Welcome to the final issue of *Computers & Law* for 2002. The subject matter of the articles in this issue ranges from "black letter" copyright and patent law issues to some more unusual issues such as racial discrimination and the advantages of graphical representation of interconnecting theories.

As most of you will be aware, the High Court has recently handed down its decision allowing Joseph Gutnick to bring a defamation action in Victoria against Dow Jones – a US publisher. This represents a significant event in the law dealing with jurisdiction. Trevor Jeffords and Irene Zeitler comment on this case.

Copyright is an area which has become increasingly complex and contentious as technology has advanced rapidly. The insertion of section 116A into the Copyright Act was an attempt by the Federal Government to expand copyright protection to those who use "technological protection measures" to prevent counterfeiting. Peter Knight and John Corker's article, *Digital Agenda provisions fail to protect PlayStation from anti-counterfeiting device*, provides a detailed analysis of the Federal Court decision in *Kabushi Kaisha Sony Computer Entertainment Inc v Stevens*, one of the first cases to consider the ambit of the new Copyright Act provision. In light of the defeat of Sony's claim, Knight and Corker consider how successful the amendment will be in achieving its ultimate aim of protecting copyright. The article compares the level of protection afforded by our Copyright Act with similar, and more effective, legislation in the UK and the USA, and concludes that our Copyright Act is flawed with respect to its protection of computer programs.

The attempt by British Telecom to argue that a patent issued to them covered hypertext linking was the subject of articles in both the June and September issues of *Computers & Law*. The article by Kim O'Connell and Neil Murray in this issue considers the more general and controversial question of whether business methods should actually be patentable. In their article *Business Method patents: One click and they're here to stay*, O'Connell and Murray discuss Australian and international approaches to business method patents, jurisdictional issues raised and the need for a uniform global approach to the patentability of business methods.

Pamela Gray provides an interesting piece titled *Explanatory Rule Maps*. Gray discusses the ways in which explanatory rule maps, providing graphical representations of the interconnection of various related principles of law, could be greater utilised by the legal profession (among others). She explores the use of such maps as the basis for developing legal expert systems that automate legal intelligence. She notes difficulties that have been encountered in doing so in the past, but argues that in an increasingly complex legal environment such systems would be a valuable aid in developing a legal system that is more accessible and comprehensible to the public, as well as being beneficial for individual practices. However, Gray argues, it is necessary for lawmakers to be involved in the standardisation process if the creation of legal expert systems is to be successful.

This issue also contains a review of the newly available text book by Brian and Anne Fitzgerald, *Cyberlaw: Cases and Materials on the Internet, Digital Intellectual Property and Electronic Commerce*. Graham Bassett's article provides an overview of a book which considers broadly areas such as the nature of cyberspace, protection of informational value, e-commerce and digital entertainment.

Anton Joseph's informative article, *Phone books, databases and copyright - The case of Telstra* examines the pressing question of the extent to which copyright protection should be afforded to digital databases. Joseph specifically focuses on the recent case of *Telstra Corporation Limited v Desktop Marketing Systems Pty Ltd*, which brought into focus the rights and limitations of creators of databases in Australia. Joseph goes on to compare the Australian position with the approach taken in Europe and the United States. The article concludes that a workable balance should be struck in Australian legislation between the rights of the database creator and the users of the database.

Laura Seeto provides an interesting article on racist material, or more specifically, Holocaust denials, on the internet. Seeto's article briefly considers a recent Australian case, *Jones v Toben*, where an Australian court upheld an internet-based racial discrimination complaint for the first time. The article looks at the two prevailing (and opposing) views on internet censorship – the freedom of speech approach in the USA (a consequence of the First Amendment) on the one hand, and the European desire to prevent the internet from being a platform for racists on the other – and how these two approaches have been applied in case law. The article concludes that international cooperation could lead to an acceptable compromise being reached.

Finally in this issue, John Natal looks at the proposed P2P Privacy Prevention Act being considered currently by the United States Congress. This is a novel piece of legislation which, if passed, would allow copyright owners to take action against those infringing copyright. Natal's article looks at the scope of the proposed legislation, as well as the implications of the amendments to the copyright scheme.

We encourage readers to submit articles and notes that may interest other subscribers. We would be happy to assist with suggested topics or comments on adapting presentations or other material. Please contact the editors in this regard. Members of the Victorian Society for Computers and the Law may also wish to get in touch with David Janson (David.Janson@ vgso.vic.gov.au) for assistance.

Our thanks to the *Computers & Law* editorial assistant, Danet Khuth, and to the editorial team: Rhys Grainger, Lisa Ritchie, Laura Seeto, Anouska Perram and Katie Sutton.

We hope that you enjoy this issue of *Computers & Law* and wish you all the best for the festive season.