

Welcome to the December issue. In this issue, we focus on the business issues arising from the internet.

Nigel Jones, a partner and Ari Laakkonen, an associate solicitor, at Linklaters & Alliance, London have provided an overview of e-patents in the United Kingdom and in Europe. Nigel and Ari set out the criteria for obtaining an e-business patent. They also look at why such patents are likely to become easier to obtain. Finally, they consider the scope of protection that an e-business patent confers.

In the next article, Ari Laakkonen, looks further into the topic of patents for software and business systems by examining the issues relating to the enforcement and infringement of such patents. Ari examines whether patent protection can be easily circumvented by sitting a software server outside the jurisdiction and allowing access over the internet. Ari also discusses the practical difficulties in enforcing judgments restraining the distribution of patented inventions using the internet. Trouble Arises outside the jurisdiction where no treaties for the enforcement of judgments abroad apply. As case law on the jurisdiction of English courts over

United Kingdom patents on the internet is not yet fully developed, Ari explores potential parallels that might be drawn from trade mark case law involving e-commerce.

Ben Cameron, a solicitor at Gadens Lawyers, examines jurisdiction and the internet in his article. Ben provides an overview of the unique features of the internet which create difficulties in applying traditional jurisdictional principles. Further, Ben looks at both the American and Australian approaches to this issue and provides some practical suggestions for minimising the risks of remote jurisdiction.

Rebekah Gay and David Stone, solicitors at Freehills, provide a guide to bringing Internet Corporation for Assigned Names and Numbers' (ICANN) Uniform Domain Name Dispute Resolution Policy (UDRP) proceedings based on some of the jurisprudence developed to date. Rebekah and David discuss, among other things, the jurisdiction of the UDRP, the administrative proceedings and the method of filing a complaint with a dispute resolution service provider approved by ICANN.

In her article, law student Megan Drury

argues that the United States government asserts its domination of the internet through the allocation of domain names. While the implementation of the new domain name dispute mechanism proposed by the World Intellectual Property Organisation may go some way toward neutralising the US influence, Megan concludes that the cultural imperialism of the US will continue to influence the content of cyberspace.

We hope that you enjoy the Christmas break.

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## **THE SHERPA HAS ARRIVED - COMPLIANCE E-LEARNING VIA ASP FROM GILBERT & TOBIN**

Specialist Sydney commercial law firm Gilbert & Tobin has formed a strategic alliance with recruitment giant Morgan & Banks to develop Sherpa Online, a suite of Internet-delivered compliance and business interactive training tools written for a non-legal audience. Gilbert & Tobin has developed all content, Morgan & Banks supply the technology and salesforce.

According to Brent Fisse, Gilbert & Tobin partner and developer of Sherpa Online, "the products have evolved essentially from Gilbert & Tobin clients requesting a solution to areas where they

are exposed to considerable risk by the actions of their employees. Face-to-face training goes some of the way to providing a solution, although logistical problems with this can often be both difficult and expensive for companies. Online training completes the picture providing a platform for employees to undertake training in their own time and at their own pace, saving time, effort and expense. It means they can also use the product as a continuous reference guide. The technology platform is based on that of our flagship Trade Practices product which has been in the market for a number of years".

The suite of products currently comprises five training products, and Gilbert & Tobin's development team has more on the drawing board. **NetControl**

has been developed for use by all employees within an organisation with access to the Internet and email. **Trade Practices** covers the rules and steps surrounding compliance with the Trade Practices Act – the ACCC imposed fines and penalties of over \$14 million in the last financial year. **Privacy** explains the core privacy principles applying to business under the new Commonwealth Privacy Act including keeping and using employee records and the transfer of personal information. **Smart Contracting** provides an overview of contracting and contract law for managers. **FairXchange** covers issues of insider trading and continuous disclosure.

For further information visit: [www.sherpaonline.com.au](http://www.sherpaonline.com.au)