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## Letter From the Editor

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## Volume VIII, Issue 2, Fall 2001

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### Letter from the Editor

Welcome to Volume 8, Issue 2 of the *Journal*. In this issue, the authors address three very diverse topics of national and international significance: the liability of internet service providers for copyright infringement, the taxation of e-commerce, and the applicability of the fair use doctrine to instant messaging software. Each of these topics deals with issues that can, and ultimately will, have widespread effects on the use and growth of the Internet.

In the main article, *Internet Service Provider's Liability for Copyright Infringement- How to Clear the Misty Indian Perspective*, advocate V.K. Unni, an Indian trademark attorney, addresses the inadequacy of India's new Information Technology Act in dealing with the liability of internet service providers for copyright infringement by their customers. In his analysis, Mr. Unni discusses the methods employed by other industrialized nations including the United States, Australia, Canada, and Singapore to suggest how India should address this important problem.

In the first comment, *The Taxation of E-Commerce: The Inapplicability of Physical Presence Necessitates an Economic Presence Standard*, Kathleen P. Lundy, a recent graduate of Notre Dame Law School, considers the problem of state taxation of e-commerce from a constitutional perspective. Ms. Lundy points out that the states are losing millions of dollars in sales and use taxes annually and that there is currently no means to rectify this situation. As a solution, Ms. Lundy suggests that, instead of a physical presence requirement for businesses to come under the power of state taxation, an economic presence standard should be instituted to allow the states more flexibility in taxing e-business. Ms. Lundy's piece provides an in-depth constitutional analysis and poses a thoughtful and thought-provoking solution to a long-standing taxation problem.

Finally, in the second comment, *Is the Whole Greater than the Sum of Its Parts? The Applicability of the Fair Use Doctrine to the New Breed of Instant Messaging Software*, Haydn J. Richards Jr. rounds out our discussion of the file-sharing problem that caught the attention of the nation in the recent Napster decision by addressing the applicability of the fair use doctrine to Aimster, which merges instant-messaging and file sharing. Mr. Richards distinguishes Aimster from Napster claiming it has fair uses that are not related to file sharing. Mr. Richards reaches the conclusion that Aimster falls under the fair use doctrine, and will likely be viewed by the courts as having a legitimate fair use.

The Editorial Board and staff of the *Journal* would like to thank you for your interest in the *Richmond Journal of Law & Technology*. We hope that you enjoy this issue and that you will continue to visit the *Journal* to keep abreast of the cutting edge issues in the area of law and technology.

Paul A. Fritzinger  
Editor-in-Chief

Monday, November 19, 2001

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