

---

## *From the Editors' Desk*

---

Welcome to the first edition of *Computers & Law* for 1992. In this edition we look at the effect of the changes in the European Community during 1992 on the law of computers.

The EC is currently struggling with all of the problems associated with merging a whole range of disparate cultures, philosophies and laws. The EC bodies charged with this responsibility have created a range of Directives, aimed at integrating the laws of the EC countries. The authors in this edition look at three Directives of relevance to computer lawyers, customers and clients doing business in the EC.

Graham Greenleaf of the University of New South Wales law faculty examines the EC Directive on data protection and privacy. His article examines the various EC responses and the other international conventions in the field. Some of these themes are discussed in a new book by Greg Tucker called 'Information Privacy Law in Australia.' A review of this book is also included in this issue.

Dr Ellen Beerworth of Mallesons Stephen Jaques in Sydney discusses the EC Directive on Product Liability. This Directive is of particular relevance to Australian lawyers since the principles behind it are being imported into the Australian Trade Practices Act. The ramifications for computer manufacturers and importers are serious and wide-ranging. Dr Beerworth examines the Directive and its effect on computer software in particular.

Julian Gyngell, a solicitor with Theodore Goddard in London looks at a recent case decided in England, *Total Information Processing Systems Limited v Daman Limited*. Not only does he examine the decision, but he also discusses the likely outcome were this case or a similar case run pursuant to the EC Directive on the Legal Protection of Computer Programmes. Interestingly, the outcomes of the case under the current law and the EC Directive maybe different. How the English courts will cope with the invasion from the Continent remains a matter for speculation.

Finally, we are delighted to review the first edition of a recently re-launched journal on computer law; the *Journal of Law and Information Science*. The *Journal*, the only academic journal on the subject in Australia, is extremely informative and promises to cover subjects in the field in far greater detail than this humble broadsheet can hope to aspire to. We wish the editorial board every success and hope to work closely with them in future.

### *The Editors*

As you can see the newsletter has taken on a new look for 1992. We have dispensed with the rather drab brown and yellow colour scheme and replaced it with colours more suited to the informative and interesting publication it now is.

Whilst the colours have changed the quality of the content has not and we believe the 1992 editions of *Computers & Law Newsletter* will be highly regarded!

*Virginia Gore*

## **Computers & the Law**

### **Editors**

**Elizabeth Broderick**  
*cl- Blake Dawson Waldron*  
*Grosvenor Place, 225 George Street*  
*SYDNEY 2000*

**Daniel Hunter**  
*cl- Tolhurst Druce & Emmerson*  
*389 Lonsdale Street*  
*MELBOURNE 3000*

### **Layout & Design** *Virginia Gore*

Subscriptions: \$32.00 per 4 issues.

Advertisements: Inserts \$300.00; For advertisements within the newsletter, rates and information will be provided by the Editors on request

Articles, news items, books for review and other items of interest may be sent to the editors.

Newsletter contents may be reproduced if the source is acknowledged.