



COMPUTERS & LAW

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Autodesk v Dyason

Comment on Appeal to High Court

From the Editors

We would not have taken the unusual step of placing an editorial on the front page if we did not think the news was important. For those in the computer law field, the subject of this editorial could hardly be more newsworthy.

In June this year the defendants in the much reported *Autodesk* decision filed an application with the High Court. They have asked the Court to reconsider its decision in *Autodesk*. The application has, as the editors understand it, been set down to be heard in Canberra on 6 August 1992.


Although we are unsure at this stage of the basis for the application, it would be reasonable to assume that the Court will be asked to hear argument on the point on which it eventually decided for Autodesk. Dawson J noted:

'...it is fair to say that the basis upon which I have concluded that the appeal may be determined was not in the forefront of their submissions. But having given the matter consideration, I am persuaded that the argument was sufficiently put to enable the appeal to be disposed of upon that basis.'

We can only speculate as to the decision of the High Court, but whatever the decision the ramifications will be significant.

This is a sufficiently unusual step that the legal community generally will await with interest the outcome of their Honours' ruling on the application. In the computer law community this interest is likely to be more than merely academic. We can only wait.

The Editors

See page 3 for full details on  the Autodesk decision

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