

Copyright and Designs

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Intellectual property is an area in which constant change can be expected. A new *Trade Marks Act* 1995 has recently come into force; the *Designs Act* 1906 is old and moves have been afoot for some time to carry out wide-ranging reforms of it; and moral rights legislation in the copyright field is presently before Parliament, together with amendments to employed journalists' copyright. New technology is constantly introducing novel ways in which works can be copied or stored. International conventions prompt amendments to local legislation. The challenge to existing law is ongoing and will mean regularly new or amended statutes and related case law.

Looseleaf services of the present kind, which are updated several times annually, are a sensible response to this climate of change. It would appear that in Australian intellectual property law these services are coming to greater prominence. Professor James Lahore is well known as the author of *Intellectual Property in Australia: Copyright Law*, a looseleaf service which has become an indispensable text in every university law library and many practitioners' offices. This service has recently been issued in a rearranged form, and renamed.

It is now published in two volumes and includes the area of designs, an inclusion justified by the close and contentious relationship between it and copyright law. This allows for a more even distribution of material between this service and the related service, *Patents, Trade Marks and Related Rights*, also edited by Professor Lahore.

Volume 1 of *Copyright and Designs* is devoted to a comprehensive, readable and interesting account of copyright principles and administration, including recent developments. The publisher, Butterworths, identifies the target markets for the service as, inter alia, barristers, solicitors, attorneys,

* Vols 1 & 2, Butterworths, Sydney, 1996.

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TV studios, advertising agencies and academic libraries. The work is admirably suited to these markets.

The service has obviously been organised with both legal and non-legal users in mind. The material is presented in flagged sections and includes numbered paragraphs, each with its own title (an innovation). New sections have been introduced, and section and paragraph headings are practical and up to date. New cards flag the areas of computers, moral rights, libraries and education and performers - reflecting the changing nature of the copyright field and assisting browsers. Further assistance to the student, or the person unversed in the law, is provided by the plain English, employed both in the headings and throughout the text. For example 'Subsistence of copyright' and 'Proprietary rights' have been replaced by 'How copyright comes into existence', 'What copyright protects' and 'Who owns copyright'. Also impressive is the way the text takes account of any likely misapprehensions of the inexperienced reader, raising and dispelling them before they become a problem. From a user's point of view the positioning of footnotes - after the relevant paragraphs rather than at the bottom of the page - is also a significant help.

Both the copyright and the designs segments of the text have sections devoted to the international arena.

Volume 2 of *Copyright and Designs* contains current legislation including the relevant Acts, the Regulations, the *Circuit Layouts Act* 1989 and Regulations, the *Public Lending Right Act* 1985, government notices/guidelines concerning Crown copyright and relevant international conventions. The *Designs Act* 1906 appears in two versions - as amended to date, and as amended to 1979. This recognition, albeit limited, of the ever-changing nature of an Act is very welcome.

It is suggested that the majority of practitioners would like to see the publishing houses producing works (digital databases would probably be the most appropriate format) in which the practitioner can trace the evolving formulations of any given section of an Act without hours of library research. The shortcoming of most services, whether they be looseleaf or digital, is that they tend only to given current legislative provisions. Practicality justifies this in the present case but still leaves a partly unfilled gap.

Finally, to buy and maintain looseleaf services is beyond the means of those who cannot pass on the cost to clients. While lecturers can recommend that students consult these services, they cannot recommend that they buy them. Butterworths is already producing *Ford's Principles of Corporations Law* both as a looseleaf service and as a slightly less comprehensive, bound volume which appears annually and is on the bookshelves of both academics and students. The company should give serious thought to extending its target market by doing the same with Volume 1 of *Copyright and Designs*. The work's accessibility and thorough coverage of the material, would ensure it considerable success.

