

Welcome to the June edition of *Computers & Law*. The articles in this edition deal with a range of issues, including how to track the geographic location of an internet address and e-commerce alternative dispute resolution (ADR). We also consider what challenges lie ahead for intellectual property law, and the Federal Court decision in *Ward Group Pty Ltd v Brodie & Stone plc* in relation to internet trade mark infringement.

In our first article, Jeffrey Wolfe examines the rise of e-commerce and how it has triggered a corresponding increase in online forms of ADR. While Wolfe's analysis is limited to the US and UK experience with online ADR, the global nature of e-commerce means that the issues raised in Wolfe's article are common to most countries and are, accordingly, informative for Australian practitioners. In particular, Wolfe provides a useful overview of the various ways a contract can be formed in an online environment, considers some examples of ADR clauses in the terms and conditions of popular websites and explains how such ADR clauses have been interpreted by the US courts. Overall, Wolfe's article provides an insightful look at the ever increasing impact e-commerce has on our lives.

In our second article, David Webber looks at the impact of the internet and other technological and political changes on intellectual property (IP) law, and the issues that this raises for copyright and patent law going

forward. Webber proposes possible solutions to alleviate the erosion in IP law's relevance and importance. For copyright, he suggests that vigilant enforcement of existing IP rights against counterfeiters, and expansion of authorised online distribution systems would best serve the interests of IP creators and the public, whilst for patents, Webber's view is that Patent Offices need to be reinvigorated. To this end, Webber suggests, amongst other things, greater funding and early publication of applications.

Nigel Carson, Director, Forensic IT at Ferrier Hodgson, provides an interesting overview of the methods that can be used to determine the geographic location of an internet entity. Carson describes how the location of potential litigants may be identified through their connection with an internet address or domain name using technologies such as WHOIS queries and trace route tools. WHOIS queries look at the allocation of internet address blocks, while trace route tools map out the individual routes or hops between the investigator's computer and the target internet address. Carson also addresses how hidden and dynamically allocated internet addresses may limit the precision of these investigations.

In our last article, Craig Smith summarises *Ward Group Pty Ltd v Brodie & Stone plc*, which concerned whether the offer of goods on websites overseas can constitute trade mark infringement in Australia. In the circumstances it was held that the

website in question did not target Australian customers and so there was no use of a trade mark sufficient to found an infringement action. Smith provides a useful outline of the practical impact of the decision for Australian trade mark owners.

Many thanks to the authors for their contributions to this edition of the journal. We also thank our editorial team, Amy Jackson, Danet Khuth, and Pam Lines. Special thanks also to Melissa Lessi for her work as editor and as part of the editorial team over the last few years.