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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, Volume 9 Number 3, 1993**

*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*

#### *European copyright protection of software from a German perspective*

*Dr Andreas Wiebe*

Traditionally Germany has been seen to provide little protection for computer software due to its high level of originality requirements. With the advent of the EC Directive on copyright protection of computer software this has begun to change. The author looks at the implementation of the EC Directive in Germany and highlights some of the emerging issues of developing European software law.

#### *Computer law in the Slovak Republic*

*Ján Drgonec*

In this article the author examines the laws of the new independent Slovakia. The article focusses upon the laws of privacy, copyright in computer programs, and computer related crime. All the laws covered are contained in federal legislation which remains largely unchanged from those in force in the previous Czechoslovakian legal system.

#### *Some legal aspects of teleworking*

*Rachel Burnett & Neil Maidment*

The authors examine the emerging practice of working from home and communicating via the new technologies. The legal regime under which such teleworkers operate is, of necessity, ad hoc and in a state of flux. They look at issues arising from employment and labour law, security, data protection, health and safety and legal aspects of the purchase or hire of equipment for the teleworker.

#### *A design right for computer programs?*

*Russell Harkin*

The author, a computer science academic from the University of Brighton, examines the limitations of the definition of computer software as a literary work. The article discusses the software lifecycle and case histories and draws some disturbing conclusions about the efficiency of using copyright as the mechanism for protecting computer software.

#### *An introduction to product liability in the computer industry*

*Clive Davies*

Product liability is an obvious, albeit much neglected, area of concern for the computer industry. The author examines how the English law on product liability affects the industry and draws interesting comparisons with the United States' regime.

#### *Outsourcing information technology – a happy hunting ground for lawyers*

*John Yates*

This article examines the disputes generated by outsourcing agreements and the formulation of strategies for resolving them. It focusses particularly on alternative dispute resolution mechanisms as a means of removing these disputes from the formal litigation system.

#### *Discovering databases: computers and RSC Order 24*

*Nick Armstrong*

This article looks at a recent English decision where a computer database was held to be discoverable in litigation. It examines the considerations, both legal and practical, which apply when seeking discovery of databases.

**IIC: International Review of Industrial Property and Copyright Law  
Volume 24 Issue 1/1993**

*Executive Editor: Dr Jochen Pagenberg*

*VCH Verlagsgesellschaft mbH, PO Box 101161, D-6940 Weinheim, Germany*

*Published six times per year, DM 422.00 per year*

*The Micro-Organism Deposit System in European Patent Law – An Appraisal of Current Proposals*

*R. Stephen Crespi*

Biotechnology is one of the more difficult areas of patent's application to the protection of ideas. One theme which has been prominent and sustained in the criticism of European patent law arises from features of the deposit rules for microbiological inventions. The author reviews the suggestions for improving these rules which have been made over the last two decades. He focusses in particular on those reforms currently under consideration and assesses the prospects of a satisfactory and final solution emerging from the reforms.

*Methods of Medical Treatment Under Patent Law*

*Rainer Moufang*

The author examines the critical question of the patenting of methods for human or animal treatment by surgery or otherwise. Prima facie, the European Patent Convention prohibits patents for such methods, and so the author sets out to delineate the limits of the prohibition.

*Protection of Inventions in Slovenia*

*Bojan Pretnar*

The author reviews the law protecting inventions in the new state of Slovenia. He examines the basic principles and structure of the re-

gime, along with the main patent provisions. He concludes with an examination of the status of patents granted under the old system.

*The Magic of Magill: TV program Guides as a Limit of Copyright Law?*

*Andreas Reindl*

The author examines the controversial *Magill* case, which has wound its way through a number of European courts. The case is a difficult and troublesome examination of the limits set on intellectual property rights by European competition law. The author discusses in great detail the differing policies behind the two laws, and makes a number of arguments about the possible resolution of the concerns of the case.

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**IIC: International Review of Industrial Property and Copyright Law  
Volume 24 Issue 3/1993**

*The Intellectual Property Status of Sound Recordings*

*György Boytha*

The author discusses the various regulatory schemes imposed at national and international levels. In particular he discusses the mechanisms for international protection and the differing requirements under different schemes.

*Sound Recordings and Copyright*

*William R Cornish*

The author, the noted intellectual property professor, discusses the rise of the importance of sound record-

ing, the historical basis, the phases of commercialisation and generally the nature of the battle over piracy of sound recordings. In this philosophical piece, he includes a discussion of the economics behind the process of copyright protection for sound recordings.

*The Scope of Art 69 European Patent Convention: should sub-combinations be protected?*

*Jochen Pagenberg*

This paper is a comparative analysis of the basis of French and German law in this area. Article 69 deals with one of the central problems of pat-

ent infringement—the determination of the scope of protection of patents granted.

*Patenting Computer-Related Inventions in Australia*

*Fraser Old*

The author, a patent attorney from Sydney, discusses the recent developments in patenting computer software and other related inventions. In particular, he discusses the recent IBM patent application reported on previously by this journal.

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### **IDEA: The Journal of Law and Technology, Volume 33 Number 2**

*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*

#### **Review of PTO Appeal Procedure**

*Thomas G. Field Jr*

As the title suggests, the author critically appraises the procedure of the Patent and Trademark Office in appeals. He draws interesting comparisons between accountability of the PTO and administrative law judges.

#### **Use of Copyrighted Images in Academic Scholarship and Creative Work: The Problems of New Technologies and a Proposed "Scholarly License"**

*Rick G. Morris*

The author looks at the effect of recent developments in copyright which have threatened to impede the use of copyright material in aca-

demical work. In particular, the author examines the problems relating to film and audiovisual material.

#### **Access to and Authority to Cite Unpublished Decisions of the PTO**

*Thomas G. Field Jr*

The author examines whether unpublished decisions of the Patent and Trademark Office may be used in other cases.

#### **Can the Common Law of The United Kingdom Survive European Unification?**

*Bryan Harris*

The transcript of a paper presented by the author, head of the intellectual property division of the Commission of the European

Community from 1973-1983. Also included is the text of questions and answers of the various attendees at the presentation, held at the Franklin Pierce Law Center on 25 March 1992.

#### **Trade Dress and Section 43(a) of the Lanham Act: Protection for "Total Image" of the Visual Displays of Software Application**

*Carl Caslowitz*

The author examines whether computer displays can satisfy the requirements of the US principle of trade dress. If so, an alternate form of intellectual property protection may be available for those computer software producers who seek protection for their interfaces.

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

*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*

#### **US Accession to Berne: AN Outsider's Appreciation (Part 1)**

*Professor Sam Ricketson*

The US accession to the Berne Convention for the Protection of Literary and Artistic Works was one of the more significant events in the calendar of international copyright protection in recent years. In this first part of a two-part article, the author considers the history of attempts to bring the United States into the Berne Union, the reasons for US recalcitrance and the reasons

for the US's eventual *volte-face*. An analysis of the effect and the implications of the 1988 US implementing legislation is commenced and is concluded in the second part of the article, appearing in the next issue.

#### **Accounting for Profits: The Canadian Approach**

*Coleen L. Kirby*

The author reviews the Canadian and Commonwealth jurisprudence on accounting of profits in patent, trade-mark and copyright cases. After looking briefly at the history of

the accounting remedy, she examines the case law to determine what common principles underlie an accounting following a successful action. The author examines the tentative nature of these principles and asks a number of questions which the court may yet need to resolve.

#### **What is Canada's International Copyright Policy?**

*A.A. Keyes*

Canada's position as a net importer of copyright material arguably calls

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for different international policies than might be promoted by net exporter states. The author examines Canada's stated policies and activity in the copyright area, especially since the late 1970s, and questions the coherence of recent moves which appear to treat copyright simply as a trade matter, while extending national treatment and more extensive protection to foreign interests without any clear compensating advantages for Canadian creators.

### *The British Government's Secret Patents*

T.H.O'Dell

The author examines the secret pat-

ent provisions which are available for war munitions in the UK. The discussion focusses on a number of historical patents.

### *A Shifting Beam: How a US Company Lost Its Trademark to Its Canadian Distributor*

W.L.Hayhurst, QC

The article examines the case of *White Consolidated Industries, Inc v Beam of Canada, Inc*, in which, as the title says, a US company lost its trademark to its Canadian distributor. The decision was basically one

which sounded in equity, and the principles followed may well apply in a similar way in Australia and New Zealand.

### *The Continuing Saga of Colourization in France*

Ysolde Gendreau

This note follows an earlier case note about the decision at first instance of a French case relating to the colourization of the John Huston film, *The Asphalt Jungle*. The note discusses the Court of Cassation's decision on appeal.

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## Journal of Law and Information Science, Volume 4 Number 1

*Editor: Dr Eugene Clark*

*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)*

### *Perspectives for the Development of Computers and Law and Computer Law: The Next 10 years*

Jon Bing

This article examines three likely directions for the future development of Computers and Law and Computer Law. The first is the growing emphasis on the interrelationship between knowledge based systems and legal philosophy or jurisprudence, a topic which has been and continues to be debated in this Journal by Moles, Hunter, Tyree, Zeleznikow and others. The second development is an educational one—the need for universities to design curricula which take into account, more than they do now, developments in information science and law. This is especially true for the area of public administration. Finally, the article discusses the need for impact studies to assess the impact upon society of new information technology.

### *Computers, videotape and justice*

Abdul Paliwala

In this article Dr Paliwala examines the relationship between new technologies and their impact upon the people who use them. His central thesis is that often we are so concerned about the way new technology will function that we ignore the fundamental question of how these new technological developments affect the values of the legal system and the way people, in this case lawyers, judges, court officials and administrators, relate to one another. In developing this thesis, he briefly examines such developments as expert systems, litigation packages, computer research databases, and the video presentation of evidence and decision support systems.

### *Knowledge based microsimulation in social security policy making*

M.G.K. Einerhand and J.S. Svensson

This article offers an example of an expert system used in the administrative law area. The authors report on the design and testing of ExpertiSZe, an expert system involving the determination of benefits under the Dutch Unemployment Act. The researchers found that ExpertiSZe produced results which correlated highly with actual decisions made by administrative departments. The article goes on to explain the potential benefit to lawyers, economists, and policy makers which can be derived from the use of such expert systems to analyse the likely impact of legislation.

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*There is less to this argument than meets the eye*

*Daniel Hunter, Alan Tyree and John Zeleznikow*

In this article the authors continue the Artificial Intelligence and the Law Debate begun with Moles' 1991 article. In it the authors answer the latest criticisms made by Moles and others as they explain and argue the case for the practical benefits to be gained by AI systems involving the law.

*The Computer Hacker - Electronic vandal or scout of the networks*

*Deirdre Black*

This paper examines the changing image of hackers over time. It argues that the early image of the hacker as depicted by 'self-styled experts' used the imagery of the delinquent and drug addict. In contrast the later image of the hacker was far more positive. This pattern appears to be reflected in the shift from earlier more draconian legislative approaches to hacking by governments to the later, more ambivalent approaches of governments such as the United Kingdom and Victoria.

*Legislating against Computer Misuse: The Trials and Tribulations of the UK Computer Misuse Act 1990*

*Andrew Charlesworth*

This article examines the ability of the courts to use the Computer Misuse Act 1990 to combat computer misuse in the UK, considering some of the reported and unreported cases before and after the Act. Issues discussed include the difficulties in gaining evidence, the attitude of the legal system towards computer misuse, the public attitude towards hackers, hacking and computer crime and the use of the 'addiction

defence' in the case of R. v Bedworth and others and how each of these factors plays a part in making the Computer Misuse Act 1990 a much less effective tool in combating computer misuse than its originators intended.

*Human Factors in Computer Security: A Review*

*Jennifer Hallinan*

With the increasing use of computers, both large and small, in businesses of all kinds, the topic of computer security is becoming of increasing importance to most organisations. Although there is a considerable body of literature on the technical aspects of computer security, for most organisations the main risk to security, and the main defence against data compromise, lies in the people who interact with the computers. In this paper, a number of categories of computer user are considered and assessed in terms of the risk they pose to computer security and their potential role in protection of data.

This article also considers the importance of psychological factors related to computer use. At the individual level, factors such as human cognitive function and user interface design combine to affect the way in which people use computers, and their enjoyment or otherwise of the experience. Similar factors also come into play at the organisational level, where subtle influences such as the "psychological climate" of the organisation and its informal behavioural norms affect the way in which its members act. The process of organisational change management, such as the introduction of new security policies, requires that such factors be taken into consideration if it is to be effective.

The third area reviewed here is that of security and user education policy

formulation. While it is generally agreed that such policies should exist, in a formal and readily accessible format, their usefulness will be affected by the balance they achieve between the needs of individual workers, and the organisation's requirement for computer security.

*Software patents in the United States*

*John V. Swinson*

As a result of decisions of the United States Patent Office and the Courts most software related inventions can now be protected by patent. This has been criticised by some who consider that future development in software will discontinue if the building blocks of computer programming and computer science are removed from the public domain. This article reasons that patent protection should be available to those who develop new and innovative software. It is argued that a patent system will encourage research and development in this area and the concerns of those opposed to software patents is overstated. The current law applicable to the patent protection of software is discussed as are the policy grounds for and against patent protection. The conclusion is reached that most criticisms are not specific to software patents but about the patent system generally and that not to allow patents for software inventions may be highly detrimental to science and industry.

*Square pegs and round holes: Recent US developments in copyright protection for computer software*

*Anne M. Fitzgerald*

The scope of protection given to computer programs has recently been examined by the Second and Ninth circuits of the US Courts of

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Appeal. The courts considered the extent to which protection is afforded to the non-literal elements of a program, such as its structure and how far reverse engineering of a computer program will be permitted. These two matters were discussed by the Courts of Appeals for the Second Circuit in *Computer Associates International Inc v Altai Inc* and the Ninth Circuit decision of *Sega Enterprises Ltd. v Accolade Inc.*

The courts have shifted from an expansive protection established in earlier decisions such as *Whelan Associates v Jaslow Dental Laboratory*

### *Cost-Effective Computer Assisted Learning*

*Alan L. Tyree and Shirley Rawson*

We describe a new and simple form of computer tutorial known as CRES.

The CRES method has the advantage of accepting free form short answers thus freeing it of one of the major objections to the use of CAL methods in law. We also describe different teaching models which integrate CRES tutorials into existing courses. Finally, we describe an experimental program SAGES which automatically marks free form short answers.

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## **Law, Computers and Artificial Intelligence, Volume 1 Number 3, 1992, Special Number: Legal Implications of Electronic Data Interchange.**

*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*

### *Three types of Electronic Data Interchange Contracts*

*Sergej H.Katus*

The author defines and describes three types of EDI contracts—interchange agreements, network agreements and third party agreements. He looks at obligations and liabilities under all three.

### *Legal issues in connection with electronic transfers of funds*

*Maria Chiara Malaguti*

This paper examines some fundamental issues in relation to EFT. Notably the regulation and liability for EFT problems such as mistake and fraud are examined under differing regulatory systems; including the UCC, the Model Law and private agreements.

### *Contractual and tortious liability in EFT transactions in the United Kingdom*

*Anu Arora*

This article examines the tortious and contractual liability for EFT trans-

actions, in the context of the banker-customer relationship. The implications of the Voluntary Code of Banking Practice is examined within this framework.

### *Legal aspects of electronic data interchange standardisation: the boundaries and effects of standardisation and network use*

*Corien Prins*

This article elaborates two implications of EDI standardisation: the extent to which standardisation is determined by legal mechanisms and the steps towards a better understanding of how the use of EDI standards affects and challenges fundamental legal concepts.

### *Electronic data interchange: the perspectives of private international law and data protection*

*Thomas Hoeren*

Transborder data flows are difficult to regulate. The author examines a hypothetical case of EDI and analyses the transaction from German and UK perspectives. He shows that the

two are not equivalent and that private international law concepts will need to be invoked in order to settle the difficulties. He argues that the EC will need to consider this question further before the advent of the Single European Market in 1993.

### *Evidential issues in an electronic data interchange context according to Norwegian law*

*Andreas Galtung*

In the Norwegian system of law, the overriding doctrine which applies to the admissibility of evidence is the 'free evidence rule.' The author examines the free evidence rule in the context of paperless trading, and a number of other relevant provisions are reviewed from the stance of paperless trading.

### *Computers and the English law of evidence*

*Michael Hirst*

The author discusses the difficulties which have faced judges when examining computer evidence. He notes that the fundamental difficulty

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is with the doctrine of hearsay, and how it applies to computers, but he argues that the gravest errors oc-

curred simply to a fundamental misunderstanding of the doctrine, rather

than a misunderstanding of the operation of computer systems.

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### **Law, Computers and Artificial Intelligence, Volume 2 Number 1, 1993,**

#### *Software protection under European Community law*

*Andreas Wehlau*

This paper discusses some alternatives to the use of copyright as the mechanism for protection of computer software. It notes inconsistencies in the EC directive on software protection, and concludes with a proposal that the Directive be narrowly restricted in certain areas.

#### *Shipping documents and electronic data interchange*

*Diana Faber*

This paper concentrates on the legal implications of electronic bills of lading. It discusses the creation of paper bills of lading, and suggests a solution to the problem of authentication of EDI documents. The paper discusses existing proposals for verification and makes suggestions as to necessary law reform.

#### *Securing electronic data interchange*

*Paul McKeivitt*

The author suggests that computer programs which relate to real-world problems have inherent reliability problems. In EDI networks, lack of reliability is a crucial limiting factor for acceptance. The author argues that computer science must concentrate on building better techniques for increasing computer reliability in EDI.

#### *Argument-based explanation of the British Nationality Act as a logic program*

*Trevor Bench-Capon, Fran Coenen & Paul Orton*

The authors suggest a technique for adding explanation to logic programming approaches to legal expert systems. They adopt Toulmin's argument schema in proposing a technique for annotating a legal logic program.

#### *A methodology for expert systems development*

*Mark L. Macaulay*

This paper discusses a number of software development methodologies which, it is suggested, provide for a methodology for the production of expert systems in law. The author proposes that the 'spiral' model of development is most suited to expert systems in law.

#### *Designing intelligent litigation support tools: the IKBALS perspective*

*George Vossos, John Zeleznikow & Daniel Hunter*

The authors discuss a system which seeks to combine rule-based expert systems with case-based technologies, and which allows for 'intelligent' case-based retrieval. The authors propose a solution to the difficulty of integrating rule-based and case-based expert systems.

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### **Law/technology, 1st Quarter, 1993**

*Managing Editor: Timothy R. Handy*

*World Jurist Association, Section on Law/Technology*

*Published quarterly, US\$75.00 plus WJA membership, or separate subscription US\$85.00*

*New strategies for legal protection of computer software, William B Bierce*

A reprint of an article previously appearing in this journal.

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### Law Technology Journal, Volume 2 Number 2, June 1993

*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.)*

*Directories to databases: bringing the law into the information age*

*Penelope Pearce*

This paper examines the proposed EC directive on databases. It questions the problems to be addressed, the relevant areas of law and compares the English law and the European Community proposed law on a number of salient points.

*The cost of CAL*

*Max Young*

Computer Assisted Learning systems are becoming very popular as a mechanism for providing low-cost, high quality teaching. The author questions however whether they are providing value for money, and looks at ways of developing CAL effectively.

*The link between CD-ROM and online*

*Norman Nunn-Price*

The author compares the use of CD-ROMs and online databases. He explains an interface on the JUSTIS system which provides for seamless searching between the two systems.

*The electric lawyer: from quill to computer*

*Keron Reid and David S Wal*

The authors describe the results of a survey conducted at the Faculty of Law, University of Leeds, where students and staff were asked whether they had computers, would use them if a system were installed, etc. The positive response to the survey led to plans to install networked PCs within the faculty.

*Project Neleus: multimedia CBE for law schools in the 1990s*

*Stephen Colbran and Ian Wilson*

The authors, from Queensland University of Technology Law Faculty describe in detail the integrated approach they have taken in building computer assisted learning systems for teaching law. They describe the technology necessary for designing, building, and using multimedia learning packages.

*Automating design packages for law design and implementation*

*Eve Wilson*

The author discusses computer based learning, and focusses on the design considerations for such systems. She explains the methods and environment necessary, the factors affecting interface design and a number of differing techniques for the student to select information.

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### Santa Clara Computer & High Technology Law Journal, Volume 9 Number 1

*Editor-in-Chief: Dr Kamrin T. MacKnight*

*Santa Clara University*

*Santa Clara California 95054, United States of America*

*Published twice per year, overseas rate US\$50.00 per year*

*What remains of the laches and estoppel defenses after Aukerman?*

*Evan Finkel*

Laches and estoppel are both judicially-created equitable defences to patent infringement actions. A recent *en banc* case, *Aukerman v R.L. Chaides Construction* has reinterpreted these two defences. This arti-

cle discusses the two defences and looks both at the historical position and the new law.

*Patent law developments in the United States Court of Appeals for the Federal Circuit during 1991*

*Alex Chartove*

A review of judicial developments in US patent law during 1991.

*Developing critical technologies: a legal and policy analysis*

*Lewis D Solomon & Suzanne E Schoch*

This article discusses the policy and legal considerations of so-called 'critical technologies.' Originally, these technologies were confined to national defence, but there has been

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a trend to include commercially vital technologies within the concept. For those technologies considered 'critical' there are special legislative provisions, and naturally, underlying policy rationales for the law. This article examines both aspects.

### *Law of the LAN*

*Diane W Savage*

This article goes one step beyond what we have become accustomed to in writings about computers and law. It looks at groups of computer systems in a Local Area Network (LAN), discusses the history of the LAN, and describes a range of laws which affects the use of LANs. It proposes three areas of concern for LAN owners/users—inadequate licensing schemes, the software virus warranty and the drafting of 'network aware' software licenses.

### *The patentability of algorithms: an update on the status of the current doctrine*

*Alan D Minsk*

In a previous article the author discussed the patentability of algorithms. In this article, he discusses the developments which have recently occurred and which have had an impact on the status of the patentability of algorithms. He examines in detail the *Arrhythmia* case and discusses its impact on the *Freeman-Walter-Abele* test.

### *Intellectual property law for reverse engineering computer programs in the European Community*

*Kathleen Gilbert-Macmillan*

The author examines the EC Directive on software protection, and focusses on the effect of Article 6 upon reverse engineering in Europe. She examines not only the terms of the article, but also the legislative process and history, along with the opposing views taken over the introduction of article 6.

### *Indonesia's new patent law: a move in the right direction*

*Fabiola M Suwanto*

An introduction and analysis of the recent establishment of patent law in Indonesia. The author explains the basic features of the law as well as examining the problem areas of the law.

### *The Polymerase Chain Reaction (PCR): the second generation of DNA analysis methods takes the stand*

*Kamrin T MacKnight*

This article is written for the non-scientist lawyer and seeks to discuss and describe (1) the technologies involved in the three major methods of DNA testing, (2) the potential uses for the polymerase chain reaction in forensics and (3) proposed legislative action.

### *The technological innovation process: patent documentation as a source of technological information*

*Ronald E Myrick, William P Skladony & Ram Nath*

This article discusses how patent documents can be used by the scientific and engineering communities to learn the teachings of others. Its premise is that patent documents are a valuable source of technical information for advancing the understanding of a given technological art.

### *Computer Associates v Altai and Apple v Microsoft: two steps back from Whelan?*

*Audrey F Dickey*

A case note on the important *Computer Associates v Altai* case.

### *Is an inherently distinctive trade dress protectable under § 43(a) without having acquired a secondary meaning?*

*Fariba Soroosh*

A case note on *Two Pesos, Inc. v Taco Cabana, Inc.* where the US Supreme Court discussed the meaning and limits on the US intellectual property doctrine of 'trade dress'.

### **The Computer Law and Security Report, July/August 1993, Volume 9 Issue 4**

*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*

#### *Back to the future*

*Tom Saxby*

The author, the father of the editor, wrote this article in 1961 about the impact of automation in office employment in the next decade. He adds a rider for the 1993 republication

#### *Technology and the challenge for law - I*

*Gillian Bull*

The author assesses the jurisprudential challenges of digital information technology and suggests that IT lawyers will have lots of interesting work in the future.

#### *Technology and the challenge for law - II*

*Derrick Grover*

A discussion of the unpredictable nature of developments in new technology, and the need for monitoring its repercussions, not only from a regulatory perspective, but also from a psychological and sociological one also.

#### *Technology and the challenge for law - III*

*Stephen Castell*

The author considers whether existing computer architecture can deliver legally reliable output and finds it wanting.

#### *Telecom's liberalisation*

*Heather Rowe*

A report on developments since a 1991 UK Government White Paper recommended that all restrictions on telecommunication services provided via international leased lines be removed, thereby opening up competition in the provision of these services.

#### *Intellectual property and competition policy*

*Charles B Cohler & Hilary E Pearson*

The authors evaluate these two doctrines as they apply to software interfaces and consider whether the two are in conflict or can potentially live together.

#### *Intellectual property - authorship and originality - I*

*Robert J Hart*

A 'kite-flying' exercise in considering the tensions the author perceives between Anglo-American and Continental copyright traditions in relation to issues of authorship and originality.

#### *Intellectual property - authorship and originality - II*

*Simon Charlton*

The author considers whether potentially divergent treatment of these two concepts within copyright tra-

ditions now means that the practicality of a worldwide sui generis property right for computer programs and databases needs to be reassessed.

#### *Copyright and reverse engineering - Australia*

*Julian Burnside QC*

The author reports on *Autodesk (No.2)*.

#### *Software copyright and non-literal copying - Canada*

*C. Ian Kyer*

A discussion of a recent 'look and feel' copyright case in Canada that demonstrates the increasing importance of US copyright law over UK law in helping to develop Canadian thinking in these matters.

#### *EC Software Directive - implementation policy compared*

*Andreas Gunther & Ulrich Wuermeling*

A comparison of the manner in which German and UK authorities have sought to implement the EC directive.

#### *Intellectual property law - Central and Eastern Europe*

*Nelka Fikeys Krmic*

An examination of the progress of former Eastern Bloc countries in attempting to sort out their laws on intellectual property in the wake of the recent upheavals.

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### *Liability issues - software engineering*

*Danny Preiskel*

A consideration of the potential legal liability attaching to software engineering where software is developed with the assistance of automated design techniques.

### *Software evaluation and certification*

*Cees Stuurman*

The author examines the legal problems that might arise in evaluating and certifying computer software.

### *Security of information systems*

*Hon. Justice Michael Kirby*

The noted judge reports on the OECD meeting which adopted new guide-

lines for the security of information systems.

### *Practical computer security*

*August Bequai*

A note on how to shop for the most suitable security system for your computer and related equipment.

### *Risk management*

*David Davies*

The author reviews a recent report by IBM and others that now suggests that corporate IT users have some way to go before they can claim to be fully prepared for the consequences of a computer related disaster.

### *Software licensing policy - a US perspective*

*Fred M Greguras*

A report on how changes in the computer and software business are impacting upon software licensing practices in the US.

### *IT procurement - Australia*

*Gordon Hughes*

Gordon looks at the content of the GTC that operate in connection with the supply of computer systems to state and federal authorities.

### *Privacy law reform - Hong Kong*

*Tom Hope*

A summary of recent proposals by the Law Reform Commission of Hong Kong to reform the laws relating to information privacy.

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## UPCOMING THEMES...

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Themes for the Journal in 1994 include:

### COMPUTER CRIME

DEADLINE FOR CONTRIBUTIONS 31 JANUARY 1994

### EDI & GOVERNMENT CONTRACTING

DEADLINE FOR CONTRIBUTIONS 27 MAY 1994

### PRIVACY

DEADLINE FOR CONTRIBUTIONS 2 SEPTEMBER 1994

### TECHNOLOGY

DEADLINE FOR CONTRIBUTIONS 16 DECEMBER 1994

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