

Book Review

Intellectual Property in Australia (2nd edition), McKeough & Stewart.
Butterworths 1997 (525pp)

Reviewed by Melanie Little

The authors, or perhaps I should say the copyright holders, of *Intellectual Property in Australia* point out the irony of modern invention and innovation – that is, the existence of new forms of technology such as scanners and photocopiers which make piracy so much easier. Global computerisation makes the world a place less inhibited by borders each day. Modern science has made possible what in the past was a bad science fiction movie. The challenge for law is "to respond with appropriate protective regimes."

Intellectual Property in Australia is an up-to-date text, including recent changes to the law in Australia such as the *Trade Marks Act* 1995. And in a dynamic area of the law, it is essential that practitioners have current information. The authors' definition of intellectual property is "a generic term for the various rights which the law accords for the protection of creative effort or, more especially for the protection of economic investment in creative effort."

The law is very clearly set out, with accurate headings which catch the eye. The authors have decided to format the book in a chronological fashion – from confidentiality, copyright, patents, reputation and commercialisation. Each topic is dealt with thoroughly. All the main relevant legislation is included and there are extensive case references and citations. This is not to suggest that this area of the law is one which can be learnt by rote. Often the questions are very subtle. For example, what is an original work and how can the way an idea is expressed make it "original"?

A chapter is devoted to the protection of computer technology.

Computer technology has been an integral player in the movement of ideas, thoughts and creative effort. The speed with which creative effort can move on the information superhighway needs to be met with speed in protection from exploitation.

Biotechnology is another area of dramatic change which is dealt with in the book. As legislators and courts come to grips with the ethical and legal dilemmas associated with "patenting life forms", the scientists are pushing their innovation and expertise to the limits.

The Commonwealth is currently using a bundle of powers to legislate in the areas encompassed by intellectual property. The Constitutional Commission has recommended an amendment to section 51 (xviii) of the Constitution power to make laws with respect to "copyrights, patents of inventions and designs, trade marks and other like protection for the products of intellectual activity in industry, science, literature and the arts." Only time will tell whether even that definition will be sufficient to harness exploitation in the future.

Northern Territory practitioners will be aware that there have been recent and significant cases with respect to copyright and design emanating from our jurisdiction. Some of these are reported in the book and no doubt any future editions will incorporate the most recent "Aboriginal flag" case.

This text is a valuable and important resource. It would be prudent to take heed of the copyright warning at the front of the text – the owners of this copyright will surely know how to quickly act on any breaches. But will you know how to respond?

NTLAC Director Chairs National Body

Director of the Northern Territory Legal Aid Commission, Richard Coates, takes on the role of Chair of National Legal Aid from 11 September 1997.

National Legal Aid comprises the eight directors of the legal aid commissions in Australia and was previously chaired by Chris Staniforth, Chief Executive Officer of the ACT Legal Aid Office.

Under his leadership, and particularly since the announcement by the federal government of proposed budget cuts to legal aid services nationwide, National Legal Aid has created for itself a raised profile and is keen to maintain its communication mechanisms with the profession and other stakeholders.

The group is fortunate in securing Richard's services in the key role of Chair, as he brings to the position his experience as Director of NTLAC since its inception in 1990 along with considerable expertise gained in private practice in Melbourne and as a magistrate in the Northern Territory.

The Children's Charity
Barnardos Australia

HOPE FOR KIDS

Give a Memorial
Donation to
Honour a Loved
Family Member
or Friend

Barnardos Australia
Locked Bag 1 Million
Broadway NSW 2007
1800 061 000

Registered Charity No. CFN13840
A Co. Ltd by Guarantee
ACN 068 557 906