On behalf of the editorial committee I extend a warm welcome to readers of the June 2008 issue.

In this issue various aspects of collection, collation and transmission of data are explored.

The first article concerns the collaborative collection of information by willing participants involved in the creation of wikis. The second article looks at an unauthorized copying of data for use in an interactive electronic database. Thirdly, a High Court decision about the regulation of transmission of data by broadband is reviewed. Another article examines a recent United States decision requiring a party to discover a database comprising user logging information.

A further article provides an overview of a means of resolving disputes in the IT industry.

Catherine Bond looks at recent developments in the use of wikis in the law. Wikis enable an interactive development of recorded knowledge and information. Last year the New Zealand government deployed a wiki as part of its consultative process in connection with its review of the *Police Act 1958* (NZ). This article describes how that wiki was overseen and archived at the end of the review process. Catherine Bond also discusses the possibilities for broader communication between citizens and government through a wiki-like portal such at that presently managed by the United Kingdom government.

Computerised data gathering and sorting lends itself to the creation of useful directories and guides. There is no copyright in mere information, but an application of sufficient labour and industry may render a compilation of data protected as a work of copyright. Such protection encourages the commercialization of new and useful repositories of information, but all is not smooth sailing for those who engage in that activity. Recent judicial pronouncements highlight the difficulties in drawing a line between what is protected and what is not, in a realm where: both quantity and quality count; where quality matters more than quantity in determining whether copying results in infringement; and where quality is determined by reference to originality and to the nature of the interest protected by copyright.

Jennifer English has examined the recent decision of the Full Court of the Federal Court of Australia, *Nine Network Australia Pty Ltd v IceTV Pty Ltd* [2008] FCAFC 71, which involved a consideration of the subsistence and infringement of copyright in compilations of data. The trial judge (Bennett J) applied *Desktop Marketing Systems Pty Ltd v Telstra Corporation Limited* (2002) 119 FCR 419 (Black CJ, Lindgren and Sackville JJ) in determining that the original programming schedule had been the product of sufficient skill and labour so that an original literary work had been created, but held that an indirect copying of mere slivers of time and title information from that work did not infringe copyright. An identical bench to that in *Desktop Marketing Systems Pty Ltd v Telstra Corporation Limited* was convened for an appeal, in which the trial judge's decision was reversed: Nine's skill and labour in creating a time and title database had been appropriated by the inclusion of the totality of the time and title information in a new database, albeit that it was significantly different in look, feel and content. The Full Court's decision is the subject of a pending application for special leave to appeal to the High Court of Australia.

There is great reliance on the fast, efficient and economical communication of data afforded by broadband. Telstra's pivotal position in the supply of broadband services is largely historical. Entrants obtain access to Telstra's copper network at prices determined by the Australian Competition and Consumer Commission pursuant to Part XIC of the *Trade Practices Act 1974* (Cth). Telstra recently commenced proceedings in the High Court of Australia challenging the constitutional validity of that statutory framework.

Brent Salter and Dr Niloufer Selvadurai review the High Court's reasons for rejecting Telstra's argument that in being required to give access to its network at prices fixed by the Australian Competition and Consumer Commission Telstra's property was acquired on other than just terms, contrary to s 51(xxxi) of the Commonwealth Constitution: *Telstra Corporation Limited v Commonwealth* [2008] HCA 7. Each of the members of the High Court joined in the delivery of a single set of reasons, which provide clear guidance on the operation of the broadband access provisions within the *Trade Practices Act*. The decision is also noteworthy as a rare example of a proceeding commenced in the High Court's original jurisdiction.

Lastly, this issue includes an article demonstrating the desirability of including provision for alternative dispute resolution procedures in IT contracts generally. A set of principles, called "ADRoiT Principles", has been developed with a view to reducing the potential for disputation as well as the employment of alternative dispute resolution in cases where disputation arises.

Philip Argy summarises the ADRoiT Principles and explains their relevance in IT contracts. Particular attention is given to their relevance in the event of a dispute. Alternative dispute resolution is widely understood to be of great utility where parties wish to or must maintain ongoing commercial relations. In IT contracts, the specialized subject matter, relationship of the parties and sometimes the duration of term render disputes arising from IT contracts particularly susceptible to alternative dispute resolution.

The anticipated decision of Stanton J of the United States District Court regarding discovery of YouTube's user logging files was handed down just before this issue went to press. I have taken the editorial liberty of including a brief summary in light of the worldwide interest it has generated.

Thank-you to each of this edition's other contributors.

The editorial committee invites and welcomes any contributions readers may wish to submit for publication, which may be done by contacting any of the members of the committee.

**JER**