

This year has been a very eventful year for both computers and the law. The year commenced with an announcement by the Federal Government that they would be introducing privacy legislation for the private sector. One year on has seen the Government reaffirm its commitment on a number of times (especially in light of revelations in December relating to the Acxiom company's data profiling of all Australians) however, we are still yet to see any legislation in this area. In relation to domain names, we have seen a report by WIPO on the registration of domain names and the dispute resolution procedures to be initiated where there is a conflict for a domain name. The domain names report is discussed in depth by Simon Pollard and Tim Gole in the paper which heads this edition. Stephen Lance complements this analysis in his domain name update paper.

This year has also been a year of great moment for copyright reform. The passage of the Digital Agenda Bill has crept ever closer this year after being in the pipeline for the better part of the decade. Sean Simmons provides a good overview of the issues facing one of the major copyright stakeholders in his paper "Digital Killed the Recording Star?". In addition to the Digital Agenda Bill, specific reverse engineering exceptions have been added to the *Copyright Act* to bring Australia into line with overseas developments on innovation in the information technology sector.

Two things which have loomed large in political debate in this country through this year have been the regulation of Internet

gambling and the censoring of the Internet. Of these the former has received little or no legislative treatment while some commentators have argued that the latter has been the subject of an ill conceived and heavy handed legislative scheme. John Lambrick provides some insight into the regulation of Internet gambling in his paper "And Now to Regulate Internet Gambling—A Gambling in Itself" while a number of authors provide information and analysis on the internet censorship legislation. Among these are Brendan Scott who, in his paper "An Essential Guide to Internet Censorship in Australia" provide a broad overview of the operation of the Act and its effect. Nick Alston provides information about filtering and labelling technologies which may be used to augment the legislative schemes.

Rita Chowdhury and Christopher Wood provide a broad level overview of legislative initiatives that have occurred this year. One of the initiatives which has been most touted by the Federal Government has been the passage of the *Electronic Transactions Act*. This Act is intended to permit transactions to be effected by the use of electronic communications. Brendan Scott provides further analysis of the Act in his paper of the same name.

This year has also seen a further stage in the continual evolution of the use of technology within legal practices. After a rather long period of living in denial many solicitors are now using email as an essential part of their day to day means of communication. Tim Jones and Michael Rubb discuss in

some detail the issues that can arise as a result in their paper on electronic transmissions to clients. The journal includes a paper by Pamela Gray on her theories of the use of three dimensional logic for legal expert systems.

By and large, Internet and electronic commerce initiatives within this country have moved forward in spite, rather than because, of legislative action in the area. While legislation such as the *Electronic Transactions Act* is of some benefit to companies within Australia (and of large benefit to companies which are only required to comply with Commonwealth legislation) the one step forward provided by that legislation and the one quarter to one half step forward by the Government's initiatives on privacy have been more than outweighed by the three to five steps backwards the industry has been forced to take to come to terms with the internet censorship legislation. We can only hope that the Government takes note of the Senate's resolution in late September condemning the legislation and reviews it at the earliest opportunity.

This edition of the journal is also a bumper edition to provide you with plenty of reading over the holiday period. The editors would like to take this opportunity to extend to you the best wishes of the season and we look forward to the years ahead with you.



### AMAZON'S "1-CLICK" SOFTWARE PATENT

Free Software Foundation's analysis: <http://www.fsf.org/philosophy/amazon.html>

Privacy

Roger Clarke's Database on Acxiom: <http://www.anu.edu.au/people/Roger.Clarke/DV/InfoBase99.html>

About private sector privacy from the Privacy Commissioner (includes a link to the National Principles): <http://www.privacy.gov.au/private/index.html>

### CENSORSHIP

ABA's press release approving IIA code: [http://www.aba.gov.au/about/public\\_relations/newrel\\_99/134nr99.htm](http://www.aba.gov.au/about/public_relations/newrel_99/134nr99.htm)

IIA Code: <http://www.iaa.net.au/code.html>

Senate Hansard motion denouncing internet censorship regime: <http://www.apf.gov.au/hansard/senate/dailys/ds300999.pdf> (page 7 of 106/ Hansard page 9218) (ps: the editors would prefer to give the html version,

but html was not operational at the time of printing)

### E-COMMERCE

Electronic Transactions Act: <http://scaleplus.law.gov.au/html/comact/10/6074/top.htm>

Media release on Beyond 2000 report: <http://www.dcita.gov.au/cgi-bin/graphics.pl?path=4551>

Media release re NEAC: <http://www.dcita.gov.au/cgi-bin/graphics.pl?path=4437>

### MICROSOFT CASE

Judgment from ZDNet: <http://technology.news.com.au/news/4277059.htm>