
Abstracts

The following are abstracts of the latest issues of journals of interest:

IDEA: The Journal of Law and Technology, Volume 32 Number 3

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

The PTC Research Foundation – Past, Present and Future

This article explains the genesis and development of the Patent, Trademark and Copyright Research Foundation, based at the Franklin Pierce Law Center, New Hampshire. It details the thrust of the PTC Research Foundation, its aims, and successes, its current research and the post-graduate program offered by the Franklin Pierce Law Center in the field of intellectual property.

Chairman's Corner

A report by the Chairman of the PTC Research Foundation, Robert Rines, about the movements and problems he perceives, particularly in the field of US and international patents.

Commentary - Irwin Aisenberg

Mr Aisenberg discusses the role of patent examiners in the patent process, and the approach historically taken by the examiners in (often) rejecting patents. He discusses the formal ground of rejection contained in the US Patent Act, Title 35 U.S.C. §112

Comment: Perceptions of chief patent counsel at large corporations of the effects of patent term, products liability and government regulations on firm R & D - Professor Thomas Field

Professor Field, professor of law at the Franklin Pierce Law Center, provides details of a survey given to patent counsel of large American corporations as to the attitudes to-

wards the US patent systems and the US patent office.

Willful Patent Infringement - Richard Kosakowski

The paper examines the US law on willful patent infringement, that is, where the infringer was aware of the patent and infringed nonetheless. It discusses the elements which go towards showing that the infringement was willful, and then briefly examines the damages awards which have flown for willful infringement.

Comment: In re Dillon en Banc

The author discusses the case of *In re Dillon*, a case rejecting a patent for a soot reduction process. The author examines the case's effect on chemical patent claims.

Law, Computers and Artificial Intelligence, Volume 1 Number 1

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

Creating a Civil Jurisdiction Adviser - Lilian Edwards & John Huntley

After expanding on the legal background, this paper explains the methodology, specification and implementation of two expert system knowledge bases developed in the field of Scottish and EC civil jurisdiction. The paper discusses the feasibility of using expert system shells generally, and of *Crystal* in particular, and concludes that worth-

while and evaluateable work can be done within such constraints.

Legal Expert Systems: the use of knowledge engineering, probability and certainty factors in creating statutory models - John Hobson & David Slee

This paper considers the problems associated with the production of an expert system to represent the workings of the basic definition of theft as contained in s1(1) of the UK Theft Act 1968. The program has

had to resolve the difficulties encountered in dealing with tautological, circuitous and negative definitions whilst not stepping beyond the linguistic parameters of the Act.

Professional Negligence and Financial-Legal Expert Systems: architectures to enable the reasonableness defence - Vijay Mital & Les Johnson

In this paper, the authors consider the mechanisms by which a court

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may examine the errors of reasoning in expert systems used to assist professionals working in certain areas of financial services.

Copyright Protection of Software in Australia - K.Puri

The author examines the Australian law of software copyright, and focuses on *Apple v Computer Edge* and the Federal Court and Full Federal Court case of *Autodesk v Dyason*. The paper also briefly considers the other similar cases in common law

countries, and notes where the reasoning of the courts have diverged.

Problems in Selecting Effective Computer Technology for Use at the Bail Stage of the Criminal Justice System - Patricia Hassett

This paper looks at three proposals for using computer technology to reduce unjustified criminal detentions. The author concludes that the application of computers to the area of detention decisions will pro-

mote rationality, consistency and predictability.

Ethics for Computer Technology and the Criminal Justice System - W.A.Tupman

This paper stems from a concern of the author that while a great amount of computer technology is available to the criminal justice system, there is little regulation of the ethical use of the technology. The paper looks at why the technologies are being introduced, what the applications are, and proposes a code of conduct in their use.

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tor has knowledge of the field in which the dispute has arisen.' Sir Laurence does not, however, see this as an essential pre-requisite.

Sir Laurence is of the view that the issue of whether the mediator needs to have expertise in the subject-matter of the dispute has arisen in part because of the subject belief of some mediators that they are not comfortable mediating outside their own area of expertise.

In Sir Laurence's view, two levels of mediation can be maintained in a commercial dispute. On the first level there can be negotiation between executives of each of the entities. These negotiations will, because of the players, be conducted very much in a business environment. If areas of specialist conflict are identified a second level of specialist discussion can be introduced, chaired by an independent specialist. Sir Laurence is of the view that the importance of the confidence of the parties in the mediator cannot be under-estimated. In Sir Laurence's words 'The readiness of the mediator to plough the soil is critical. The


mediator cannot sit back in a lofty way and call for people to attend negotiations'.

Bridget Sordo, Executive Director of Settlement Week and Responsible Legal Officer for Dispute Resolution Committee with the New South Wales Law Society, advised that the criteria for a Law Society panel of mediators is being considered but is yet to be resolved. The Law Society does, however, maintain a panel of mediators for Settlement Week mediations. The Law Society maintains details of areas of expertise of the mediators on that panel. Several mediators on this panel have experience in Technology Law.

LEADR and ACDC both maintain registers of mediators and arbitrators detailing the areas of expertise of those mediators and arbitrators.

It is a reflection of the evolution of specialised legal practice (with technology law being one of the fastest growing legal specialties of recent times) that the 'expert mediator' argument does have a certain appeal. However, whether 'expert mediator' or not, it is the process of the parties' commitment to that process (in-

cluding their commitment to the mediator) which will be the critical factors in resolution of any dispute. The issue of the 'expert mediator' is more one of degree than conceptual divergence.

If you are interested in obtaining information about mediators or arbitrators contact LEADR on 210-4200 or ACDC on 267-1000. 

Connie Carnabuci is a solicitor at Mallesons Stephen Jaques and Vice President of the NSW Society for Computers and the Law.