

Welcome to the September Issue

Welcome to the September issue, our third edition for the year 2001.

This edition focuses on regulation of the internet. We take a look at the restrictions placed on activities such as online gambling and the accessibility of certain web content. We also discuss regulation of the internet from an international perspective and the problems associated with attempting to classify what conduct should be considered "cybercrimes". In addition there are a number of casenotes which address various important decisions about business method patents, browse-wrap licensing, copyright protection of databases and intellectual property issues. We conclude this issue with a discussion of domain name policy.

Our cover article, "*To bet or not to bet.com.au, the Interactive Gambling Act*" is by Sydney University law student, Nicole Underhill. Nicole assesses the new Commonwealth *Interactive Gambling Act 2001* and considers whether the government can effectively control the ability of Australians to access illegal interactive gambling services. She argues that there are a range of both legal and technical problems which greatly restrict the capacity of the government to prohibit online gambling and that these problems are evident in the Act and will result in the Act being generally ineffective and unenforceable. Nicole concludes that in view of this incapacity of the government to prohibit access to illegal

gambling services, government policy based on the notion of prohibition is misguided.

Carolyn Penfold, lecturer at the University of NSW, discusses the current Australian scheme for internet content regulation in "*Australia's Internet Content Regulation in the International Context*". Carolyn analyses the approaches taken by what other nations to control problematic material. She discusses the complexity of negotiating international agreements in this area and offers some suggestions for restructuring Australia's content regulation scheme.

Irene Zeitler, partner at Freehills provides an overview of the *Cybercrime Bill 2001* recently introduced by the Federal Government in her article, "*Cybercrime: Proposed legislation clamps down on use of technology to commit serious offences*".

In her article "*The Council of Europe Draft Convention on Cyber-Crime: A European Perspective on a Global Problem*", solicitor Jane Rawlings discusses the Draft Convention on Cyber-Crime which was formally adopted by the European Committee on Crime Problems (Council of Europe) on 26 June 2001. Jane notes that if the Draft Convention is adopted by the 43 Council of Europe members and by the observer states (including Canada, the United States and Japan), it will cover a sizeable portion of the world's computer and telecom-

munications systems and may form the model for a global cyber-crime convention.

Anna Carboni and Jane Cornwell of Linklaters & Alliance, discuss cybersquatting and on-line trade mark infringement from both a legal and practical perspective in their article, "*Defeating Trade Mark Infringement on the Internet and Beating the Cybersquatters*". Focusing on litigation in the English courts, they address issues such as jurisdiction, causes of actions and limitations, tactics, remedies and risks posed by litigation involving cybersquatting and trade mark infringement. They also consider similar issues under US law, and ICANN and Nominet dispute resolution procedures. The authors conclude their paper with a discussion of recent developments such as word-stuffing, mousetrapping, pagejacking, and spamming, and how these issues are tackled under current procedures.

In her article, "*Naming games: cultural imperialism on the Internet*", law student Megan Drury argues that the United States government asserts its domination of the internet through the allocation of domain names. While the implementation of the new domain name dispute mechanism proposed by the World Intellectual Property Organisation may go some way toward neutralising the United States' influence, Megan concludes that the cultural imperialism of the United States will continue to influence the content of cyberspace.

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