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## Abstracts

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*The following are abstracts of the latest issues of journals of interest:*

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### Computer Law and Practice

*Editor: Dr Ian Walden et al*  
*Tolley Publishing Co. Ltd*  
*Tolley House, 2 Addiscombe Road, Croydon, Surrey*  
*CR9 5AF, United Kingdom, fax: +44-81-686-3155*  
*Published six times per year, £120.00 per year*

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### Computer Law and Practice, Volume 9 Number 4, 1993

#### *An overview of the Berne Convention*

*A.D. Schuz*

The author sketches an outline of the Berne Convention in relation specifically to computer software and semiconductor chip topology

#### *Reverse engineering computer software—Australia parts company with the world*

*Daniel Hunter*

The author explains the facts behind the *Autodesk No 2* case and compares this with recent decisions in the USA on reverse engineering. He concludes that Australia is one of the few countries internationally which currently prohibits reverse engineering in any form.

#### *Software protection in the United States*

*Robert Bigelow*

This article provides a selective review of developments in the USA. Particularly it discusses the *Computer Associates* and *Sega* cases and the *Data General* case, amongst others. It concludes with a table outlining legal protection around the world.

#### *Principles of software protection in Israel*

*Naomi Assia*

This article outlines the special nature of Israeli law on computer copyright, and the associated practical matters attendant upon it. It covers Anton Piller orders, criminal complaints, patents, and so on.

#### *Computer software and the NAFTA: will Mexican law represent a trade barrier?*

*Luis C Schmidt*

The author outlines the fast pace of change occurring in the intellectual property regime in Mexico. It explains the history and the current reforms, and asks

whether the law as it stands will be a barrier to trade under the NAFTA.

#### *Trademarks in the US computer industry: new lessons*

*Mark F Radcliffe*

An explanation of why US trademark law will be of particular importance to the computer industry in future.

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### Computer Law and Practice, Volume 9 Number 5, 1993

#### *Lotus v Borland—the spreadsheet wars—macros, menus & interoperability*

*William B Bierce*

A discussion of the *Lotus v Borland* 'macro' copyright cases. The author argues that the cases are not as serious as first touted, and notes that there is no copyright issue on the function of the Lotus 1-2-3 commands.

#### *EC Software Directive implementation: status report*

*Ilana Saltzman*

A table and supporting material explaining the levels to which EC member states have implemented the EC Software Directive.

#### *Apple v Microsoft: has the pendulum swung too far?*

*Steve S Moutsatsos and John CR Cumming*

The authors, two Canadian lawyers, examine the *Apple v Microsoft* case (or at least the second most recent incarnation) in light of the abstraction-filtration-comparison test laid down in *Computer Associates v Altai*. They argue that the *Apple* court has in fact provided too little protection for user interfaces as a consequence, and suggest that *Feist v Rural Telephone* may be use to plaintiffs.

#### *South Africa—new software copyright—quick reference guide*

*Chris Job*

A short overview of the recent changes in the South African law.

#### *Seven degrees of separation: the Software Directive and UK implementation*

*Mark Sherwood-Edwards*

This article discusses the UK's implementing Regulations for the EC Software Directive. It looks at a number of interesting areas, including preparatory designs, ad-

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## Abstracts

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aptation and issuing; discusses some discrepancies between the Regulations and the Directive; and assesses the implications for existing UK law.

### *EC competition law and software IPRs*

*Matteo Bay*

A discussion of the anti-competitive laws which affect the computer industry in Europe. It discusses licensing and distribution agreements, block exemptions and typical terms found in software licences.

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### **Computer Law and Practice, Volume 9 Number 6, 1993 (Telecommunications special issue)**

#### *Telecommunications: overview*

*Heather Rowe*

An overview of UK telecommunications law as it stood at the end of 1993.

#### *Telecommunications law and policy under the Maastricht treaty*

*Joachim Scherer*

The author outlines the basic elements of the law that relates to European telecommunications, at least as it has been laid down by the European Commission. Some discussion is made of the effect of the Treaty and the Commission's 1992 Telecommunications Policy Review on the municipal law of the EU member states.

#### *Telecommunications: reciprocity of treatment and parity of licensing practice between the US and UK/Europe—an overview*

*Colin D Long*

This article addresses the extent to and the conditions under which the foreign telecommunications operators are permitted to engage in competition with domestic operators within the European Union.

#### *Someone's been reading my email! Privacy protection for electronic mail users in the US and EC*

*Charisse Castagnoli*

This article focuses on the extent to which US law protects the data privacy of email users. It compares the US law to that proposed by the European Commission.

#### *A review of the right to privacy, with emphasis on interception of communications*

*Heather Rowe and Geraldine Proudler*

A general review of the English common law which potentially protects data from unauthorised viewing, copying and dissemination.

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### **Computer Law and Practice, Volume 10 Number 1, 1994**

#### *The developing law of multimedia*

*John Davies*

A brief overview of multimedia legal issues: specifically copyright and patents. The Compton patent is examined as is the *Vicom* case.

#### *Third party computer maintenance—A legal perspective*

*John Yates*

This article examines what effect competition law has on third party maintenance contracts: specifically on the manufacturers' refusal to supply spare parts, unauthorised use of diagnostic software and so on.

#### *Data protection developments*

*Susan Singleton*

An update on data privacy issues in the UK in the wake of the *Data Protection Act* 1984.

#### *United States patent rights in financial services software*

*Michael Lennon*

The author gives a very comprehensive outline of the role which patent law has played in the development of the US financial services industry. Charts abound

#### *Copyright changes likely in Australia*

*Gordon Hughes*

Our own indefatigable Gordon Hughes discussing the Copyright Law Review Committee's Draft Report on Computer Software.

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### Computer Law and Practice, Volume 10 Number 2, 1994

#### *Software revenue generation in network environments* Thomas Hemmes

The author, a lawyer with a Boston law firm, examines some of the difficulties where firms fail to pay licence fees for multiple use software.

#### *Cellular telephone and new telecommunications services in Brazil*

Esther Donio Bellegarde Nunes

An examination of the relevant law in Brazil.

#### *Some recent trends in evidential issues on electronic data interchange—the Anglo-American response* RIR Abeyratne

A discussion of the difficulties with EDI, some mention of UNCITRAL and the specific problems of the best evidence rule, authentication and so on.

#### *An information systems engineer's experiences of computer disputes* Cliff Dilloway

Some practical considerations about computer disputes, from the perspective of a non-lawyer involved in many disputes

#### *Impact of new commercial agents' rules on computer products*

Clive Davies and Susan Singleton

The English law on the placement of software and hardware onto the market.

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### Computer Law and Practice, Volume 10 Number 3, 1994

#### *The controversy over the Compton's multimedia patent*

Michael Lennon

A good exposition of how it was that Compton gained their patent over fundamental multimedia technology, the claims involved, and the implications of the patent examining process in relation to computer software.

#### *Backup of computer games in the United Kingdom* Richard McD Bridge

The author seeks to remedy the lack of material on copyright issues in computer games—a major market and one which often outstrips film earnings. Basic issues examined include copy protection and the right to make backups.

#### *Harmonisation of technical product standards in the EU: the case of the electrical and electronic products under the new approach Directives*

Raoul Stewardson

The title says it all.

#### *Advising clients on EDI contracts*

Chris Reed

The author, a senior lecturer in information technology law at the University of London, examines the entire role of the lawyer in EDI, and focuses on some of the legal issues.

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### **IIC: International Review of Industrial Property and Copyright Law**

*Editor: Dr Jochen Pagenberg*  
CI-VCH Verlagsgesellschaft mbH, P.O. Box 101161,  
D-69451, Germany  
Published bi-monthly, price on request

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### **IIC: International Review of Industrial Property and Copyright Law Volume 24 Issue 4/1993**

#### *The European Patent System and European Integration*

J.B. van Benthem

This article is a translation of the Romauld Singer Memorial Lecture held at the Patent Forum in Munich in 1992. The author, the former president of the European Patent Office gives the history and scope of the European Patent System.

#### *Electronic Information Tools—the outer edge of world intellectual property law*

Jerome H Reichman

This article examines the tensions caused when information is viewed as a literary work or as a tool for the purposes of attracting copyright protection. The author suggests an alternative model to adopt which he argues would be more suitable in the electronic age.

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### *Rules for the Implementation of the Berne Convention in the PRC*

Gao Linghan

The author explains how the Berne Convention is to be implemented in the Peoples Republic of China.

### *Copyright in the Age of Digital Technology*

Thomas Dreier

This piece is a report on the WIPO Worldwide Symposium on the Impact of Digital Technology on Copyright and Neighbouring Rights, held at Harvard University, March 1993. It details the rationale for the conference, the agenda, and the conclusions reached.

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### ***IIC: International Review of Industrial Property and Copyright Law Volume 24 Issue 5/1993***

#### *The retroactivity rule in the Berne Convention*

Eduard P Gavrilov

This paper examines a technical aspect of the US accession to the Berne Convention. This relates to the interpretation placed on Berne which argues for retrospective application of Berne, while the US Act implementing the accession specifically excludes retrospective application.

#### *The originality requirement in the protection of databases in Europe and the United States*

Paolo Cerina

This paper examines whether the copyright requirement for originality in databases is appropriate. It discusses the approach of the EC member courts and scholars as to originality, as well as examining the US situation.

#### *The Rio Biodiversity Convention and intellectual property*

Joseph Straus

This article examines the intellectual property rights (patent and plant breeder's rights) in light of the Rio Biodiversity Conference. It contrasts the positions adopted at the conference by the US and European countries. It also suggests that similar (if not identical) international standards of protection are necessary for IPRs in this material.

### *Service marks in the People's Republic of China*

Stephen Hayward

Specific commentary on recent changes to the PRC's service mark laws.

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### ***IIC: International Review of Industrial Property and Copyright Law Volume 24 Issue 6/1993***

#### *Problems of European Patent Law*

This issue is devoted to papers presented at the Sixth Symposium of European Patent Judges. It includes a number of papers, reports, a record of proceedings and a list of participants of the conference.

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### ***IIC: International Review of Industrial Property and Copyright Law Volume 25 Issue 1/1994***

#### *The protection of direct and indirect geographical indications of source in Germany and the European Community*

Friedrich-Karl Beier and Roland Knaak

The issue of geographical indications of source is discussed with particular reference to Germany and the EU.

#### *The new software contract under European and German copyright law—Sale and licensing of computer programs*

Michael Lehmann

There has been a recent amendment to the German Copyright Act to provide for stronger protection for computer programs. However, according to the author the licensing culture of the software developer/distributor will affect the degree of protection accorded software. The author canvasses the basic issues in Germany and the EU.

#### *The universal electronic archive: Issues in international copyright*

Paul Edward Geller

In light of the inevitability of the digitisation of information, the author poses some questions for international copyright. He examines both the short and long term effects and makes particular comment about the degree of extra-territoriality necessary in modern copyright laws.

### **IDEA: The Journal of Law and Technology**

*Editor: Professor Robert Shaw*  
*The PTC Research Foundation*  
*2 White Street, Concord New Hampshire 03301, USA*  
*Published four times per year, overseas rate US\$57.00*  
*per year*

### **IDEA: The Journal of Law and Technology, Volume 33 Number 3**

#### ***Drawing the line between licensing unpatented goods and illegal tying***

*George M Gould et al*

A discussion of tying in the context of unpatented goods. The author explains the changes in US law in relation to illegal tying.

#### ***Obtaining attorney's fees in intellectual property cases: rule 11 and other sanctioning mechanisms*** *Breton August Bocchieri*

Rule 11 is a sanction similar to our costs indemnity (which is not automatic in the US). The author outlines the use of rule 11 in patent infringement and in copyright infringement cases. The author also discusses other costs sanctions available in these two types of cases.

#### ***Violation of a patent license restriction: breach of contract or patent infringement*** *Phillip BC Jones*

Since patent is federal law and contract is often US state law, couching a claim in terms of one or the other will have an impact. The author gives an account of the difference, and explains the *Eli Lilly v Genentech* case, amongst others

#### ***Agreement consummation in international technology transfers*** *Todd F Volyn*

A discussion of how and why international technology transfer agreements do not always form properly. It explains the legal culture in the US, in Europe and in Japan.

### **IDEA: The Journal of Law and Technology, Volume 33 Number 4**

#### ***Preparing and prosecuting electronic and computer related patent applications: Avoiding and overcoming statutory subject matter rejections*** *Robert Greene Sterne et al.*

One of the most difficult areas for US patent law is whether a given invention falls within the statutory material. This is particularly true of computer related inventions. The authors examine the particular difficulties for electronic and computer related patents.

#### ***Preliminary injunction motions in patent litigation*** *Steven Shapiro*

An exposition of the practical requirements for the preliminary injunction in patent litigation.

#### ***International compulsory licensing: The rationales and the reality*** *Gianna Julian-Arnold*

A comprehensive analysis of the role of compulsory licensing in intellectual property. The paper looks at it from an international perspective, including an analysis of the position after GATT.

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### **IDEA: The Journal of Law and Technology, Volume 34 Number 1**

#### ***Alternatives to patent licenses: Real world considerations of potential licensees are—and should be—a part of the court's determinations of reasonable royalty patent damages*** *Charles W Shifley*

A discussion of the damages payable to patent owners on infringement.

#### ***Patent damages: The basics*** *Nancy J Linck & Barry P Golob*

An overview of principles applicable to damages payable upon patent infringement.

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***Computer software and the North American Free Trade Agreement: Will Mexican law represent a trade barrier?***

*Luis Schmidt*

The author outlines the fast pace of change occurring in the intellectual property regime in Mexico. It explains the history and the current reforms, and asks whether the law as it stands will be a barrier to trade under the NAFTA.

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***IDEA: The Journal of Law and Technology, Volume 34 Numbers 2 & 3***

***Fourth Biennial Patent System Major Problems Conference***

This issue is devoted to the papers presented at the above conference.

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***IDEA: The Journal of Law and Technology, Volume 34 Number 4***

***Impairing US trade through US trade law***  
*Michael D Rostoker*

The author argues that efforts are now being made to use US trade law contrary to its stated purpose, and is now being used to weaken the American economy.

***The role of the Patent Commissioner in designating panels from the Board of Patent Appeals and Interferences***  
*Alan L Koller*

The concern raised is that the Commissioner has been stacking the Board. The paper examines the history of the current dispute, the authority of the Commissioner and the implications of malfeasance on the part of the Commissioner.

***Changes in the world of patent litigation: New rules for discovery and the emergence of patent litigation investors***

*Teri B Varndell & Eugene Varndell, Jr.*

This article outlines some procedural changes in patent litigation.

***New viability in the doctrine of analogous art***  
*Hilary K Dobies*

A discussion of the use of analogous art, prior art from a different discipline, in the examination of patent claims.

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***(Canadian) Intellectual Property Journal***

*Editor in Chief: Professor David Vaver Carswell*

*Corporate Plaza, 2075 Kennedy Road, Scarborough, Ontario, Canada*

*Subscription rate: C\$118.00 per bound volume, C\$95.00 parts only*

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***(Canadian) Intellectual Property Journal, Volume 7 Number 3, June 1993***

***Two pesos for a taco***  
*George R Stewart*

The author uses the recent US Supreme Court case of *Two Pesos* as a springboard to examine the necessity of proving secondary meaning in common law and statutory actions involving unregistered trade marks and trade dress.

***Protecting genetic sequences under the Canadian Copyright Act***  
*Natalie M Derzko*

This article suggests that genetic sequences can be protected under the Canadian *Copyright Act*. However an economic analysis indicates that copyright may not afford sufficient protection to the creator.

***Cultural appropriation and the law: An analysis of the legal regimes concerning culture***  
*Amanda Pask*

This article looks at how the claims of the indigenous people of Canada for control over their stories, their artefacts, the remains of their ancestors and their land resonate within the existing legal regime.

***US Accession to Berne: An Outsider's Appreciation (Part 2)***

*Professor Sam Ricketson*

The final part of Professor Ricketson's earlier piece.

### Journal of Law and Information Science

*Editor: Dr Eugene Clark & Mr Lynden Griggs  
Faculty of Law, University of Tasmania, Hobart  
Tasmania*

*P.O. Box 252C, Hobart Tasmania*

*ph: (002) 202 073, fax: (002) 238 163*

*Published twice per year \$20.00 per issue (Australian  
residents) AUS\$25.00 per issue (overseas)*

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### Journal of Law and Information Science, Volume 4 Number 2

#### *Computer software copyright in Australia*

*Anne M Fitzgerald*

An overview of computer software copyright in light of the CLRC Draft Report

#### *Re-writing the rules on the form of protection for computer software*

*Andrew Christie*

The author, a senior lecturer at the Law School, University of Melbourne, argues that the CLRC got it completely wrong as regards the form of protection for computer software protection

#### *Computer software protection*

*John Houghton*

The author, a researcher at CIRCIT in Melbourne, argues that we need to look at the subject matter of software before concluding whether to grant it protection.

#### *Limitations on the proposals for reform of non-literal copyright and reverse engineering of computer software*

*Dan Hunter*

The author, a lecturer at the Law School, University of Melbourne, argues that the CLRC got it completely wrong as regards non-literal copyright and reverse engineering.

#### *Works stored in computer memory: Databases and the CLRC Draft Report*

*Ann Monotti*

The author, a lecturer at Monash University, reviews the limitations of the CLRC Report as it relates to databases.

#### *Copyright protection of electronic databases*

*David Lindsay*

A researcher at the Centre for Media and Telecommunications Law at Melbourne University raises a number of concerns over the CLRC Draft Report in respect to databases.

#### *Notes from the United States*

*John V Swinson*

A discussion of three recent developments in US intellectual property law—patentability of software, the test for copyright in software, and trends in protection for software.

#### *International funds transfer instructions: Australia at the leading edge of financial transaction reporting*

*Neil J Jensen*

A discussion of the legislation dealing with funds transfer, the technology which can supplement the legislation and the benefits conferred by reporting requirements.

#### *The open texture of language: Handling semantic analysis in legal decision support systems*

*Surendra Dayal and Robert N Moles*

The final salvo in the logic programming debate. The authors argue that legal decision support systems can only really be built for one client, since objectivity is unattainable.

#### *Meta-reasoning in law: A computational model*

*Daniela Tiscornia*

A theory of legal reasoning applicable to legal expert systems where the incompatibility and lacunae are identified and handled.

#### *Managing complex litigation—'Some other way'*

*Ray Plibersek*

A description of a system implemented for the Commonwealth DPP for managing large litigious cases.

#### *Profiling: A hidden challenge to the regulation of data surveillance*

*Roger Clarke*

The paper presents what little information there is on the practice known as 'data profiling'—inferring a set of characteristics from previous experience and then searching for individuals who match this set of characteristics.

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### Law, Computers and Artificial Intelligence

*Editor: Dr Indira Carr*  
Triangle Journals Ltd  
P.O. Box 65, Wallingford, Oxfordshire OX10 0YG,  
United Kingdom  
Published three times per year, overseas rate £70.00  
(individuals £36.00) per year

### Law, Computers and Artificial Intelligence, Volume 2 Number 2

*Special issue: Trends in the representation of legal knowledge: Rules, cases and networks in a legal domain*

*John B Hobson & David Slee*

The authors summarise the basic difficulties in representing law and compare and contrast the use of rule-based, case-based and neural network approaches to the automation of legal reasoning.

*A neural network-based law machine: The problem of legitimacy*

*David R Warner Jr.*

The author examines the use to be made of neural networks in creating legal decision support systems.

*Dialogical reason-based logic for modelling legal reasoning*

*Ronald Leenes*

The author argues that the provision of legal rules is the first step in a necessary dialogue between two parties and presupposes a reason-based logic.

*Formalising multiple interpretations of law as metalogic programs*

*Jonas Barklund & Andreas Hamfelt*

The authors suggest a meta-level logic view of law as a way of capturing the many interpretations of legal expressions.

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### Law/technology

*Managing Editor: Timothy R. Hardy*  
World Jurist Association, Section on Law/Technology  
Published quarterly, US\$75.00 plus WJA membership,  
or separate subscription US\$85.00

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### Law/technology, 2nd Quarter, 1993

*Performance guideline for the legal acceptance of records produced by information technology systems*  
*Association for Information and Image Management*

This is a report of the association regarding litigation where evidence is in the form of records maintained in information technology systems. Though based on the US federal laws of evidence, it provides an interesting account of difficulties and methods of attacking these difficulties.

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### Law/technology, 3rd Quarter, 1993

*Law, science and technology*

*Dr Amelia C Ancog*

In this paper, presented at the World Law Conference, Manila 1993, the author discusses the influence science and technology has had in fast developing nations. The author examines the legal framework necessary for economic exploitation of science and technology.

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### Law/technology, 4th Quarter, 1993

*Selected intellectual property developments in the United States of America*

*Donald W Banner*

This paper, also presented at the World Law Conference, provides a review of major developments in US intellectual property law. It covers patents, and gives a summary of patents relating to algorithms and software (though surprisingly fails to mention *Corazonix*), trademarks, copyright where some mention is made of issues in the digital age, and finally trade secrets.

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### Law/technology, 1st Quarter, 1994

*Apple v Microsoft: Standardization of graphical user interfaces*

*Stephen P Norman*

A review of this case.

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### Law/technology, 2nd Quarter, 1994

#### *The work made for hire doctrine and its application to the computer software industry*

Jason L Pascal

An examination of the US doctrine as it relates to software. This paper discusses the 'employee' issue and difficulties with joint authorship, *inter alia*.

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### Law Technology Journal

*Editor: Dr Abdul Paliwala et al*  
CTI Law Technology Centre  
University of Warwick, Coventry CV4 7AL United Kingdom

Published twice per year, overseas rate £60.00 per year or free with BILETA membership (£90.00 p.a.)

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### Law Technology Journal, Volume 3 Number 1, October 1993

#### *Database in law firms—an overview*

Robin Widdison

A discussion of the uses to which law firms put databases, the amount they use them, and future trends in use.

#### *The concept of concept in 'conceptual legal information retrieval'*

RV de Mulder, MK van den Hoven and C Wildemast

The authors, researchers at the Centre for Computers and Law at Erasmus University in Rotterdam, discuss their approach to putting more intelligence into the representation of information in legal information retrieval systems.

#### *Gopher and the Internet*

Colin Shaw

An introduction to the joy, the power and the wonder of the Internet, and one of its constituent parts: the resource sources generically called 'gophers'.

#### *Using the Internet for an electronic conference*

Trotter Hardy

A description of a conference run by email on the Internet. The conference ran for two weeks on the topic of the effects of email on law practice and law teaching. The author was the moderator of the email discussion list (run on the Cyberlaw, now Cyberia,

discussion list). The author concludes that not only was the conference cheap, it was a great success.

#### *Information technology in law in Hungary*

Zsolt Balogh

A discussion of developments in the use of information technology in legal practice and teaching in Hungary.

#### *Experiences in teaching 'technology'*

Nadine McDonnell and Susan Brown

The authors discuss the use of technology in teaching law at the new University of Waikato Law School. The authors make a number of suggestions as to the introduction and use of such materials. The lessons learned there apply in practice as well as in law schools.

#### *The DEUST-DISI—a new scientific, technical and professional diploma in the domain of law, computing and information systems*

Daniele Bourcier

Reprint of an article which appeared previously in the *Journal of Law and Information Science* and was abstracted there.

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### Law Technology Journal, Volume 3 Number 2, May 1994

#### *Law courseware: The next generation*

Robin Widdison & Colin Scott

A discussion of the law courseware project, which aims at producing law courseware on a mass-production basis.

#### *Information technology in Canadian legal education*

Ejan Mackay & Daniel Poulin

A report on the state of the art in Canadian law schools.

#### *Information technology in legal education—What's happening in the United States*

Bill Boyd

A report on the state of the art in US law schools.

#### *Setting common minimum standards of computer competency for undergraduate lawyers*

Peter Osborne

A background paper arguing why minimum standards need be set.

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### *Law lists*

*Lyonette Louis-Jacques*

How to get onto legally-oriented discussion lists on the Internet. An excellent overview which includes addresses for most lists.

### *Multimedia in business law: A voyage of discovery*

*Bernard Russell & Martyn Kavanagh*

A discussion of the use of multimedia in business law at the Ngee Ann Polytechnic, Singapore.

### *Information technology in Australian law teaching*

*Graham Greenleaf*

A report on the state of the art in Australian law schools.

### *Technology, lawyers and the Atlantic divide*

*Alan Paterson & Richard Susskind*

A comparison of the uptake of computers in the UK and the US.

### *How can learning technologies improve learning?*

*Diana Laurillard*

This paper questions whether computers have actually improved students' abilities to learn.

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## **The Computer Law and Security Report**

*Editor: Mr Stephen Saxby*  
*Elsevier Advanced Technology*  
*Mayfield House, 256 Banbury Road, Oxford OX2*  
*7DH, United Kingdom*  
*Published six times per year, overseas airmail rate*  
*£143.00 per year*

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## **The Computer Law and Security Report,** **September/October 1993, Volume 9 Issue 5**

### *Software licensing*

*Gillian Bull*

The author considers the legal problems associated with the licensing of embedded programs. Program licenses in initial sale and purchase contracts, transfers of title by purchasers, etc are discussed

### *Product liability and software*

*Jean-Paul Traille*

An update and review of the 1985 EC Directive on liability for Defective Products insofar as it applies to

computer programs. In it, the author argues that, whereas the scope of application of the directive to software is limited, there are nevertheless instances where software can cause fatal accidents and where the directive could apply.

### *Public sector data regulation*

*Yves Pouillet*

A discussion of the impact on new information and communication technologies on the commercialisation of data held by the public sector. The author looks at legislation and guidelines in developing policies towards an information product susceptible to market exploitation.

### *Case report I*

*Gordon Hughes*

The tireless Gordon reports on *DPP v Murdoch*, the first case on computer trespass under the *Summary Offences Act* (Vic).

### *Case report II*

*James Fitzsimons*

This time, Jim Fitzsimons discusses *Autodesk No 2*.

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## **The Computer Law and Security Report,** **November/December 1993, Volume 9 Issue 6**

### *Software licensing and competition law*

*Mark Powell*

The author examines the impact of EC competition rules on software licences following the entry into force of the Directive on the Legal Protection of Computer programs.

### *Software protection update*

*Fenwick & West*

The annual update by Fenwick & West of international legal protection for software in the world's most significant markets.

### *Computer crime*

*Dr Deborah Nigri*

An examination of the workings of the UK *Computer Misuse Act 1990* taking into account the Department of Trade and Industry report on the matter.

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### *Points of practice*

*Alasdair Poore, Josephine Plumstead and Anthony Carrod*

A series of short practice notes on everyday legal problems dealing with the protection of commercial information and exploitation of information technology.

### *US Focus*

*Bernard Zajac*

A discussion of the *Steve Jackson Cranes* case which raises questions about search and seizure powers in the US.

### *Data protection*

*Heather Rowe*

A report on the Ninth Report to the Parliament by the UK Data Protection Registrar in 1993.

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### ***The Computer Law and Security Report, January/February 1994, Volume 10 Issue 1***

#### *Biotechnology and the law*

*Hon. Justice Michael Kirby*

The author explores the growing ethical and legal issues arising from worldwide research to unravel the human genome.

#### *Cyberspace and the law*

*Michael Heather*

An article on some of the legal challenges that lie ahead as the world of cyberspace and virtual reality open new opportunities for communication and human interaction.

#### *Intellectual property*

*Katherine C Spelman & John Moss*

The authors discuss the value of the intellectual property inventory of a company as a means of preserving and exploiting a vital component of the corporate infrastructure.

#### *IT law reform—Sweden*

*Hans Nilsson*

An assessment of a recent report of a Swedish expert commission that considered what changes were necessary within Swedish criminal and procedural law as a result of advances in information technology.

#### *Information security I*

*Wendy London*

The author reflects on the OECD's guidelines for the security of information systems.

#### *Information security II*

*Neil McEvoy*

The author examines the UK Department of Trade and Industry's sponsored code of practice for information security management.

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### ***The Computer Law and Security Report, March/April 1994, Volume 10 Issue 2***

#### *Data law*

*Gillian Bull*

The author examines current data licensing practice in the electronic trading sector and raises some challenging legal issues about the nature and status of the data.

#### *EC developments in IT law*

*Don Jerrard et al*

A column on current developments.

#### *European IT law*

*Wendy London*

A report on progress towards harmonisation of IT laws within the EC as part of the formation policy of the single market.

#### *Safety critical systems*

*Moirra Simpson*

The author looks into the problem of major system failure as evidenced by the London Ambulance Service computer breakdown and considers the legal issues it raises.

#### *Legal protection of computer programs*

*Gary Lea*

The author considers additional legal responses to the proprietary interests generated by computer program 'look and feel'.

#### *Computer evidence*

*Graham Smith*

The author assesses the current legal position re computer generated documents.

## Abstracts

### *Law reform*

*Colin Tapper*

A review of the proposals of the Law Commission on the reform of the hearsay rule in the context of its impact on the reception of computer output.

### *Telecommunications fraud*

*Jean-Bernard Condat*

A report on the problem of toll fraud on the French private branch telephone exchanges and the pressure for action on the part of providers and service users to tighten up their act.

### *Information management*

*Jørgen Klaveness*

A discussion of the practical application of spreadsheets in the analysis of bankruptcies and their financial circumstances.

### *New EC commercial agent regulations*

*Guy Lougher*

A review of the new regulations.

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### ***The Computer Law and Security Report, May/June 1994, Volume 10 Issue 3***

### *Technology licensing*

*Jeremy Brown*

The author examines the principles governing the licensing of technology within the EC.

### *EC competition laws*

*Robert Strivens*

The author reviews the practical effect of the European Economic Area Agreement 1994 on existing EC competition rules.

### *Software law*

*John Worthy*

The author considers the impact of and effect of clean room procedures in software development as a means of countering infringement claims.

### *Database law*

*Rory Graham*

A report on the legal issues governing the creation of directories of user names and network addresses for electronic trading and email.

## Negotiator Pro

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### *Investigating infringing software*

*Derrick Grover*

Some reports on the use of forensic techniques to identify software infringement.