



# **Utopia Beckons or are Barbarians at the Gate?:**

**a paper**

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## **THE INTERNET - EMERGING LEGAL ISSUES**

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**By**

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“Utopian visions of better ways of living and working in the society of the future, through new, user-friendly and affordable information technology are on the threshold of becoming reality, thanks to the rapid pace at which the information society is developing.”

“International Relations and the Information Society”, *I & T Magazine*, European Commission, Winter 1994-5.

“The word ‘revolution’ by no means overstates the case. Our new ways of communicating after this revolution will entertain and well as inform. More important, they will educate, promote democracy and save lives. And in the process they will create a lot of new jobs. The impact on America’s business will not be limited to those who are in the information business. Virtually every business will find it possible to use these tools to become more competitive. And by taking the lead and quickly employing these new information technologies, America’s business will gain enormous advantages in the world-wide marketplace.”

Vice-President AL Gore, “Infrastructure for the Global Village”, quoted in *Scientific American*, “The Computer and the 21<sup>st</sup> Century” (1995).

If [some European national telecommunications companies] care to peep over the battlements, they will notice that the barbarians are at the gates. Worse still, many of them have already slipped over the drawbridge and are stalking around the citadel, scaring the children and sheep. Worst of all, they are looking up to the royal palaces and imagining themselves inside.”

“Europe’s PTOs: prepare to do Battle?” *Public Network Europe 1995, Yearbook*, The Economist Group.

## Introduction

In this paper the Internet is considered in the context of both international and domestic law. Issues such as application of existing law, censorship, defamation, unlawful access (network 'hacking') and related issues are considered. Copyright issues are outside the scope of this paper and will be considered by other speakers. Some background information on the Internet will be given which may facilitate a greater understanding of emerging legal issues.

The Internet, a global network of computer networks, dates back to the 1960s and has its origins partly in United States military environment with the US Defense Department developing computer networks that would withstand nuclear attack. The concept was that information would find its way around the damaged part to non-damaged networks and thus survive. This network became known as ARP Anet (Advanced Research Projects Agency Network).

The Internet "system" developed progressively in the late 1980s as a result of the upgrading of computers and telephone lines and was opened up to commercial traffic in the early 1990s. There has been an explosive growth in connections to the Internet with some commentators estimating the number of users in the world at between 40 and 100 million. The convergence of computing and telecommunications facilities is a fundamental aspect of the Internet.

The Internet facilitates the sending of electronic mail (e-mail) and access to the World Wide Web. E-mail is a method of sending text messages to others who have Internet access. You can "e-mail" thousands of persons at the touch of a button. E-mail is fast – but not yet instantaneous. Messages can be transmitted to other parts of the world in a matter of minutes. E-mail is also cheap – the price of a local telephone call – despite the designation of your message. To obtain an e-mail address, it is necessary to open an account with an Internet service provider.

The World Wide Web has popularised the Internet. The "web" was developed at the European Laboratories for Particle Physics in

Switzerland (also known as CERN) in 1990 and in 1995 became the most popular means of accessing information on the Internet.

The “point-and-click” hypertext control system enables you to access the Web with your computer “mouse.” The World Wide Web facilitates the transmission of text, pictures, video and sound.

The vital interaction involving telecommunication and computer facilities – upon which the Internet depends – is said to take place in “cyberspace”, a term for electronic space used by science fiction writer, William Gibson, in his novel *Neuromancer* (1984). Cyberspace, noted John P. Barlow, computer activist and co-founder of the Electronic Frontier Foundation:

“remains a frontier region across which roam the few aboriginal technologists and cyberpunks who can tolerate the austerity of its savage computer interfaces, incompatible communications protocols, proprietary barricades, cultural and legal ambiguities and general lack of useful maps and metaphors”.

Barlow’s view quoted in *Scientific American* in 1991 is somewhat pessimistic and although it contains a certain element of truth is dated at this stage.

### ***Application of Existing Laws to the Internet***

It is fashionable, almost de rigeur for lawyers to argue that existing laws are “light-years” behind the new technologies. Do not underestimate the capacity of the common law and existing statutory law to adapt to new situations that did not exist at the time of the enactment of such laws.

Some illustrations are appropriate. The question arose in 1880 in the *Attorney General v. The Edison Telephone Company*,<sup>2</sup> whether communications by telephone came within the exclusive privilege (monopoly) of the Postmaster General pursuant to section 4 of the *Telegraph Act, 1869*. The telephone had not been invented in 1869 and for the Attorney General and Postmaster General to succeed, it

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<sup>2</sup> (1880) 6 QBD 244

was necessary to prove that the telephone was “a telegraph” within the meaning of the *Telegraph Acts 1863 and 1869*. In *Edison Telephone Company*, it was held that the telephone was a “telegraph” and a telephone conversation was “a telegram” within the definition of the Act of 1863 and 1869 and accordingly, in the circumstances of the case, the telephone business being operated by the Edison Telephone Company of London infringed the Postmaster General’s exclusive privilege. Resulting in part from the *Edison Telephone Company Case*,<sup>3</sup> the existing statutory codes of the *Telegraph Act 1863 to 1916*, the *Postal and Telecommunications Service Act, 1983 and 1984* together with the *Wireless Telegraphy Act, 1926 to 1988* and the law relating thereto, regulate the Internet in this jurisdiction. [Changed since *Communications Regulation Act 2002* (EGH)]

Another example of the application and adaptation of existing law to cover new situations are the principles governing the phenomena of agreement in relation to the law of contract. The existing rules could be applied to a contract by e-mail between a person in Dublin and person, for example, in Amsterdam. If an offer were made in Dublin via e-mail to person in Amsterdam and accepted in Amsterdam by e-mail where was the contract made? In the context of the then relatively new technology of the telex the Court of Appeal (England and Wales) in 1995 in *Entores Ltd..v. Miles East Corporation*<sup>4</sup> had to consider where a contract had been made in an international dimension. The plaintiffs were a London company and the defendants were an American corporation with agents in Amsterdam. The plaintiff made an offer via telex to the defendants’ agents to buy goods from them, and the latter accepted the offer. The plaintiffs subsequently alleged that the defendants had broken their contract and wished to serve a writ on them. This could be done provided the contract was made in London. The defendants contended that they had accepted the offer in Holland and that therefore the contract was made in that country. The issue arose as to whether the so-called postal rule in relation to acceptance of contract applied or whether the parties were deemed virtually to be in each other’s presence and, accordingly, that the acceptance was incomplete until received by an offeror. In the Court of Appeal, Parker LJ, after considering circumstances where expediency might demand the application of the “postal rule” said:

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<sup>3</sup> Above

<sup>4</sup> *Entores Ltd.v. Miles East. Corpn* [1955] 2QB 327

“Where, however, the parties are in each other’s presence or, though separated in space, communication between them is in effect instantaneous, there is no need for any such rule of convenience. To hold otherwise would leave no room for the operation of the general rule that notification of the acceptance must be received. An acceptor could say: ‘I spoke the words of acceptance in your presence, albeit softly, and you did hear me’; or I telephoned to you and accepted, and it matters not that the telephone went dead and you not did get my message.

.... So far as telex messages are concerned, though the dispatch and receipt of a message is not completely instantaneous, the parties are all intents and purposes in each other’s presence just as if they were in telephonic communication, and I see no reason for departing from the general rule that there is no binding contract until notice of acceptance was received by the offeror. That being so, and since the offer – a counter offer – was by the plaintiffs in London and notification of the acceptance was received by them in London, the contract resulting therefrom was made in London.”

## **International Law Dimension**

The impelling forces of self-preservation and commerce spurred states to effect cross-border communication. The Internet is a form of cross-border communication and is regulated partly by the existing international law that regulates forms of telecommunications.

International law depends on recognised international law-creating processes for its validity. The primary international law-creating processes are international treaties. The term “treaty” here covers the many different arrangements employed to describe international agreements whereby the parties agree in writing to establish international legal relations in a particular field or for a particular purpose. The first treaty of note in relation to cross border telecommunication was the *International Telegraph Convention of*

1865. This treaty paved the way for the birth of the International Telecommunication Union, (ITU), the oldest of the specialised agencies of the United Nations. The ITU's legal status is based on its Constitution and Convention, negotiated at various intervals, and having treaty status. The current treaty regulating both domestic and international telecommunication is the *Constitution of the International Telecommunication Union (Geneva) 1992*. The term "telecommunication" is defined in the 1992 Constitution for the purpose of the ITU Constitution, Convention and Administrative Regulations as:

"Any transmission, emission or reception of signs, signals, writings, images, and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems".

A communication via the Internet is "a telecommunication" and thus subject to the laws regulating telecommunication.

The overriding concept of the sovereignty of each Member State permeates the legal instruments of the near universal membership (amongst states) of the International Telecommunication Union. The ITU convention (1992) contains a specific acknowledgment of the right of each state to regulate and control its own telecommunications. The preamble to the Constitution of the ITU "fully [recognises] the sovereign right of each of Member State to regulate its telecommunication". In this context, Article 34 of the ITU Constitution provides that members

"reserve the right to cut off any... private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency".

A German court, according to a report in the *Financial Times* of February 2, 1996<sup>5</sup> prevented users in Germany from accessing sexually explicit discussion groups. The court directed that CompuServe, a US based on-line information service block access to about 200 of the thousands of "Usenet" groups to be found on the Internet. This was an exercise of state sovereignty.

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<sup>5</sup> No citation given.

## Indecency and Obscenity

One of the issues that concerns many is the regulation (or lack of regulation) of indecent or obscene material on the Internet. Article 34 of the ITU Constitution – the treaty regulating telecommunication (including the Internet) - specifically empowers the states parties to the Convention “to cut off” any telecommunication (including any Internet transmission) which may be contrary “to decency”.

The US *Telecommunications Act, 1996* (signed into law by President Clinton in February 1996) specifically regulates content on the Internet. The US *Telecommunications Act 1996* makes it a criminal offence to make available to minors “indecent” material on computer networks – including the Internet. Violations lead to liability to a maximum fine of \$250,000 and two years in prison. Many have protested at this provision. *The (London) Independent* February, 12, 1996 and the *Financial Times*, February 10, 1996, reported that the Electronic Frontier Foundation stated:

“Congress has prepared to turn the Internet from one of the greatest resources of cultural, social and scientific information into the on-line equivalent of the children’s reading room.”

Court actions on constitutional issues were stated to be pending.

Article 40.6.1.i of the Constitution of Ireland stipulates that the publication or utterance of, inter alia, indecent matter, is an offence. This prohibition limits both the right to communicate and freedom of expression in relation to the Internet. Telecom Eireann, the national telecommunication carrier service, is authorised by statute to prohibit the transmission of “objectionable message” pursuant to section 96(d) of the *Postal and Telecommunications Services Act, 1983*.

The expression “objectionable messages” is not defined in the 1983 Act. It is an offence specifically to send by means of the telecommunication system operated by Telecom Eireann any message or other matter which is grossly offensive or of an indecent,

obscene or menacing character<sup>6</sup>. Penalties range on conviction up to a fine of £50,000 and five years imprisonment<sup>7</sup>. Telecom Eireann is authorised to suspend or interrupt a telecommunications service where a customer transmits “objectionable messages” or sends any message or other matter which is grossly offensive or of an indecent, obscene or menacing character.<sup>8</sup> Of course the receipt per se of “objectionable messages” or matter of an indecent, obscene or menacing character is not prohibited. It would be unfair and improper to prohibit the receipt per se of such matter because the recipient may be an innocent party in this process. It would be too easy to download indecent material to a person’s computer and then inform a law enforcement agency i.e. it would be too easy, in colloquial terms, to “set someone up”.

The dictionary definition of “indecent” – the antithesis of “decency” in the Constitution of the ITU, is very broad and includes such descriptions as unbecoming, in extremely bad taste, unseemly, offending against propriety or delicacy, immodest, suggesting or tending to obscenity. A person in Ireland has a right not to receive indecent matter on any telecommunications facility.

In the context of indecency and obscenity on the Internet, reference may be made to a noted case of the United States Supreme Court in 1978, *Federal Communications Commission.v. Pacifica Foundation*<sup>9</sup>. George Carlin, a “satiric humorist” recorded a twelve minute monologue entitled “filthy words” before a live audience in a California theatre. The theme was “the words you couldn’t say on the public airwaves”. Carlin narrowed his list to seven words but stated that the list was open to amendment. In his monologue Carlin said:

“The original seven words were shit, piss, fuck, cunt, cocksucker, motherfucker and tits. These are the ones that will curve your spine, grow hair on your hands and (laughter) maybe even bring us, God help us, peace without honour.....”

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<sup>6</sup> Section 13(1) (a) of the *Post Office (Amendment) Act, 1951* as amended by substitution by s. 8 of the *Postal and Telecommunications Services Act, 1983*.

<sup>7</sup> Section 4 of the *Postal and Telecommunications Services Act 1983*.

<sup>8</sup> Section 96(d) of the *Postal and Telecommunications Services Act 1983*.

<sup>9</sup> 438 US 726 (1978).

One Tuesday afternoon, at 2.00 p.m. Pacifica's F.M. radio station in New York City played the monologue during a discussion about society's attitude towards language. The radio station warned that the monologue included language that might offend listeners. A man, who apparently did not hear the warning, heard the broadcast while driving with his young son and complained to the Federal Communications Commission. The Commission ruled that Pacifica's action was subject to administrative sanction. On appeal, the US Supreme Court held that it was constitutional to punish a radio station for airing this "indecent" matter. Although a printed version of the monologue could not be suppressed constitutionally, Justice Stephens of the US Supreme Court explained the distinction between the printed media and the electronic media:

"The reasons for these distinctions are complex but two have relevance to the present case. First the broadcast media have established a uniquely pervasive presence in the lives of all Americans. Patently offensive, indecent material presented over the airwaves confronts the citizen, not only in public, but also in the privacy of the home, where the individual's right to be left alone plainly outweighs the First Amendment (freedom of speech) rights of an intruder."<sup>10</sup>

Justice Brennan (with whom Justice Marshall joined) dissented and wrote that unlike other intrusive modes of communication such as the sound of trucks, "the radio can be turned off", I agree with Justice Brennan's analysis which he articulated as follows:

"Whatever the minimal discomfort suffered by a listener who inadvertently tunes into a program he find offensive during the brief interval before he can simply extend his arm and switch stations or flick the 'off' button, it is surely worth the candle to preserve the broadcaster's right to send and the right of those interested to receive a message entitled to full First Amendment (freedom of speech) protection...."<sup>11</sup>

A sensible balance must be struck in relation to alleged indecency and obscenity over the Internet. In the final analysis, the writer

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

presumes that relevant facilities outside the European Union/European Communities could be “blocked” at a telecommunication exchange assuming bona fide complaints were made to the law enforcement authorities.

## **Unlawful Access – “Hacking”**

In *Cyberpunk* (1993) Katie Hafner and John Markoff wrote of the real life version of “cyberpunk” where by virtue of powerful computers and telecommunication networks “alternative universes” are created filled with “electronic demons”. Some persons, unfortunately make their living “buying, selling and stealing information, the currency of a computerised future”.<sup>12</sup>

In Ireland, section 5 of the *Criminal Damage Act, 1991* penalises the activities of those, generally known as computer hackers, who without lawful excuse, operate a computer (which may be a telephone) with intent to access data kept within or outside the State, or outside the State with intent to access any data kept within the State, whether or not he or she access any data. Such a person may be liable on summary conviction to a fine exceeding £500.00 or imprisonment for a term not exceeding three months or both. Section 5 of the *Criminal Damage Act 1991* relates to access without lawful excuse to computerised data without modifying the data in any way. If any modification or erasure of information takes place, or false data or a computer virus is introduced to the computerised data, then pursuant to section 2 of the *Criminal Damage Act, 1991* such a person may be liable to more severe penalties.

## **Defamation**

Professors McMahon and Binchy in their book *Irish Law of Torts*<sup>13</sup> defined the tort (civil wrong) of defamation as

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<sup>12</sup> K. Hafner and J. Markoff, *Cyberpunk: Outlaws and Hackers on the Computer Frontier*, Corgi Book, 1993 p.9.

<sup>13</sup> Second Edition Butterworth (Ireland) Ltd. Dublin 1990 p. 609.

“the wrongful publication of a false statement about a person, which tends to lower that person in the eyes of right-thinking members of society or tends to hold that person up to hatred, ridicule or contempt, or causes that person to be shunned or avoided by right-thinking members of society”.

Publication means communication to a third party. Essentially, anyone who makes a statement, who distributes or disseminates a statement or who repeats a statement to a third person, publishes that statement for the purpose of the law of defamation.

There is great potential for defamation on the Internet. There is also enormous scope for a person who considers that he or she has been defamed to proceed immediately into the on-line public forum and tell everyone “the truth”. Accusations and defences might “work themselves out” on the public on-line form. However, this may not be satisfactory: an accusation may be rebutted but the negative image of the person defamed may linger for a long time.

Traditionally, national carriers of telecommunications messages have not been liable for defamation by third parties solely by virtue of the fact that the defamatory matter may have been “published” over the telecommunication facilities of the carrier. Article 36 of the *Constitution of the International Telecommunication Union* (Geneva 1992) under the heading of “Responsibility” stipulates:

“Members accept no responsibility towards users of the international telecommunication services particularly as regards claims for damages.”

Defamation arose in relation to an on-line commercial information distributor in the US District Court case in 1991 of *Cubby Inc.v. CompuServe Inc.*<sup>14</sup> The plaintiff sued CompuServe for defamation because of alleged defamatory material posted within an electronic “forum” called Rumorville USA distributed via CompuServe. The specific service provider using CompuServe as a distributor had signed a contract with CompuServe accepting total responsibility for the contents of the material it edited.

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<sup>14</sup> 776 F Supp 135 (S.D.N.Y. 1991).

However, CompuServe was sued – the more solvent entity – rather than the direct information provider who may be held liable by the alleged defamed party. The District Court held that CompuServe was only a distributor of Rumorville USA, and was not obliged to be aware of everything contained in its electronic memory. The court in absolving CompuServe was explicit on the issue:

“CompuService has no more editorial control over such a publication than does a public library, book store or newsstand, and it would be no more feasible for ComputerServe to examine every publication it carries for potentially defamatory statements than it would be for any other distributor to do so....

Technology is rapidly transforming the information industry. A computerised database is the functional equivalent of a more traditional news vendor, and the inconsistent application of a lower standard of liability to an electronic news distributor such as CompuServe, than that which is applied to a public library, book store or newsstand will impose an undue burden on the free flow of information”.<sup>15</sup>

There is merit in the service provider adopting a “hands-off” approach towards the content of user messages – unless and until complaints are made about an “irresponsible” user. Further the service provider should obtain a warranty from the user that defamatory material or obscene material not be disseminated.

There is a necessity to find some alternative to strict liability for providers of information services without imposing an obligation to monitor all messages to avoid liability. A model may lie in section 8 of the (Irish) *Broadcasting Act 1990* enacted pursuant to European influence<sup>16</sup> that provides where the Broadcasting Complaints Commission finds in favour, in whole or in part, of a complaint in relation to broadcast of inaccurate facts or information in relation to a person which constitutes an attack on that persons honour or reputation, the relevant broadcasting service must (unless the

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<sup>15</sup> Above at 140

<sup>16</sup> *Council Directive of October 3, 1989 (89/552/EEC)* Official Journal of the European Communities No. L298/23 17.10.89.

Commission considers it inappropriate) broadcast the Commission decision (in favour of the complainant) at time and in a manner in which the offending broadcast took place.

## **Privacy and the Internet**

One of the aspects of privacy is true anonymity. Should one be facilitated in tracing the source of an electronic message over the Internet? This is worthy of a separate paper and aspects of the issue will only be considered here in a general sense. Commercial providers of electronic services on the Internet must grapple with this issue of anonymity. In the context of individuals using electronic communication to disguise themselves one student observed:

“It’s my hallucinogen of choice. I love being able to slip into another body, another persona, another world.”<sup>17</sup>

Another person summed up her feelings on the issue of anonymity:

“Dreams are wonderful things. They are the stuff of imagination and invention. They can lead to new discoveries, new places, new people, just like in dream fantasies of my own mind, I can be anything I want on-line. I can be petite, slim, blond and sexy, or tall, statuesque, brunette and sultry. Of course, those who know me know I am neither – but that’s not the point. The point, fellow sysops, (small bulletin board operators) is that I pretend to be anything I want to be.”<sup>18</sup>

I can see the virtue of anonymity on the Internet – but there is also the issue of accountability. Professor A.R. Miller’s arguments in relation to the deployment of anonymous telephone calls is relevant here:

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<sup>17</sup> Douglas Birch, “Just a Little Too Tangled in the Internet”, *Los Angeles Times*, September 5, 1994 at E.3.

<sup>18</sup> Michele Stewart, “The Feminine Touch: Sex and Multiple Computer”, *Sysop News and Cyberworld Rep.* Nov. 1994 at 34.

“I believe that anonymity – not privacy – is what is being sought by a telephone caller who objects to having the telephone number revealed by caller I.D. The question then is whether a person has a right to hide behind a veil of anonymity In making a telephone call over the public telephone network.... Society, for example, requires that automobiles have license plates to travel on a public road. This modest deprivation of anonymity is to promote accountability. Those who insist on anonymity in placing telephone calls are, in essence, saying that they do not want to be accountable on the communications network, which is quite analogous to driving without a license plate.”<sup>19</sup>

Privacy is an important issue. There is a right to speak – subject to certain constraints - but there is no right to be heard. In one-to-one conversations via electronic or non-electronic means, privacy is of paramount importance. In the open information agora, anonymity may well facilitate persons to pursue anti-social aspects and at worst in the words of one commentor:

“sure makes it easier to spread wild conspiracy theories, smear people, conduct financial scams or victimise others sexually”.<sup>20</sup>

There is also the issue of data protection. The statutory protection to protect the privacy of individuals with regard to automated personal data is regulated in Ireland by the *Data Protection Act, 1988*. The Data Protection Act entitles individuals to establish the existence of automated personal data kept in relation to them, to have access to the data (with some exceptions), and to have inaccurate data rectified or erased. Various obligations are imposed on persons who keep automated personal data, for example, that the data must be accurate, be kept for lawful purpose, not be disclosed in any manner incompatible with those purposes and be protected by adequate security measures. Persons keeping such data i.e. data controllers and data processors owe a duty of care to data subjects concerned to the extent that the law of torts does not already provide. The

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<sup>19</sup> See Hearing on S 2030 before the Subcomm on Technology and the Law of the Senate Comm. On the Judiciary, 101 st. Cong. 2<sup>nd</sup> Sess 265 (1990).

<sup>20</sup> Walter S. Mossberg, “Accountability Key to Democracy in On-Line World”, *Plain Dealer* (Cleveland) February 5, 1995 at 4.G.

legislation does not apply to personal data kept for state security purposes or kept by an individual only for recreation purposes, personal data kept in manual files or non-personal data e.g. data concerning companies and partnerships.

## **Conclusion**

Some themes in relation to the regulation of the Internet as part of the information superhighway were considered at the G7 Ministerial Conference in Brussels in February 1995 in which the European Commission participated. The aim of the conference was to

“explore the critical issues relating to the development of a world-wide information society, as a basis for economic growth and stability, for creating jobs and enhancing living standards”.<sup>21</sup>

The basic themes supported by the G7 Conference sum up the central issues affecting the regulation of the Internet: an adaptable regulatory framework, open access to networks, competition, private investment, together with the necessity to provide universal provision and access to services, equality of opportunity, diversity of content and world-wide co-operation. The development of internationally recognised technical standards for information gathering and exchange and access must be matched by privacy and intellectual property rights policy that balance privacy, freedom of information and copyright protection.

Information is one of the world's most critical resources: the technologies that create, modify, manage and use information are of strategic significance for Ireland and for any nation. The information superhighway represents a challenge to regulators to develop a framework that is fair to service providers and users alike. Regulators will need to develop a broad modern concept of universal service to ensure that all persons in Ireland and elsewhere who desire it may

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<sup>21</sup> G7 Ministerial Conference on the Global Society – ministerial conference summary, Brussels 25/26 February 1995 (Office for Official Publications of the European Communities, Luxembourg, 1995) See also European Parliament Resolution OJ No. C56, 6 March 1995.

have easy, affordable access to advanced communications and information services regardless of income, disability or location.

A balance must be struck in law in relation to the legitimate privacy interests of users while enabling law enforcement agencies to continue to intercept communications in order to fight terrorism, drug dealers, serious and organised crime in accordance with law.

The Internet will create significant opportunities and new challenges for information providers. The rights of citizens to information must be balanced with a need to ensure the integrity of intellectual property rights in the context of copyright in information and entertainment services. The adequacy of our laws will need to be examined. Satisfactory ways to reward and reimburse copyright holders must be explored.

The potential benefits of the Internet are immense but we must be careful about fuelling unrealistic expectations, facilitating unwanted surveillance and invasions of our privacy and to a certain extent cultural domination and uniformity. We must never forget that the tools of the new technologies including the Internet are tools to aid mankind. Therein lies the challenge for the legislators and policy makers.<sup>22</sup>

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<sup>22</sup> See Editorial "Ireland and the information Superhighway" written by the present writer in *Irish Law Times*, Volume 13, No. 4, April 1995