

Welcome to the June edition of *Computers & Law* - the second edition for the year.

I am pleased to continue the coverage of computer and law issues in this edition. This edition includes articles covering a wide range of contemporary issues such as internet defamation, copyright infringement, domain name disputes and anti-spam legislation. We also look at the role of patents for Australian businesses and include the first of a two part series considering the highly topical area of government contracting for the supply of information communication and technology (ICT).

Our first article is by Catherine Bond who considers the latest Internet defamation cases from the United Kingdom. In her article, Bond discusses several cases that have recently come before the UK Courts, including *Keith-Smith v Williams* and *Bunt v Tilley* and analyses the effect of these decisions on the growing body of internet defamation law. In particular, this article considers the potential impact of litigation that is currently before the UK courts which involves the conduct of two UK tabloids who printed pictures of allegedly bisexual footballer players. The speculation regarding the identity of the players subsequently led to one player, Ashley Cole, commencing litigation against the newspapers. However, as Bond discusses, the most interesting aspect of this case concerns the Internet search engine Google and the return of searches connecting Cole and the term "gay". This article concludes with a consideration of the unique nature of internet defamation and a prediction that litigation regarding activities on bulletin boards, blogs and search engines will continue to grow.

The second article is written by Michael Pym and Peter Sawaqed and is the first of a two article series looking at the new mandatory procurement process that ICT suppliers must go through in order to sell ICT products and services to the \$600m Queensland Government ICT market. The first article contained in this edition steps through the accreditation process with the Queensland's Office of Government

ICT and describes the structure of the contract terms and conditions that the ICT supplier must sign as part of the accreditation process, known as GITC v5. This article also discusses how to vary these terms and conditions and highlights some practical issues for ICT suppliers that distribute third party products and services under GITC v5. The second article to be included in the next edition of this journal will address some of the key legal and commercial risks regarding GITC v5, and provide practical strategies to manage those risks.

Next, Megan Walsh considers the increasingly prevalent practice of cybersquatting and the avenues of recourse available for trademark holders who fall victim to the abusive registration of domain names that incorporate their trademark. This article examines available dispute resolution methods and the process of bringing a successful complaint under the .au Dispute Resolution Policy (auDRP). Walsh provides a summary of two recent panel decisions and in doing so illustrates the nature of disputes brought under the auDRP and the practical application of this policy to current domain name disputes.

The fourth article is written by Pam Foo and looks at the eagerly anticipated decisions of *Universal Music Australia Pty Ltd v Cooper* and *Universal Music Australia Pty Ltd v Sharman License Holdings Ltd* that concern the issue of liability for the authorisation of copyright infringement. The article provides a comprehensive comparison of the differing approaches taken by the Federal Court in these cases. While the cases were a response to increasing trends of piracy using digital technologies, it is the authors contention that the continuing innovation of online content transfer is steadily advancing beyond the realm of copyright law. This creates particular problems for judges as they struggle to define copyright principles that will apply universally to digital content providers. Although the article concludes that law of authorisation liability is far from settled, it does provide a timely reminder that content providers must continue to be wary of their potential liability in the online environment.

Our next article, by Mark Vincent, looks at the increasing role of patents for Australian businesses and analyses the reasons behind the continued global increase in patent registration, particularly in the context of software and business method patents. It is Vincent's suggestion that the proliferation of high profile infringement actions, especially in the US, has been a significant factor in the increased awareness of the role and importance of patent protection. This article examines some of the sophisticated patenting strategies that have been adopted over the last decade by multinational technology companies - strategies that may limit the ability of Australian companies to compete in the global markets of the future. The author considers the necessity of patent strategies and portfolios, concluding that Australian technology companies will only become serious global competitors with the implementation of such schemes.

Our final article is by Natasha Herbert who provides a summary regarding the key features of the proposed anti-spam legislation in Hong Kong, New Zealand and Singapore, as well as a consideration of relevant legislation enacted in Australia. By considering these anti-spam laws side-by-side, Herbert identifies some significant differences in the approaches adopted by the various legislators, including whether a regime is 'opt-in' or 'opt out', the existence of labelling requirements and the imposition of enforcement responsibility. It is Herbert's contention that these identified areas of divergence critically undermine the ability of anti-spam laws to provide effective cross-jurisdictional regulation of spam, and concludes that legislators in the Asia Pacific region must strive for greater harmonisation wherever possible.

Finally, thank you to Lucinda Yeung and Kathryn Gregson for all of their hard work in helping put together this edition. I look forward to receiving more interesting submissions for our next edition!