

On behalf of the editorial committee, welcome to the September edition of Computers and Law.

In this edition, we focus on all things new:

- the application of existing law to new business models;
- the extension of existing technology to new legal systems; and
- the application of new technology to the law itself.

Our first article is from Mark Vincent and Megan Edwards from Truman Hoyle. Mark and Megan consider the application of the laws of both the United States and the United Kingdom to the "hidden" use of a competitor's trade mark on the internet, as well as the current state of the law on this issue in Australia.

"Keyword" advertising, and similar techniques, have been the subject of a number of recent decisions in which courts around the world attempt to fit the latest trends in online advertising into existing legal categories. As Mark and Megan highlight, the popularity of these kinds of advertising techniques in an online context has led to a number of challenges – and a variety of judicial approaches around the world.

Is it misappropriation of a competitor's goodwill? Is it legitimate and intelligent use of the advertising potential of the internet? Is it use of a competitor's trade mark? Is it misleading for average consumers? Or is it something that a normal internet user is well aware of? Mark and Megan work through all of these questions, consider the ways in which different courts have addressed the issue so far and look at what this means for Australian law.

In our next article, Barry Walsh and Tony Lansdell consider something that many of us now take for granted – the application of technology to legal and judicial processes. This article provides an interesting insight into the manner in which such technology is

being exported and implemented in the judicial systems of developing countries. Many of us in the legal profession struggle to now remember life without the benefits and problems associated with technology as a key part of our daily working lives. In this article, we are presented with a different perspective – the issues faced in setting up technology systems in jurisdictions where the challenges faced are so different to our own.

Our third article is from James Halliday and Linh Tran of Baker & McKenzie. In a year when much of the Australian political debate in the technology sector has been focused on bringing increased and improved internet access and capacity to Australians across the country, James and Linh provide a timely look at the practical issues faced in structuring, negotiating and documenting contractual arrangements for capacity supply.

Their investigation into the practicalities of structuring an infeasible right of use, or IRU, agreement demonstrates the benefits of properly structuring such arrangements in a manner that appropriately balances the various commercial and legal considerations involved.

Our final article in this edition is from Pamela and Xenogene Gray. This article provides an overview of the application of technology to the law itself through the design of the authors' expert system, eGanges.

The potential for the collection and management of law itself through the means provided by artificial legal intelligence should provide food for thought for all lawyers amongst our readership this month.

Finally, please note that the deadline for the **2008 Computers and Law Journal Student Prize** has been extended until **10 December 2008**. Further details about the prize including details of how to enter are currently available at: <http://www.nswscl.org.au/journal/studentprize.htm>.

And remember...the Computers and Law editorial committee welcomes all submissions to Computers and Law. Contact details are set out at the back of each edition of the journal.

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