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## From the Editors

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Welcome to the final edition of *Computers and Law* for 2004. We have covered a variety of topics in this issue – including managing software development contracts, and analysing the impact of financial services reform on software implementation. In other regulatory changes, we look at proposed amendments to the Consumer Credit Code. Also, we follow the post-*Gutnick* development of defamation law for articles published on the internet, and explore patent protection for e-commerce systems.

In the first article, “Managing Software Development Agreements: A Practical Guide”, Alec Christie provides very useful guidance on the management of software development agreements. The article examines the key issues which may arise and stresses that such issues need to be addressed well before the software development process takes place. In particular, the article discusses the concerns which both the customer and the developer are likely to have during each stage of the development and offers strategies to tackle these concerns in a timely manner. In addition, the article considers two recent cases dealing with disputes arising from software development agreements and their practical implications for software developers and customers. The article concludes that being proactive is the key to success and highlights the need for each party to be closely familiar with the terms of the agreement as well as the actual transaction.

Requirements of the Financial Services Reform regime which came into force earlier in the year have impacted on the technology systems behind many financial services businesses. In the second article, Charles Schofield considers the areas of technology impacted by the regime and discusses the licensing, disclosure and conduct related requirements of the regime. He provides a useful list of issues to be considered when planning for technology implementation in the financial services sector.

As online transactions become increasingly common and broad-ranging, changes have been proposed to the Uniform Consumer Credit Code (**Code**) for the regulation of electronically created credit contracts. Trudi Lodge and Regina Kho discuss and analyse the effectiveness of the main proposed changes, particularly in relation to the potential difficulties associated with correctly identifying, and authenticating messages from, customers, and ensuring that online lending contract terms are up-to-date and mutually acceptable. Lodge and Kho conclude that, while the proposed changes to the Code raise certain issues, they should also boost both consumers’ and lenders’ confidence in online lending contracts.

When *Dow Jones & Company Inc v Gutnick* (2002) 210 CLR 575 was handed down a few years ago, there was much concern over the impact the case would have on the liability of internet publishers for defamation. The Canadian decision *Bangoura v Washington Post & Ors.* 235 D.L.R. (4<sup>th</sup>) 564 has again raised concerns over the scope of publishers’ potential liability. Belinda Thompson and Anne Tyedin explain the background and reasons for the decision and point out the differences between *Bangoura* and *Gutnick*. They discuss the possible implications of the decision and the extent to which fears about the scope of potential liability are justified, as well as suggesting a practical course of action for media organisations.

In our last article “E-commerce and patent protection”, Ross McFarlane provides a comprehensive discussion of the importance of patent protection in the e-commerce environment and the issues which are arising in this area. McFarlane explains the importance of e-commerce to the economy and how e-commerce works and e-commerce systems are designed. McFarlane describes the different types of e-commerce patents before considering the criticisms of e-commerce patents. The article concludes that these patents will become increasingly important in a wide variety of industries.

We thank the authors for their contributions to this edition of the journal. Many thanks to Belinda Justice for her work as editor over the last few years. Thanks also to Danet Khuth, and to Margot Hunt, for their assistance.

We wish our readers all the best for Christmas and the New Year.