

ELECTRONIC COMMERCE AND MULTIJURISDICTIONAL TAXATION

Edited by

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Electronic Commerce And Multijurisdictional Taxation

Dick Molenaar



Electronic Commerce And Multijurisdictional Taxation:

Electronic Commerce and Multi-Jurisdictional Taxation Richard Doernberg, 2001-09-19 Electronic Commerce and Multi Jurisdictional Taxation 2001 is the successor to the widely acclaimed Electronic Commerce and International Taxation 1999 The new edition contains expanded and enhanced consideration of the tax treatment of electronic commerce from both an income tax and a consumption tax perspective Not only does the new edition provide a detailed and up to date analysis of VAT developments regarding e commerce but it also explores the implications of e commerce for the US state and local sales and use tax regime It discusses developments in Europe and the United States while enlarging its focus to include the tax treatment of e commerce in China India Canada Australia and throughout the world At the same time the authors have deftly woven the latest OECD and European Community developments into the fabric of the book There is no other book on the market today that analyzes the practical tax consequences of e commerce with the multi jurisdictional and multi tax perspective of this insightful work by distinguished academics and practitioners Richard Doernberg Luc Hinnekens Walter Hellerstein and Jinyan Li **Multi-jurisdictional Taxation of Electronic Commerce** Harvard Law School. Society for Law and Tax Policy, 1997 *E-commerce and Source-based Income Taxation* Dale Pinto, 2003 The advent of electronic commerce has caused many to question the continued viability of sourced based taxation This thesis argues that source based taxation is theoretically justifiable for income that arises from international transactions which are conducted in an electronic commerce environment **eCommerce and the Effects of Technology on Taxation** Anne Michèle Bardopoulos, 2015-03-31 This book focuses on the impact of technology on taxation and deals with the broad effect of technology on diverse taxation systems It addresses the highly relevant eTax issue and argues that while VAT may not be the ultimate solution with regard to taxing electronic commerce it can be demonstrated to be the most effective solution to date The book analyzes the application and the effectiveness of traditional income tax principles in contradistinction to VAT principles Taking into account rapidly ameliorating technology the book next assesses the compatibility between electronic commerce and diverse systems of taxation Using case studies of Amazon com and Second Life as well as additional practical examples the book demonstrates the effectiveness of VAT in respect of electronic commerce and ameliorating technology in the incalculable and borderless realm of cyberspace *Taxing Global Digital Commerce* Arthur J. Cockfield, Walter Hellerstein, Rebecca Millar, Christophe Waerzeggers, 2015 E commerce the use of computer networks to facilitate transactions involving the production distribution sale and delivery of goods and services in the marketplace has grown from merely streamlining relations between consumer and business to a much more robust phenomenon embracing efficient business processes within a firm and between firms Inevitably the related taxation issues have grown as well particularly in the cross border context This latest edition of the preeminent text on the taxation of cross border e commerce transactions formerly titled Electronic Commerce and International Taxation 1999 and Electronic Commerce and Multijurisdictional

Taxation 2001 revises updates and significantly expands the book's coverage reorganizing its presentation and adding several new chapters. It includes a detailed and up-to-date analysis of VAT developments regarding e-commerce and explores the implications of e-commerce for the US state and local sales and use tax regime as well as with respect to US and foreign international income tax laws. Analysing the practical tax consequences of e-commerce from a multijurisdictional perspective and using examples to illustrate the application of different taxes to e-commerce transactions, the book offers in-depth treatment of such topics as:

- a) how tax rules governing cross-border e-commerce are increasingly applied to all cross-border activities;
- b) how tax rules and institutional processes have evolved to confront challenges posed by e-commerce;
- c) how technology enhances cross-border tax information exchanges;
- d) how technology reduces compliance and enforcement costs;
- e) US state and local sales and use tax issues raised by cloud computing; and
- f) different approaches to the legal design of VAT.

This edition, while building on the analysis of the relationship between traditional tax laws and the Internet in earlier editions, contains a more explicit and systematic consideration of e-commerce issues as well as the ongoing policy responses to them. This SSRN post contains the book's Table of Contents, Preface, and Chapter 1.

[Global Perspectives on E-Commerce Taxation Law](#) Dr Subhajit Basu, 2013-01-28

In its most advanced form, e-commerce allows unidentified purchasers to pay obscure vendors in electronic cash for products that are often goods, services, and licenses all rolled into one. This book considers the implications for the domestic and international tax systems of the growth of e-commerce. It covers a wide variety of activities from discussion of the principles governing direct and indirect taxation to explanation of the implementation and use of e-commerce on the part of businesses as well as the application of existing tax principles in this field. With its focus on the broader issues surrounding the expansion of e-commerce and its attention to the problems arising internationally in this field, *Global Perspectives in E-Commerce Taxation Law* will appeal to scholars worldwide.

Internet Taxation and E-Retailing Law in the Global Context Moid, Sana, Dixit, Shailja, 2018-03-09

As business becomes more globalized and developed within the era of the internet, marketing activities are affected by evolving technologies. Challenges arise in addressing the issues of cross-policy and cross-border business in the digital age. *Internet Taxation and E-Retailing Law in the Global Context* provides emerging research on the methods and approaches to determine the appropriate tax policies for e-retailers within the global framework. While highlighting topics such as cross-border taxation, digital economy, and online management, this publication explores the developing avenues of online financial analysis and taxation. This book is an important resource for business leaders, financial managers, investors, consumers, researchers, and professionals seeking current research on the different issues surrounding online business and e-commerce from an international standpoint.

[Cross-border Consumption Taxation of Digital Supplies](#) Pernilla Rendahl, 2009

This study compares cross-border consumption taxation of digital supplies in business to consumer transactions from an international coordination perspective. Hence, the various classifications of digital supplies and the provisions for deciding the place of

taxation are compared and examined to identify cases of double taxation and unintentional nontaxation or potential risks thereof. In addition, possible remedies for double taxation and unintentional non-taxation are discussed.

Tax and Government in the 21st Century Miranda Stewart, 2022-09-08. A broad, accessible, evidence-based analysis of tax law and how democratic tax states are confronting today's global digital challenges.

Taxation of International Performing Artists Dick Molenaar, 2005. The special tax rules for performing artists lead to obstacles. This book considers the problems regarding, for example, the determination of taxable income and the non-deductibility of expenses and tax credits in the country of residence and gives clear examples of excessive taxation.

Green Taxation in East Asia Richard Cullen, Jefferson Vanderwolk, Yan Xu, 2011. The broad sweep of green taxation (pollution, carbon resource and land taxes and tax incentives for environmental goals) makes it complex to analyse. *Green Taxation in East Asia* is a timely and valuable comparative contribution to an expanding literature. Its scholarly country studies show how green taxes aim to modify behaviour, correct externalities, regulate or raise revenue. As environmental policy and tax policy move closer together, green taxes become feasible but are always, as the editors say, shaped by local political, economic and social circumstances.

Miranda Stewart, University of Melbourne, Australia. In today's world, environmental challenges grow apace and the impact of taxation measures on these will prove critical. *Green Taxation in East Asia* addresses those challenges. It draws on world-wide experiences, including those from North America and the EU, by analysing and critiquing how green taxation can inform, develop and implement environmental policies in East Asia and beyond. This is not a sterile tax debate. The authors of this work, all leading scholars in their respective jurisdictions, combine economic, social and local political perspectives on what should work and what should not. The debate is too important to ignore in a world where Kyoto seems a long way from Washington; the fragrant harbour is no longer and even in the lands down under, long white clouds and pristine beaches are no longer taken for granted. Taxation is not a panacea for curing environmental ills, but it is, as this book admirably shows, part of the answer.

Andrew Halkyard, University of Hong Kong. The right of East Asia to grow its economy and provide its citizens with living standards enjoyed elsewhere is as undeniable as the risk to the global environment from this growth. A volume that contrasts current initiatives in China and Hong Kong to reduce that risk with lessons from international experience, presented by leading international experts from four continents, is more than just timely; it can make a key contribution to the development of contemporary thinking on taxation and the environment. This work fits the bill perfectly.

Rick Krever, Monash University, Australia. The authors of the jurisdictional chapters in this book are, of necessity, more focussed on analyzing the interaction today between taxation and related fiscal measures and the environment. From these studies, it is clear that a great deal is amiss in the way this interface works at present across all the jurisdictions under review. But this research also shows positive steps being taken and great scope for further positive tax policy development. We can see from this research how smart policy innovation can start right now and also how it can build better foundations for the introduction of more

comprehensive globally effective policy frameworks such as those advanced by Hansen and Sandor Time is of the essence The scholarship in this volume shows that lawyers and tax experts are engaged in finding solutions Can green taxation make a difference The answer is a resounding yes From the foreword by Christine Loh The core concern of this book is the potential use of taxation and related measures to foster climate helpful large scale change within East Asia The contributing authors examine key issues such as how Greater China for instance confronts severe environmental problems which are a direct product of several decades of remarkable economic growth The detailed analysis in this book identifies a range of green taxation guidelines for East Asia as it seeks to drive down striking levels of environmental degradation and tackle the climate change challenge Addressing an important need in the public policy debate this book will appeal to academics students government policymakers regulators and practitioners in environmental law taxation law and policy as well as comparative environmental law and comparative taxation law and policy Public policy commentators and journalists with an interest in the above areas will also find this book worthwhile and informative

How Fixed Is a Permanent Establishment?
Jean Schaffner, 2013-02-01 Permanent establishment is the key concept for allocating taxation rights in respect of business income and the question Is there a permanent establishment is a tax treaty issue that advisers government officials and courts perennially confront Based on a fixed link to the ground the idea has become progressively more difficult to apply until at this stage re evaluation has become a political necessity If a permanent establishment may exist in the context of e commerce the concept of a geographical presence must be redefined However the question remains Is e commerce a sufficient reason for challenging the well established permanent establishment nexus Drawing on case law administrative practice and business decisions in numerous jurisdictions the author discusses the permanent establishment criteria under conditions of e commerce and the service economy He shows that the OECD Model Convention and its commentaries already offer the basis for the evolution of the analysis of the concept and that the preservation of permanent establishment protects and maintains the level playing field between capital importing and capital exporting economies He examines in depth such elements as the following the prevalence of commercial coherence over geographic coherence the role of value added tax services permanent establishment relevant definitions of activity and personnel multiple permanent establishments supervision activity and sub contracting the differences between civil law and common law concepts of representation particular treatment of the insurance sector the force of attraction concept and specific exceptions e g transportation artists and sportsmen rental income agricultural activities pipelines Taking into account important distinctions between two model conventions OECD and UN as well as pertinent EU directives and the impact of EU law the author proposes minor amendments to the OECD Model that adapt it to economic reality and current trends in jurisprudence and that can be implemented immediately An appendix includes Article 5 and its commentaries as they have evolved since 1963 with the successive addenda and deletions The author s 20 plus years of experience as a tax lawyer lend the presentation a thoroughly

practical aspect The work addresses in more detail than any other publication the topic of profit allocation to a permanent establishment in the e commerce world an issue which is evolving rapidly in the current economic environment Tax advisors lawyers and interested academics and policymakers will benefit from the book s clear analysis of the conditions under which a permanent establishment not only should be preserved but also how it is likely to be adapted in the future *Taxation in a Global Digital Economy* Ina Kerschner,Maryte Somare,2017-10-04 Time to discuss anti BEPS measures around digitalization In the course of the BEPS Report on Action 1 it was concluded that there was no instantaneous need for specific rules to address base erosion and profit shifting BEPS made possible by the digitalization of enterprises and new digital businesses At the same time it was acknowledged that general measures may not suffice with the assessment of results to begin in 2020 While awaiting possible fundamental reforms of the tax framework it is time to discuss anti BEPS measures bearing in mind the peculiar features of the digital economy such as increased mobility no need for physical presence and dematerialization The Book focuses on five key areas of interest International Tax PolicyTax Treaty LawTransfer PricingIndirect Taxation IssuesEU Law Taxation in a Global Digital Economy analyses the issues and addresses the five key areas of interest from various viewpoints *Taxing Global Digital Commerce* Arthur Cockfield,Walter Hellerstein,Marie Lamensch,2019-11-07 Digital commerce the use of computer networks to facilitate transactions involving the production distribution sale and delivery of goods and services has grown from merely streamlining relations between consumer and business to a much more robust phenomenon embracing efficient business processes within a firm and between firms Inevitably the related taxation issues have grown as well This latest edition of the preeminent text on the taxation of digital transactions revises updates and expands the book s coverage It includes a detailed and up to date analysis of income tax and VAT developments regarding digital commerce under the OECD and G20 Base Erosion and Profit Shifting BEPS reforms It explores the implications of digital commerce for US state sales and use tax regimes resulting from the 2018 US Supreme Court decision in Wayfair It discusses cross border tax in the United States while continuing to focus on tax developments throughout the world Analysing the practical tax consequences of digital commerce from a multijurisdictional perspective and using examples to illustrate the application of different taxes to digital commerce transactions the book offers in depth treatment of such topics as the following how tax rules governing cross border digital commerce are increasingly applied to all cross border activities how tax rules and institutional processes have evolved to confront challenges posed by digital commerce how an emerging tax war is developing whereby different countries are unilaterally imposing new tax rules on cross border digital commerce how technology enhances tax and cross border tax information exchanges how technology reduces both compliance and enforcement costs cross border consumption tax issues raised by cloud computing and different approaches to the legal design of VAT place of taxation rules The authors offer insightful views on the likely development of new approaches to taxing cross border digital commerce This edition while building on the analysis of the relationship between traditional tax

laws and the Internet in the first edition and its predecessors contains a more explicit and systematic consideration of digital commerce issues and the ongoing policy responses to them Tax professionals and academics everywhere will welcome the important contribution it makes towards the design of cross border tax rules that are both conceptually sound and practical in application A tour de force much larger and richer than its predecessors a massive contribution to the growing literature on the taxation of e commerce Rita de la Feria British Tax Review Provides important understandings for ongoing policy discussions I would warmly recommend P Rendahl World Journal of VAT GST Law **Public Policy and the Internet** Nicholas Imparato,2013-11-01 This book presents the initial findings that framed early discussions on Internet public policy and outlines proposals that should guide policymaking in the future In addition Cronin McLure and Radin s viewpoints show that the future of e commerce has as much to do with how policy issues are resolved as with how technological challenges are overcome Rethinking EU VAT for P2P Distribution Cristina Trenta,2015-09-24 Peer to peer P2P networks decentralized group structures allowing anyone to easily download and share resources online already play a critical role in the distribution of digital content Most of the debate on P2P heretofore has focused on copyright issues However as the basis for legitimate business models a number of companies have already quietly embraced P2P has a largely unknown and underestimated impact on taxation with vast repercussions on the development of mature profitable markets This book analyses the current framing for digital and media supplies provided via P2P technologies through the lens of an interdisciplinary approach drawing on tax law computer science economics copyright law and business studies VAT concepts such as those of economic activity and taxable person taxable transactions consideration barter and taxable amount and territoriality rules are discussed in connection with P2P as is the evaluation of VAT liability for P2P operations in the presence of copyright infringement Topics and issues considered include centralized and decentralized P2P networks free riding problems identifying actors in P2P networks for VAT purposes P2P and place of supply and pros and cons of integrating P2P with taxation regimes and especially VAT systems The analysis draws on a vast range of sources including EU legislation and case law tax law literature and doctrine international conventions and treaties Council of Europe and OECD documents ECHR case law and official documents and cases from key jurisdictions worldwide offering the first thoroughly grounded approach to overcoming the lack of understanding and awareness of ongoing changes currently separating the digital economy and traditional taxation systems and a solid platform for discussion to the diverse communities of researchers and professionals interested in P2P *Corporate Income Taxation in Europe* Michael Lang,Pasquale Pistone,Josef Schuch,Claus Staringer,Alfred Storck,2013-10-31 The book considers the impact of the CCCTB from the perspective of non EU based enterprises that are carrying on business in the EU through the operation of branches or subsidiaries in member states It incorporates the perspectives of leading scholars Value Added Tax and Direct Taxation Michael Lang,Peter Melz,Eleonor Kristoffersson,Thomas Ecker,2009 This book provides a comprehensive in depth

analysis of the similarities and differences between consumption taxes and direct taxes Fifty contributions are included written by academics practitioners and representatives from several international tax administrations and institutions

The Concept of Permanent Establishment in the Insurance Business Daniele Frescurato, 2021-04-22 siness models adopted by insurance companies and comparative analysis of double tax treaty policies adopted in a number of countries with respect to the permanent establishment provision in the insurance business highlighting Switzerland for comparative purposes In a concluding chapter the author proposes changes to the definition of the dependent agent permanent establishment currently enshrined in the model treaties and their respective commentaries aligning such a definition to the regulatory framework in which insurance companies conduct their business in countries other than that of incorporation As a highly significant and timely contribution to the study of the interplay between insurance regulation and tax implications this very original work will prove of especial value to practitioners in international tax and insurance law as well as professionals in the financial services sector and tax academics

Horizontal Tax Coordination Michael Lang, 2012 This book is the result of a research project entitled Horizontal Tax Coordination within the EU and within States that was conducted by the Institute for Austrian and International Tax Law at WU Vienna University of Economics and Business The aim of this project was to examine the role court judgments have played in the framework of tax harmonization in federal states and how decisive this impact was In this respect the participants took also a closer look at ECJ case law and how it may be compared to other jurisdictions where federal fiscal structures exist such as the United States Switzerland Belgium Spain Austria Russia Mexico Brazil India and Australia The judgments of the various courts were contrasted with each other in order to learn more about the impact on harmonization in the field of tax law From these findings conclusions for the purpose of EU tax policy were drawn Back cover

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Electronic Commerce And Multijurisdictional Taxation Introduction

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