
Book Reviews

Copinger and Skone James on Copyright

E.P. Skone James et al

Sweet & Maxwell, 1991, clix + 1598 pages

Hardback \$450.00

Distributed by The Law Book Company

At the risk of appearing hagiographic, it must be said that this book has always been and remains the standard reference on copyright law. The previous edition was published in 1980, and since that edition there have been numerous amendments to the law of the United Kingdom, the most obvious being the *Copyright, Designs and Patents Act, 1988* which began to come into force in late 1989. This edition then is welcome.

The previous editions followed the structure of the 1956 Act which was then in effect. The 1988 Act has changed the format of copyright law, and hence this book's structure is changed also. Previously, the 1956 Act (and previous editions of Copinger and Skone James) had sections which dealt with individual works and subject matters. How this worked, as well as the way in which copyright evolved is discussed in the first chapter. The 1988 Act, and this work, begins by looking at the existence of copyright in all works—literary, dramatic, musical, artistic, sound recordings, films, broadcasts and so on. Chapter three expands this coverage and describes the conditions for the subsistence of copyright. Chapters four, five, six and seven examine the ownership and duration of copyright, and the transmission of and dealings in copyright.

Chapters eight and nine look at the major question of infringement of

copyright. As for almost all of the chapters of this book there are comprehensive parts of chapter eight which deal with the law under the 1956 Act, and the differences under the 1988. There then follow a range of specialist chapters, such as library copyrights, crown and parliamentary rights, university and college rights, EC law, and two chapters of particular interest—international provisions and US provisions. Both these chapters are a useful introduction, though a number of more specialist works should be used in these areas (works which happily are referenced extensively). The book ends with a number of relevant chapters on forms of protection which are related to copyright. These forms include industrial designs, passing off, moral rights and statutory devices intended to circumvent copy-protection and fraudulent reception of transmissions. Some of these (such as the passing off action) are more relevant to us than others. There are extensive appendices containing such items as the entire text of the UK statute, semiconductor regulations, UK orders and practice directions, the text of the US Copyright Act (title 17 of the United States Code) and the Treaty of Rome. In total, the book crams everything a copyright lawyer could need into its 1598 pages. Further, the tables of statutes and cases are invaluable reference works in their own right.

W.R. Cornish of the LSE has criticised this work on the basis that while it does give guidance to the current state of the law, it fails to show where the law is going. For those in Australasian and New Zealand jurisdictions this is not so much of a concern. In the main, advisers seek to know what the law in the UK is now, rather than what it may be, in light of the EC changes. This is true for those who read this book as

a guide to Australasian law, given the extensive use our laws have made of English laws. As the UK becomes further integrated with the EC, I suspect that major English works such as these will become of lesser importance to those in the Antipodes. Happily, this is not yet the case with Copinger and Skone James. It still provides a remarkable wealth of material which is of use to us, and is still the reference work of choice.

The question arises: how useful is it for computer law practitioners? While not being specifically about computer program protection, it is nonetheless a vital reference for the computer law practitioner. Although there is little direct precedent in computer copyright, what little there does exist is fully explained. Further, since there is so little precedent one is forced to argue by analogy in so many cases. Copinger and Skone James' great strength is its vast reference base and the depth of historical detail. It is this sort of material which is so valuable in the newly emerging field of computers and copyright. Though it is expensive, no computer law practitioner can afford to be without this reference work. £

Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights

W.R. Cornish

Sweet & Maxwell, Second Edition, 1989, xlvii + 526 pages

Paperback \$92.00

Distributed by The Law Book Company

Professor Cornish needs no introduction to those familiar with intellectual property law, but for those unfamiliar with the field, he can best

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be described as one of the top two or three intellectual property academics anywhere in the world. Professor of Law at London School of Economics, Professor-Elect at Cambridge, Editor of IIC, the leading international intellectual property journal, he is at the top of his field. The second edition of this book has therefore been eagerly awaited, and it does not disappoint.

The Preface to the First Edition sketches the intention of the book. Professor Cornish says, 'I am seeking...to help the relative novice who wants something more than a purely introductory account of the subject.' He also defines his audience as British law students, British non-specialist lawyers and business executives and Overseas IP specialists who need an analysis and overview of the UK law. It would once have been the case that English texts would be of invaluable use to Australian and New Zealand practitioners as guides to Australasian law. Sadly for us, with the UK's slow assimilation into the EC this is no longer the case. However, for those in the third category (specialists who need to know about the UK law) this is an excellent guide and highly recommended.

Given that this is not a guide to the Australasian law, it is nonetheless extremely useful to gain a understanding of some of the early English law upon which our law is modelled. This is particularly true in copyright, confidential information and trade marks. Professor Cornish treats each topic in some detail and the footnoting is exemplary. He also endeavours to show the way in which the law is progressing, rather than merely reporting what the law has been. This book therefore provides a map to the way in which IP law is developing overseas, and gives a comprehensive background against

which we can measure our law. For example, he discusses computer programs and databases, and discusses the English provision allowing protection for computer generated works, an issue with which our law has yet to come to grips.

An excellent overview of the UK law, and a way into the EC Directives for those not prepared to outlay the money necessary for other more specialist works. £7

[See the Copinger & Sknow James and Czarnota & Hart reviews, this issue—Eds]

Legal Protection of Computer Programs in Europe—A Guide to the EC Directive

B. Czarnota & R. Hart

Butterworths, 1991, ix + 218 pages

Hardback \$215.00

This is a very specialized work, and given its price will have a limited audience in Australia and New Zealand. That said, it is very thorough and covers in great detail each issue raised in the Directive. Since the Directive deals with questions which have become of great significance in the Pacific Rim (for example, reverse engineering, decompilation and other associated acts) this work gives some insight into what may become important.

The passage of the EC Directive was fraught with argument. This work gives a detailed review of the legislative history and canvasses the points which the computer industry raised as concerns. As well as looking at the legislative history of the Directive itself, it also examines the legislative response of each of the EC Member States, as well as a brief chapter contrasting the law in the

US, Japan and some other countries. Regrettably, these other countries do not include those in the Pacific Rim, and reflect the European focus of the book.

While this book will not be for the general reader, nor for those whose computer law practice is confined to this region, for those who advise clients in Europe this book gives a useful exposition of the EC Directive. £7

Computer Law

Chris Reed (Ed)

Blackstone Press, 1990, xxvii + 279 pages

Paperback \$64.00

Distributed by The Federation Press

Although this book was published in 1990 it is starting to show its age. That rider aside and noting the fact that it is an English work, it is a fine introduction to all the issues which the computer law practitioner may face. It is an edited work, and like all works made up of many different authors, is somewhat fragmented. However, the authors who have written on the various topics are amongst the most erudite and well-known commentators on computers and law—Chris Reed and Gerald Dworkin of London University, and Christopher Millard of Clifford Chance make up just some of the writers in this work.

The topics chosen are pertinent and relevant. The first two chapters after the introduction are on contracts, both hardware and software. These are necessarily brief, and cannot compare in either comprehensiveness or relevance with Hughes and Sharpe's *Computer Contracts*, but then that is a specialist work in its

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own right, and too advanced for those just needing an introduction.

The third chapter covers liability for defective computer software. This is a welcome addition to books on computer law. It is an oft neglected area, and one of which advisers of computer organizations and professionals should be aware. Those in the computer industry have little idea of the ramifications of negligence, contracts and the like when they produce their computer systems.

Chapters four to seven deal with intellectual property—copyright, patents, designs and confidential information. The Copyright chapter in particular is quite thorough and discusses specialist concerns of the computer industry such as protection for databases and infringement by reverse engineering. Luckily for Australian and New Zealand readers, the book was written before the UK adoption of the EC Directive, and so bears a greater relationship to our laws than it would if written today.

Chapters eight, nine and ten cover Computer Crime, Evidence and Data Protection respectively. Each is well written, though the chapters on Evidence and Data Protection will be of limited use to practitioners in this neck of the woods, as they are regulated by a different statutory regime to the ones in operation here.

Chapter eleven is strange as it looks at legal expert systems. 'Strange' because there does not appear to be any good reason to devote a chapter to a subject that relates to advanced computer systems, rather than to the law of computers which appears to be the focus of the rest of the work. The final chapter looks at EC law, a subject of interest on this side of the Atlantic, though of little practical use.

Computer Law provides an introduction to the whole field of the law of computers (as well as a chapter on legal expert systems). A useful work, particularly for the practitioner. £

An Introduction to Intellectual Property Law

Colin Golvan

The Federation Press, 1992, xix + 204 pages

*Paperback \$35.00
Hardback \$55.00*

Colin Golvan is, perhaps, over-qualified to write on intellectual property law. A barrister who practises almost exclusively in intellectual property matters and the editor of no less than three journals related to intellectual property, he brings to this book an admirable expertise. He is also an excellent and extensively published author, and this book is written clearly, concisely and without jargon. This book provides a masterly overview of intellectual property law. It covers, in turn, Copyright, Designs, Patents, Confidential Information, Trade Marks and Part V of the Trade Practices Act.

The difficult question, of course, with a book of this type which races through so many disparate topics in 204 pages is 'Who is it for?' I have no doubt that the Federation Press knows what it is doing, but I suspect that the work is not aimed at the lucrative student market. It is not sufficiently footnoted, nor does it cover any topic in enough depth, for even those undergraduate single-semester IP courses which seem to proliferate at law schools these days (The kind of course which proves the aphorism 'A little knowledge is a dangerous thing.') It seems

then that it is aimed at the non-technical market and as an introduction to practitioners who know nothing about the area. It fulfils this function, and manages to convey all the salient points.

As far as its application to computer law is concerned, there are a number of sections, particularly in the Copyright chapter, which broadly sketch the relevant cases. There is a clear discussion of the *Apple* and *Autodesk* cases, and, in the Patent chapter, mention of *Ericsson's Application*. However, it is not intended as a primer on computer law, and so in the brief size available, cannot go into any detail.

In sum, this book provides what it sets out to do. It makes IP straightforward and comprehensible—no mean achievement in its own right. However, one should not expect all the answers from this book. It provides the structure only, and the interested readers may like to refer to some of the standard texts to further their knowledge. £

Wilmer, Cutler & Pickering Manual on Litigation Support Databases

Deanne Siemer and Douglas Land

Wiley Law Publications, 2nd edition, 1989, xix + 377 pages

Hardback \$250.00

*Distributed by Jacaranda Wiley Ltd,
1 Thomas Holt Drive, North Ryde
NSW 2113*

ph: (02) 805 1100

This book started out as an in-house manual for Wilmer, Cutler & Pickering in Washington D.C. The rate at which technology has progressed has made some parts of the book 'out of date'. However, the basic concepts in litigation support

have not changed and Wilmer, Cutler & Pickering Manual on Litigation Support Databases provides a very worthwhile discussion of these.

The introductory chapter of Wilmer, Cutler & Pickering Manual on Litigation Support Databases affords a clear discussion of some basic aspects of computerised litigation support. It covers basic terminology such as the concepts of fields and records and the meaning of terms such as RAM. The different types of databases are discussed as well as criteria for assessing the suitability of database software. Basic cost issues are also canvassed.

The second chapter contrasts full text databases with document control databases. It examines the advantages and shortcomings of each and how to determine which to use in a particular situation. The following chapters follow on from there. Chapter 3 deals with planning for a full text database. It deals with matters such as the kinds of software, the reliability of searches, input of information and enhancement. Chapter 4 covers planning matters for a document control database such as the objectives, field types, structure and problems. The next few chapters examine implementation of document control and

full text databases, basic rules and terms for operating litigation databases and interaction with your word processing system and a sample case is discussed.

The remainder of the chapters deal with setting up databases using particular software packages - PC-File III, R:Base 5000, dBASE III Plus, BIMS and RDBMS and VERSUS.

Wilmer, Cutler & Pickering Manual on Litigation Support Databases is a valuable introductory text on litigation support. It would make worthwhile reading for anyone with an interest in litigation support databases.

Overseas Events

Consultex China '93 - Towards Consultancy Business and Information Services for the 21st Century

26-19 April, 1993

Venue: Beijing International Convention Centre, Beijing, China. For further details please contact Ms Liu Wei, Secretariat of Consultex China '93, Beijing International Convention Centre, Beijing 100101, China



World Computer Law Conference

"Putting the Pieces Together: Coping with the Business, Legal and Marketing Issues of International Trade"

25-28 April, 1993

Venue: San Diego. For further details please contact Michael D. Scott, Conference Chair, World Computer Law Congress, PO Box 3549 Manhattan Beach, California 90266 USA



The International Federation of Computer Law Conference

15-17 June, 1994

Venue: Assembly Rooms, Bath. Hosted by the British Society for Computers and Law.