

AUSTRALIAN INTELLECTUAL PROPERTY JOURNAL

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Australia's first moral rights case was decided in the Federal Magistrates Court in 2006. The judgment was concerned with issues of attribution and false attribution of authorship. Although the decision is an interesting one, and one that is encouraging to artists, the reasoning in the judgment is open to question. This article discusses this reasoning and suggests the ways in which the moral rights provisions contained in the Copyright Act 1968 (Cth) may have been misunderstood. In particular it emphasises the importance of distinguishing between the UK right against false attribution and its Australian namesake.	74
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This article examines the underlying policy considerations regarding the ownership of copyright in statutes, regulations, and also law reports. It compares and contrasts the positions in New Zealand, Australia, Canada, the United Kingdom, and the United States. It looks particularly at the implications of electronic publication, and the role of private publishers. In essence, it asks whether the strict legal principle that the Crown (or in the American system, the State) owns the copyright in statutes and judicial decisions is less important than the principle of encouraging public access to the law.	89
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The senior courts of Australia have provided significant judicial clarification concerning the operation of the internal requirements of s 40 of the Patents Act 1990 (Cth) over the past six years. Section 40 represents a synthesis of requirements aimed at ensuring that Australian patent specifications meet the requisite standard for the grant of patent. In considering the implications of these decisions from the viewpoint of their functional interrelationship, the author contends that the requirements dictated by s 40 have been significantly weakened. Based on the appropriate statutory construction of the relevant provisions gleaned from these judicial authorities, a filing strategy is proposed that may avoid the need to disclose the best method of an invention until such time as the patent applicant wishes to commence infringement proceedings.	106

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Customer service and sales inquiries:

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Editorial inquiries:

Tel: (02) 8587 7000

HEAD OFFICE

100 Harris Street PYRMONT NSW 2009

Tel: (02) 8587 7000 Fax: (02) 8587 7100



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