



Table of Contents

Preface	ix
Chapter 1. Introduction	1
A. Objectives of this Primer	1
B. What is International Tax?	2
C. Goals of International Tax Rules	4
D. The Role of the Tax Adviser in Planning International Transactions	7
Chapter 2. Jurisdiction to Tax	15
A. Introduction	15
B. Defining Residence	16
1. Residence of Individuals	17
2. Residence of Legal Entities	18
3. Treaty Issues Relating to Residence	20
C. Source Jurisdiction	21
1. Employment and Personal Services Income	22
2. Business Income	23
3. Investment Income	24
Chapter 3. Double Taxation Relief	27
A. Introduction	27
B. International Double Taxation Defined	29
C. Relief Mechanisms	30
1. Deduction Method	32
2. Exemption Method	33
3. Credit Method	36
General Rules	37
Types of Limitations	39
Indirect Credit	42

4. Comparison of the Exemption and Credit Methods	44
5. Treaty Aspects	47
D. Allocation of Expenses	48
E. Tax Sparing	50
Chapter 4. Transfer Pricing	55
A. Introduction	55
B. Arm's Length Method	60
1. Sales of Tangible Personal Property	61
1.1. Traditional Methods	61
1.2. Additional Methods	64
2. Sharing of Corporate Resources	68
Loans or advances	69
Performance of services	69
Use of tangible property	69
Use or transfer of intangible property	69
3. Cost Contribution Arrangements	70
4. Treaty Aspects of Transfer Pricing Methods	72
C. Determining the Income of a Branch or Permanent Establishment of a Corporation	73
D. Formulary Apportionment and the Future of the Arm's Length Method	77
Chapter 5. Anti-Avoidance Measures.	81
A. Introduction	81
B. Thin Capitalization Rules	83
C. Controlled Foreign Corporation (CFC) Rules	87
1. General	87
2. Definition of a Controlled Foreign Corporation	90
3. Designated Jurisdiction or Global Approach	91
4. Definition and Computation of Attributable Income	94
5. Nature and Scope of Exemptions	96
6. Domestic Taxpayers Subject to Tax	98
7. Relief Provisions	98
D. Offshore Investment Funds	99
Chapter 6. Tax Treaties	103
A. Overview	104
1. Legal Nature and Effect of Tax Treaties	104
2. Objectives of Tax Treaties	105

3.	Model Tax Treaties	106
4.	Revisions of Treaties and Treaty Overrides	111
5.	Interpretation of Tax Treaties	112
B.	Contents of a Typical Tax Treaty	116
1.	Coverage, Scope, and Legal Effect	117
2.	Business Income	118
3.	Employment and Personal Services Income	122
4.	Income and Gains from Immovable Property	124
5.	Reduced Withholding Rates on Certain Investment Income	125
6.	Other Types of Income	126
7.	Fair Dealing and Cooperation	127
C.	Special Treaty Issues	128
1.	Nondiscrimination	128
2.	Treaty Shopping	129
3.	Resolution of Disputes	132
4.	Administrative Cooperation	133
Chapter 7.	Emerging Issues	137
A.	Harmful Tax Competition	137
1.	Introduction	137
2.	Identifying Harmful Tax Competition	139
	Tax Havens	139
	Harmful Preferential Tax Regimes	140
3.	Countermeasures	142
4.	Recent Developments	142
B.	Hybrid Entities	144
1.	What Is a Hybrid Entity?	144
2.	Types of Hybrid Entities	145
C.	Electronic Commerce	149
1.	Introduction	149
2.	Nature of the Internet	150
3.	E-Commerce and Nexus	152
4.	Characterization of Income from E-commerce	157
	Glossary of International Tax Terms	159
	Selected Bibliography	171
	Index	177