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Book Review

RANALD ROBERTSON
Legal Protection of Computer Software. London: Longman Law Tax and Finance, 1990. ISBN 085121 6846. Price £35.00.

This is a well-researched and well-presented book covering all aspects of the subject from contractual protection, through copyright, trade secrets and trade marks to patent protection. There is a very useful table of cases, and the book ends with a section on the remedies available should any of the rights being protected be infringed.

Primarily it is a book for lawyers and expert witnesses, but it is readable enough that a computer professional would find little difficulty in following it, and would find much of it instructive. Two important matters are dealt with in appendices, namely a form of contract guidelines for program licensing prepared by the CSA, and a guide to the position relating to protection of software in Europe. Both of these are too short to contain the quality of information provided in the main text. One might hope that later editions will include more detailed coverage of the European situation, since EEC directives are having an increasing influence in UK courts. Contractual matters are, I understand, more fully dealt with in other Longman publications.

I do not recommend all computer professionals to go out and purchase a copy immediately. However, if they become involved in matters of legal protection of their software, and particularly if they are freelances who wish to retain their rights, it is very valuable reading and explains clearly how the law affects them. For those with a greater interest in the law in this area, whether computer professionals or lawyers, it is undoubtedly strongly recommended reading.

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GORDON HUGHES (editor)
Essays on Computer Law. London: Longman Group UK Ltd, 1990. ISBN 0 582 93991 7. Price £39.00.

In the Foreword, the Governor-General of Australia, Sir Ninian Stephen, says 'A remarkable feature of this collection of essays is the great diversity of its themes' and goes on to remark 'Through the pages of this volume computers can be seen both as useful tools of legal education and practice of the law and, as themselves, formidably at work in changing the whole legal environment; creating new and important relationships and subject matters, with which the law must come to terms'.

As will be seen from the foregoing, this is an ambitious work, whilst the background of the contributors links it to the Common Law as practised 'down under'. This, of course, means that it is largely relevant to English law, although not directly aimed at it, but only confronts the situation in the EEC occasionally, as in the contribution of Michael Kirby on Trans Border Data Flows, where he has had an important influence on our thinking through his involvement with the OECD.

It is inevitable that on a canvas so large as this, the coverage of detail is often variable. Certainly the treatment will be criticised by readers depending on their background knowledge. If Colin Tapper wrote less interestingly, lawyers could probably skip his introduction. Computer people probably don't need to read Mr Burnside's introduction to computers. UK practitioners, legal or technical, will have little interest in Section F on Taxation, which relates wholly to Australian peculiarities. Similarities with, and differences from, the UK position are well brought out in the sections on Intellectual Property, Data Protection, Crime and the Supply of Computer Products. Some parts of these have general application – I have already mentioned Trans Border Data Flows, which come under Data Protection, and should draw attention also to another essay in that section on Computer Security, which appears better balanced than

many offerings from 'security consultants' intent on selling their latest gimmick for making management feel happy, whilst not significantly decreasing their risk.

Section G on Evidence and Court Proceedings is of general interest. The article on Admissibility of Computer Output reviews the problems without getting entangled in the matters which have incited Colin Tapper elsewhere to remark that the legal position in the UK is of 'Byzantine complexity' – perhaps Australia has escaped this fate! The following article on Alternative Dispute Resolution indicates that matters have advanced further in some Australian states than they have in this country. The lawyers there appear to be more friendly to attempts to simplify the settlement of disputes other than by litigation than is the case in the UK, and to be already following the US lead in this matter, whereas only tentative moves are being made here.

Section H on Practical Uses of Computers has a strong Australian flavour, and is mainly of interest in comparing what is going on there with what is on the agenda here and elsewhere. It is followed by a series of essays on progress (or lack of it) in other countries, including New Zealand, Malaysia, Singapore, the USA, Canada and South Africa, and a summary of how the Europeans and Japanese have approached similar problems. It is interesting to find an article in this section by Philippa Perry reviewing developments in the UK, a good deal of which has been overtaken by the rapidly moving events in the last year or so.

Overall there is much to commend these essays to someone wishing to get an overview of the legal situation in Australia and to compare this with the situation in the UK. As I have indicated, some of the essays are deserving of a wider audience, being of greater generality. I believe this book should be in any library relating to computers and the law, but I could not wholeheartedly recommend it for purchase by students in the UK.

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