *Id.*

65. Because the geolocation technology is avoidable by internet users, a nation that attempts to control the Internet within its borders will need to impose penalties on Internet servers that violate the country's laws. However, the *Yahoo!* cases demonstrate that imposing penalties on material that originated in another country creates conflicts of law issues. *Id.*

66. Carl S. Kaplan, *New Economy: Bracing for a Flood of Efforts to Control Speech Seen as Hateful or Terrorist*, N.Y. TIMES, Feb. 11, 2002, at C3. However, this solution would apply only to large corporate Internet servers because smaller companies would most likely not have assets overseas. *Id.* Further, "[w]hen neither the defendant nor the defendant's assets are within the forum's national borders . . . the power to remedy an alleged violation of local law rests only with a foreign court in the venue or venues of the defendant and his or her assets." Gregory J. Wrenn, *Cyberspace is Real, National Borders are Fiction: The Protection of Expressive Rights Online Through Recognition of National Borders in Cyberspace*, 38 STAN. J. INT'L L. 97, 98 (2002).

67. See Kaplan, *supra* note 66, at C3.

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Issues of whose law to apply will linger, as will issues of jurisdiction and choice of law.⁶⁸ For now, it is difficult to see how any web site does not violate the laws of at least one country that the web site reaches. Until standardized criteria are established, conflicting judgments in different countries will continue to exist.

68. See Fowler et al., *supra* note 57, at 0012.

