

37 The *Equustek* Effect: A Canadian Perspective on Global Takedown Orders in the Age of the Internet

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Michael Geist

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Abstract

This chapter examines the Canadian *Equustek* case, tracing the development of internet jurisdiction cases in the late 1990s to the current legal battles over the appropriate scope of court orders that wield far greater effect than conventional, domestic-based orders. The chapter begins by recounting the *Yahoo France* case, the internet jurisdiction case that placed the conflict challenges squarely on the legal radar screen. It continues with a detailed examination of the *Equustek* decision and its aftermath, including efforts by Google to curtail the effect of the Canadian court order by obtaining a countervailing order from a US court and the use by Canadian courts to extend the ruling to other internet platforms and online issues. It also cites one additional risk with overbroad national court orders related to online activity, namely the prospect of further empowering large internet intermediaries, who may selectively choose which laws and orders to follow, thereby overriding conventional enforcement of court orders and national regulation.

Keywords: [online intermediaries](#), [automated enforcement](#), [algorithms](#), [transparency](#), [algorithmic accountability](#)

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