

From the Editors' Desks

Welcome to the last issue for 1992. Yes, we know that it is now well into 1993, but due to editorial and printing delays we have run a little late. We considered whether we should cut our losses and call this the first issue for 1993, but decided that we had far too much to fit into our 1993 schedule to afford the luxury of one less issue. More of the 1993 schedule later, but first this issue:

This issue is about data, and the way in which the law has often failed to come to terms with its nature. We have a lead articles which canvasses the important concerns which continue to raise their heads in intellectual property rights in data. Michael Paterson, a lawyer and computer scientist from Perth discusses how our courts and legislature has sought to protect data. It is interesting to reflect that there is no representational difference between program code and program data. It was this fact which was so important in the *Autodesk* decision, since the lookup table which provided the basis for infringement can best be

characterised as data rather than program code. Similarly, the *Daman* case in the UK revolved around data. It may well be that protection of confidential commercial data may become the most important question in computer related intellectual property. In keeping with this we also have a case report and comment on the *Fiest* and *BellSouth* cases, both of which looked at the copyright protection of telephone book entries in the US. How this relates to both computer data and Australasia is discussed in his article.

We have a prize winning essay from Darren Ho on the type of legal protection which should be given to computer programs and a discussion of what he believes to be the best way of protecting computer software. We also have an extract of the guidelines for the security of information systems as well as an article from a US attorney giving an outline of rights in computer software in the US.

We also have a report on the recent computer crime case from Dr Gordon Hughes of Lander & Rogers

in Melbourne, and President of the Victorian Society for Computers & Law. Though we initially thought to print this article in our forthcoming issue on Computer Crime, we decided to run it now in order to let people know about the case as soon as possible. And while we are on the subject of recent cases, we note here that the *Nintendo v Centronics* appeal reversed the earlier trial judge decision. We hope to have a full report of that case in our next issue.

So, what is our schedule for this year? We have four issues, due out at the end of each quarter. Our first issue is on International Intellectual Property. It coincides with the major international conference to be run in February this year, the '1993 Biennial Computer Law Conference - Doing Business in the Pacific Rim'. We hope to have some reports and papers from the faculty of the conference, along with articles from a number of other notables. Our second issue focuses on Computer Contracts, an important part of computer law and one of the major commercial concerns in computer law.

The third issue will be on technology in the legal office. Our third issue last year also looked at this topic and we have had a very positive response to it. We hope to cover a broader range of issues on the use of technology in legal practice, and provide more of an introduction to the various technologies available. Our final issue will be on Computer Crime and Computer Evidence, and we will let you know more when we have finished, planning for that issue.

We hope that you enjoy this issue, even though it is two months late. The next issue, our International Intellectual Property issue, should follow shortly. Talk to you then.

The Editors.



COMPUTERS & LAW

Editors

Elizabeth Broderick

c/- Blake Dawson Waldron
225 George Street
Sydney 2000 AUSTRALIA

Tel: (02) 258 6410; Fax: (02) 258 6999

Daniel Hunter

c/- Deakin University
Geelong Campus
Geelong 3217 AUSTRALIA

Tel: (052) 271 277; Fax: (052) 272 151

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.