

# International Private Law as a Model for Private Law Jurisdiction in Cyberspace

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**Summary.** This research explores a theory of cyber law expressed in the form of seven guidelines and based upon international principles of jurisdiction. Focus in cyberlaw largely has been on aspects of cybercrime rather than the theory, philosophy, and science of cyber law generally. This article seeks to characterize the jurisprudential aspects of cyber law jurisdiction by developing a broad measuring stick that can be applied to the law as it impacts cyberspace.

The attention herein is on private law, and the primary focus is to begin to regularize a vocabulary that can be understood by both the legal and cyber communities, to develop guidelines for applying settled concepts in the physical space to the problem of jurisdiction in cyber space, and the development of new legal paradigms addressing yet unknown issues in cyber jurisprudence. These issues – vocabulary and jurisdiction - form the most significant stumbling blocks to the development of a coherent, universal, and useful jurisprudence addressing issues in cyber space, now and in the future.

The private law explored addressing private law jurisdiction is derived from international legal concepts. The landscape is viewed in three ways (“Law Types”):

1. Settled, physical space law;
2. Physical space law that can be molded or interpreted to address cyberspace;
3. Areas where new laws must be made to address issues that are uniquely cyberrelated.

This article addresses some of the most relevant issues, resources and cases, both from the U.S. and internationally.

It is not intended to be pervasive, but rather as a starting point for further discussion and research.

Legal Issues Journal 7(1) July 2019

Keywords: cyberspace, cyber law, jurisdiction, international law, private law, cyber definitions