

a particular flight was hedged having regard to the business operations of the airline.

Therefore, what are the legal rights of the passenger for air travel arrangements booked that the airline must honour in Australia?

- The air ticket is a legally binding contract of carriage once the flight reservation has been made, and full payment of the air fare is confirmed.
- The air ticket contains the airline's fare rules and conditions of carriage, because the passenger has accepted these by marking the tick box displayed on the payment screen (or on an earlier screen) in an on-line booking.
- The conditions of carriage make it clear that the airline's promise to fly in the air ticket is highly conditional, and make it clear that the passenger cannot legally force the airline to fly them on a particular flight.
- The conditions of carriage contain the airline's rights to deny boarding, delay or cancel the flight which apply even after the passenger has checked in.
- But in return, the conditions of carriage contain the passenger's rights to be given refreshments, booking transfers, compensation or refunds for denied boarding, delayed or cancelled flights.
- The fare rules contain the rules for changing flight reservations and bookings, and for refunds, according to the type of air fare purchased. Fully flexible fares will allow changes and refunds; restricted and discount fares will usually not allow changes or refunds to air bookings. ●

How to take down your enemy's website

Someone has got something on their website which belongs to you. It could be a photograph, an article or all or part of your own website. You ask them to remove the offending item and they either refuse to do so or ignore you.

In a perfect world you would launch a cyber attack, or send an 11 man Israeli assassination team dressed as tennis players to take them out. Less satisfying but just as effective, would be to have the host of the offending website switch it off until the offending items were removed by the website owner.

Here is a three step plan to achieve this:

- Tell your IT person the problem and ask him to find out who hosts the offending site. If you try to do this yourself you will be awash with terms; some vaguely familiar such as domain name and internet service provider (ISP) and others that are way out, such as WHOIS, carriage service provider, registrar and registrant.
- Send the host a Take Down Notice. This is a request which identifies the infringing content and requests that it be removed. It is the duty of the host to take down the website expeditiously (loosely defined as 48 hours) after receiving a Take Down Notice or they can



become liable themselves for the copyright infringement.

- Send a copy of the Take Down Notice to the offending site. This may take the fun out of the Take Down Notice procedure but it may cause the site owner to decide to remove the infringing item rather than risk the site being taken down unexpectedly.

If you doubt that the host can unexpectedly take down a website, just think about the last time that your own website disappeared for a day or more. ●



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