

International Taxation Royalty And Fees For Technical Services

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.

International taxation is a vital issue for a growing number of business and individuals across the world. The need to understand how the international system of taxation works is therefore a subject of importance to many people. The International Taxation System provides this understanding by bringing together experts from the most important fields in the subject who have each authored chapters especially for this book. They each provide brief, structured and easy to understand explanations of the key concepts edited together into one volume to provide a unique, very readable, guide to the field. While this text is aimed at masters or advanced undergraduate level students, it will also be of interest to those requiring a professional understanding of the topic. Each chapter introduces a different aspect of the international taxation system, explains the important issues to be understood in each case and provides suggestions for discussion and further reading. Cross-Border Transactions under Tax Laws & FEMA provides a practical commentary on cross-border transactions with respect to the following laws: • Income Tax (including International Tax & Transfer Pricing) • Goods & Services Tax (GST) • Customs • Foreign Exchange Management Act (FEMA) This book will be helpful for practitioners, members of the bar & bench and industry, and assessing officers. The Present Publication is the Latest Edition, authored by Dr. Gokul Kishore & R. Subhashree & updated till 15th June 2021, with the following noteworthy features: • [Easy-to-Understand Practical Commentary] covering: • Income Tax (including International Tax & Transfer Pricing) • Implications of International Transactions • Adoption of Appropriate Transfer Pricing (TP) • Comprehending Creation of Permanent Establishment (PE) and Double Taxation Avoidance Arrangements (DTAA) • Ensuring Compliance with Withholding Obligations, when payment is made to non-resident • Issues relating to Royalty & Fees for Technical Services (FTS), Tax Residency and Foreign Tax Credit (FTC) • GST • Examination of Cross-Border Services by applying Place of Supply & Export of Service provisions under Integrated Goods and Services Tax Act (IGST), besides analyzing benefits to exporters • Customs • Valuation of Imported Goods under Customs Valuation Rules, when transaction value as declared by importer is not accepted • Availing Customs Duty Exemptions • Duty Remission and Rewards under various Export Promotion Schemes as provided in Foreign Trade Policy • FEMA • Compliance with Provisions of FEMA on Receipts and Payments for Export and Imports The structure of the book is as follows: • [First Chapter] on Customs Valuation discusses Article VII of GATT, Customs Valuation Agreement, Section 14 of Customs Act, 1962, Customs Valuation Rules (for imported goods) and Export Valuation Rules along with relevant judgments and orders. Pointers relating to transfer pricing issues have also been mentioned in this chapter. • [Second Chapter] on Transfer Pricing analyzes international transaction, associated enterprises, comparable, methods of determining Arms Length Price, TP challenges in India as per UN TP Manual and judicial rulings, creation of marketing intangibles and TP issues relating to AMP expenses. TP assessment, adjustment and appellate remedy have also been included. To provide 360° perspective, secondary adjustment, Country by Country Reporting (CbCr), thin capitalization, Cost Contribution Arrangements, intra-group services and cost-sharing arrangements have been succinctly covered. • [Third Chapter] begins with the discussion on taxing powers and source of income. The concept of PE and types of PE have been explained through the relevant articles in various DTAA's along with treatment by the Indian judiciary and ITAT. The attribution of profits to PE, which has significant practical implications, has also been discussed. • [Fourth Chapter] is broad-based and to the extent relevant to cross-border transactions; it provides a commentary laced with practical guidance on residency, the definition of interest, jurisdiction to tax, dividends paid or received, taxation of royalty, FTS, salary, capital gains, other income, withholding obligations, FTC, the requirement to file the return and the concept of the representative assessee. • [Fifth Chapter] IGST as applicable to import and export of goods, import of services and export of services along with the provisions on the place of supply and refund mechanism forms the fifth chapter. • [Sixth Chapter] Considering the relevance to cross-border trade, Customs Duty exemptions and export promotion schemes under Foreign Trade Policy (FTP) have been discussed in the sixth chapter. • [Seventh Chapter] Knowledge of obligations and provisions applicable to export and import under FEMA and regulations thereunder is integral to cross-border transactions. Therefore, a concise commentary on the same has been provided in Chapter 7. • [Eighth Chapter] Dispute resolution mechanism under IGST Act and Customs Act along with alternative dispute resolution under Income Tax Act have been included in Chapter 8 to provide a broad overview on the statutory remedies available to exporters and importers. • [Ninth Chapter] The key feature of this book is an exhaustive discussion on both basic concepts and issues faced by the industry combined with essential commentary on statutory provisions and the jurisprudence. Cross-references to other chapters wherever implications need to be understood completely have been provided to assist the industry. This volume, which contains the work and views of leading experts on international taxation, is drawn largely from the recent Fifth Institute on International Finance held in Dallas, Texas, and co-sponsored by the SMU School of Law and Baker & McKenzie. The book is designed to provide both tax practitioners and business persons involved in international transactions with the most current information regarding U.S. taxation of international operations. Chapters include: super royalty provisions, foreign tax credit planning: overview of 1986 Act changes, the Subpart Provisions of the Act, U.S. tax treatment of certain foreign currency transactions: borrowing and lending in foreign currency, currency swaps and similar financial instruments, interest expense allocation rules after the 1986 Act and the new proposed regulations, basic tax planning for foreign investment in U.S. real estate, inbound reorganizations of Netherlands Antilles corporations, foreign acquisition of U.S. corporations: Section 338 considerations, and structuring debt instruments for portfolio or direct investment.

This book is not merely a new edition, but a complete and significantly expanded rewrite. It comprises over 900 pages of expert and in-depth exposition of this complex subject that has become so important in the modern global economy. Already established over four previous editions as the pre-eminent work on the subject it is a 'must-own book' for all students and practitioners of tax, whether from a legal, business or accounting perspective. Professor Lynette Olivier and Michael Honiball are without peer in their understanding and clarity in this highly specialised field. Five new chapters have been added on: Taxation of individuals; Taxation of Companies and Dividends; Taxation of Partnerships; Cross-border VAT; and Interpretation of Statutes.

This book covers all major topics in international tax law, ranging from permanent establishments and capital gains to the taxation of royalties and technical services, transfer pricing, and General Anti-Avoidance Legislation. It also highlights the Indian "story" of status vs. contract by examining four areas of controversy: permanent establishments, FTS (Fees for Technical Services) & Royalty, capital gains, and transfer pricing. The book approaches the subject of international taxation from two opposing yet related perspectives. One is the tax planning perspective, which involves contracts entered into by individuals and companies; the other is that of state regulation through increasingly complex legislation. The area of permanent establishments demonstrates the dominance of contracts over status, at least with respect to Indian tax law. However, some recent judicial decisions in this area demonstrate the susceptibility of contracts to status-related arguments. The areas of FTS & Royalty as well as those of capital gains and transfer pricing demonstrate the Indian government's attempts to establish, through legislation, the dominance of status over contracts. Whereas traditional textbooks on international tax law focus on the legal technicalities of tax legislation, this book provides tax scholars and lawyers with an understanding of tax planning and tax legislation side by side in each chapter, specifying the respective kind of actual or anticipated tax planning activity that in turn prompted a legislative response. As such, it offers readers a contextual and practical introduction to the complexities of international tax law, as well as an in-depth analysis of the latest debates and controversies in this area.

Issues of transfer pricing have come to the fore in both international tax and customs regimes. In particular, the problem of how to apply the two systems of valuation to the same transaction is of widespread concern. This well-known book, now in a fully updated second edition, is a problem-solving guide for professionals charged with valuing transactions in their client's or company's best interests. Through detailed examination of relevant guidelines, transfer pricing methodologies, and business realities prevailing among multinational enterprises, it offers a cogent and convincing account of how tax and customs transfer pricing regimes may be harmonized. Among other essential elements, the author discusses the following in depth: – the OECD Transfer Pricing Guidelines; – the GATT/WTO Customs Valuation Code (GVC) and other valuation rules in key jurisdictions and regional agreements; – the OECD and UN model tax conventions; – the arm's length principle; – methods, both traditional and new, of determining whether the parties' relationship influenced the price; and – additions to and deductions from the customs value. This second edition discusses new developments in the field, including a chapter on Commentary 23.1 and Case Study 14.1 of the Technical Committee on Customs Valuation of the World Customs Organization (WCO) – the first international instruments linking transfer pricing and customs valuation. The book concludes with an analysis of the circumstances and conditions under which the introduction of transfer pricing year-end adjustments to transaction value would be consistent with Article 1 of the GVC. The book will continue to provide practitioners, customs administrations, and academics with a highly practical analysis of the intersection of transfer pricing and customs valuation. It will be welcomed by customs administrations charged with examining the acceptability of a transaction value fixed between related parties and by multinational companies as a truly actionable tool they can use to optimize decision-making as it relates to transfer pricing and customs valuation in a "real world" setting.

Handbook explaining the general principles of international tax planning, and describes the tax system in each of the 41 countries covered. Special features of the book includes tables of withholding tax rates for interest, dividends and royalties. These are a quick reference guide to the tax treaty withholding taxes imposed on non-resident recipients of these payments. The material is based on the law as at 1 October 1989.

The Netherlands in International Tax PlanningIBFDInternational Taxation of Energy Production and DistributionKluwer Law International B.V. Series on International Taxation #78 By international consensus, space is considered as a commons for all humanity. Now, however, as space activities and technologies are chiefly focused on commercial interests in extraterrestrial mineral resources, the mechanisms for the allocation of space mining resources must be framed in a way that will balance the efficient use of resources with a fair and stable tax system. This book, which combines first-hand knowledge of both the aerospace issues involved and the tax field, is the first to discuss in depth the yet-to-be-resolved practicalities of taxation of resources mined in space. Arguing that the space mining industry should be regulated in a way that will ensure an attractive investment climate for space entrepreneurs and the existence of a stable fiscal regime that will finance the costs of conservation and utilization of space resources, the author proposes an international royalty system to help achieve industry goals, such as efficiency, administrative convenience, and sustainability. The book explores the following aspects of the topic: assignment of ownership rights to space resources; the risk–tax revenue trade-off between space mining industries and governments; distributional pressures to offset competition for resource profits; uniform collection of royalties; intergenerational equity and a space property rights system; determining jurisdictional boundaries associated with commercial space mining projects; allocation of external costs such as pollution, environmental degradation, and the clean-up of debris; and liability risks of companies and the launching state. As governments and private entities around the globe invest in space-appropriate technologies and exploration evolves toward permanent presence in space colonies, this comprehensive analysis of alternatives for choosing the optimal resource management regime in space and for shaping a unique tax regime for the emerging space industry provides concerned policymakers with guidelines that promise to secure a practical, affordable, and sustainable development of the space economy. Lawyers working for or representing companies engaged in or contemplating space activities, policymakers, and anyone interested in tax and the space economy will welcome this signal contribution to a growing field of human endeavor. "This is an outstanding book and a must read for anyone interested in tax or the future of humanity in the cosmos. Dr. Galya Savir used to work in the Aerospace industry and, in her book, Dr. Savir combines unique and extraordinary expertise in both space technology and tax. Thus, this product is the only competent book in this area." Avi-Yonah, Reuven S, Irwin I. Cohn Professor of Law

The tax rules of the United States and other countries have intended and unintended effects on the operations of multinational corporations, influencing everything from the formation and allocation of capital to competitive strategies. The growing importance of international business has led economists to reconsider whether current systems of taxing international income are viable in a world of significant capital market integration and global commercial competition. In an attempt to quantify the effect of tax policy on international investment choices, this volume presents in-depth analyses of the interaction of international tax rules and the investment decisions of multinational enterprises. Ten papers assess the role played by multinational firms and their investment in the U.S. economy and the design of international tax rules for multinational investment; analyze channels through which international tax rules affect the costs of international business activities; and examine ways in which international tax rules affect financing decisions of multinational firms. As a group, the papers demonstrate that international tax rules have significant effects on firms' investment and other financing decisions.

Basic International Taxation provides a uniquely comprehensive overview of the basic principles of international taxation and considers these in the context of practical planning guidance. The analysis of the practical application of these principles is supported by a detailed review of current international tax practices by leading professionals in over sixty jurisdictions worldwide. Volume I: Principles covers the basic principles of international taxation, an analysis of model tax treaties and a broad overview of various domestic tax systems. It also includes a glossary of terms and a copy of the OECD, UN, and US model tax treaties. Volume II: Practice includes practical guidance on international tax planning techniques, the use of offshore financial centres for international tax planning, a brief country tax profile of over sixty countries, an analysis of anti-avoidance rules, and an overview of some of the current issues in international taxation. This book analyzes the disparities both between federal statutes and regulations, and regulations and administrative practices, in two highly controversial areas of corporate tax policy: intra-company transfer pricing and intangible asset valuations. It addresses issues that can mean hundreds of millions of dollars to individual corporations, and a significant fraction of the federal government's revenue base. Tax practitioners and consultants who are understandably frustrated in their efforts to divine the IRS's reasoning in transfer pricing and valuation issues will find the book very useful. It will also find an audience among elected representatives, other public officials, and tax lobbyists in the process of evaluating existing corporate tax policy or formulating alternative tax policies. In addition, the book is a useful reference for academics studying international taxation, public finance, and treaty compliance.

A debate is underway about how the U.S. should tax foreign-source, corp. income. Currently, the U.S. allows domestic

corp. to defer tax on the earnings of their foreign subsidiaries and also gives credits for foreign taxes paid, while most other developed countries exempt the active earnings of their multinational corp. foreign subsidiaries from domestic tax. This report describes for a group of study countries with exemption systems: (1) the rules for exempting foreign-source income; and (2) the compliance risk and taxpayer compliance burden, such as recordkeeping, of the rules. The countries selected are Australia, Canada, France, Germany, and the Netherlands. Charts and tables.

The author provides three case notes on recent significant international tax decisions released by the Supreme Court of India and the Delhi High Court. The first note explains the Supreme Court's February 2017 decision in Director of Income Tax v. AP Moller Maersk AS, which confirmed the decisions of the Income Tax Appellate Tribunal and the High Court that payments made to the AP Moller Maersk AS international shipping line by its agents located in India for the use of a shared global telecommunication facility were not fees for technical services, which would have been liable for tax in India. Rather, the Supreme Court held that the payments were cost reimbursements, which did not have an income character and, therefore, were not liable to tax in India. The second case addresses the Supreme Court's decision in Formula One World Championship Limited v. Commissioner of Income Tax, International, which upheld the Delhi High Court's decision that the taxpayer carried on a business in India through a permanent establishment and was liable to tax in India in respect of the profits attributable to that permanent establishment. The third note outlines the judgment of the Delhi High Court in Commissioner of Income-tax, International-2 v. ZTE Corporation, which held that payments for software embedded in mobile telephone equipment were not royalties, but were part of the purchase price of the equipment itself. Therefore, India could not impose tax on the software component of the purchase price as a tax on a royalty.

Covers the following countries: Argentina, Bolivia, Burkina Faso, Canada (Ontario), Chile, China (People's Republic), Ghana, Greenland, Indonesia, Ivory Coast, Kazakstan, Mexico, Papua New Guinea, Peru, Philippines, Poland, South Africa, Sweden, Tanzania, United States of America (Arizona and Nevada), Uzbekistan, Western Australia, Zimbabwe. Introduction to US law of international taxation. The book pays attention to the fundamentals of US international taxation, activities of foreign taxpayers, jurisdictional tax principles, US source rules, branch profits tax, provisions affecting foreign investment in US real estate, income tax treaties, inbound and outbound investments, foreign tax credit, transfer pricing, CFC, business transaction, foreign sales corporations, transfer taxes, estate, gift and generation skipping tax on both resident and non- resident aliens.

Energy is a major global industry with rapid ongoing changes in areas such as carbon taxes, emissions trading regimes, and the development of renewable energy. The cross-border nature of the industry calls for the thorough, expert, and up-to-date analysis provided in this timely and practical book. Taking a down-to-earth, problem-solving approach to policy and practice in the field worldwide, the author focuses on the international tax framework, and the tax regimes in leading energy producing and consuming countries. The book introduces and analyses significant international tax issues related to energy production and distribution, extending from the tax regime in the country where the oil, gas, or coal exploration and production activities are located, through to cross-border transportation using pipelines, tankers, and bulk carriers, to the taxation of power stations and electricity transmission and distribution networks. The taxation issues covered include the following: – upstream oil and gas and mining taxes; – incentives for renewable energy; – carbon taxes and emission trading regimes; – dividend, interest, and royalty flows; – foreign tax credits; – permanent establishments; – mergers and acquisitions; – taxation issues for derivatives and hedging; – transfer pricing; – regional purchasing, marketing, service, and intangible property structures; – free trade agreements and customs unions; – dispute resolution; and – tax administration and risk management. Detailed updates are included on the most recent international tax developments affecting the energy industry, including the OECD Action Plan on Base Erosion and Profit Shifting (BEPS) and the 2017 OECD Transfer Pricing Guidelines. Case studies offer an opportunity to apply international tax analysis to specific examples, and gain practice in identifying and discussing relevant international taxation issues. This book will be of significant value to corporate tax managers and in-house counsel, together with accountants, lawyers, economists, government officials, and academics connected with the energy industry and related international taxation issues. Because the actions of multinational corporations have a clear and direct effect on the flow of capital throughout the world, how and why these firms behave the way they do is a major issue for national governments and their policymakers. With an unprecedented ability to adjust the scale, character, and location of their global operations, international corporations have become increasingly sensitive to the kind and degree of tax obligations imposed on them by both host and home countries. Tax rules affect the volume of foreign direct investment, corporate borrowing, transfer pricing, dividend and royalty payments, and research and development. National governments that tax the profits of international firms face important challenges in designing tax policies to attract them. This collection examines the global ramifications of tax policies, offering up-to-date, theoretically innovative, and empirically sound perspectives on a problem of immense significance to future economic growth around the globe.

Taxmann's CRACKER for Direct Tax Laws & International Taxation is prepared exclusively for the Final Level of Chartered Accountancy Examination requirement. It covers the entire revised, new syllabus as per ICAI. The Present Publication is the 2nd Edition & Updated till 30th April 2021 for CA-Final | New Syllabus, authored by CA Ravi Chhawchharia, with the following noteworthy features: • Strictly as per the New Syllabus of ICAI • [Trend Analysis] for the last seven attempts | May 2018 Onwards • [Marks Distribution] Chapter-wise marks distribution for Past Exams • [Comparison with Study Material] Chapter-wise comparison with ICAI Study Material • [550+ Practical Questions & Answers] • Coverage of this book includes: ? All Past Exam Questions § CA Final November 2020 (New Syllabus) § CA Final November 2020 (Old Syllabus) § CA Final January 2021 (New Syllabus) § CA Final July 2021 (New Syllabus) ? Questions from RTPs & MTPs of ICAI • [Most Updated & Amended] Law stated in this book is as amended up to 30th

April 2021 • [Updated Solutions/Answers] as per Law applicable for A.Y. 2021-22 Also Available: • [65th Edition] of Taxmann's Direct Taxes Law & Practice with special reference to Tax Planning • [2nd Edition] of Taxmann's Direct Tax Laws & International Taxation (2 Vols.) • [2nd Edition] of Taxmann's PROBLEMS & SOLUTIONS – Direct Tax Laws & International Taxation • [2nd Edition] of Taxmann's CLASS NOTES – Direct Tax Laws & International Taxation Contents of this book are as follows: • Part I – Direct Tax Laws (70 Marks) ? Income from Salaries ? Income from House Property ? Profits and Gains of Business or Profession ? Capital Gains ? Income from Other Sources ? Tax on Conversion of Unaccounted Money ? Income of Other Persons, Included in Assessee's Total Income (Clubbing of Income) ? Set-off of Losses or Carry Forward and Set-off of Losses ? Deductions from Gross Total Income ? Taxation of Co-Operatives Societies ? Deduction for Special Economic Zone ? Expenditure on Exempt Income ? Taxation of Political Parties & Electoral Trust ? Taxation of Charitable/Religious Trusts ? Taxation of Mutual Concerns ? Minimum Alternate Tax (MAT) ? Taxation of Firms, LLP and AOP/BOI ? Alternate Minimum Tax (AMT) ? Taxation of Business Trusts (REITs, InvITs) ? Application vs. Diversion of Income ? Assessment Procedures ? Appeals and Revisions ? Survey, Search and Seizure ? Penalties and Prosecutions ? Settlement Commission ? Liability in Special Cases ? Assessment of HUF ? Tax Deduction and Collection at Source ? Collection and Recovery of Tax ? Interest ? Miscellaneous Topics, STT/CTT and IFSC ? Tax Planning, Tax Avoidance and Tax Evasion (Including GAAR) • Part II – International Taxation (30 Marks) ? Tax Incidence in India ? Taxation of Non-Residents ? Double Taxation Relief ? Transfer Pricing ? Advance Rulings ? Equalisation Levy ? Overview of Model Tax Conventions ? Application and Interpretation of Tax Treaty

There are few areas of economic policy-making in which the returns to good decisions are so high—and the punishment of bad decisions so cruel—as in the management of natural resource wealth. Rich endowments of oil, gas and minerals have set some countries on courses of sustained and robust prosperity; but they have left others riddled with corruption and persistent poverty, with little of lasting value to show for squandered wealth. And amongst the most important of these decisions are those relating to the tax treatment of oil, gas and minerals. This book will be of interest to Economics postgraduates and researchers working on resource issues, as well as professionals working on taxation of oil, gas and minerals/mining.

The distribution of profits between corporations resident in different jurisdictions gives rise to significant tax planning opportunities for multinational enterprises. As cross-border transactions between corporations grow in number and complexity, the question of how a profit distribution is classified for corporate income tax purposes becomes increasingly important, particularly in the context of issues such as double taxation, non-taxation and tax neutrality. This unique and practical work covers the rules determining which transactions may be classified and therefore taxed as dividend income and how classification conflicts may be resolved. The author examines the classification of various inter-corporate transactions, including: and• Payments made under dividend-stripping arrangements. and• Fictitious profit distributions. and• Economic benefits in the context of transfer pricing. and• Returns on debt-equity hybrids. and• Interest payments in thin capitalization situations and distributions following liquidation. The analysis of each transaction refers to international tax law. Most weight is given to tax treaties and EU tax law. The approaches adopted in different states and national tax law are covered by a more general analysis. The comprehensive coverage and practical nature of The International Tax Law Concept of Dividend make it an essential acquisition for tax practitioners, researchers and tax libraries worldwide. Document from the year 2008 in the subject Business economics - Accounting and Taxes, grade: keine, , 11 entries in the bibliography, language: English, abstract: This booklet is specifically addressed to foreign licensors and its tax advisors receiving licence income from German sources and which are faced or threatened with tax deduction in Germany. The intention of this book is to provide you with an adequate but hardly exhaustive understanding of the German tax consequences and also opportunities as a foreign licensor. After reading this book you should have a good understanding of you rights as taxpayer and should be able deal with the main tax issues as foreign licensor in Germany. Important Notice: The Tax Act of 2009 has changed large parts of the section 50a German Income Tax Act and thus the tax withholding procedure. In many cases a deduction of related expenses is now possible at least to a certain extent. Still not so, however, for royalty payments for which reason the domestic withholding tax rate has been reduced to 15% (plus solidarity surcharge), regardless if the foreign licensor is a corporation or other person.

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