

# AUSTRALIAN INTELLECTUAL PROPERTY JOURNAL

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This article provides a detailed review of the Australian position with respect to monetary remedies for patent infringement. In doing so, occasional reference is made to how corresponding issues have been dealt with in the UK, US and Canada, but the primary focus is on the few decided Australian cases, namely <i>Advanced Building Systems Pty Ltd v Ramset Fasteners (Aust) Pty Ltd</i> (2001) 52 IPR 305; <i>Pearce v Paul Kingston Pty Ltd</i> (1992) 25 IPR 591; <i>Unilin Beeher BV v Huili Building Materials Pty Ltd and Others</i> (No 2) (2007) 74 IPR 345 and <i>Dart Industries Inc v Decor Corporation Pty Ltd</i> (1992) 179 CLR 101, and their practical implications for patent infringement litigants. ....	10
<b>Copyright in computer-generated work in Australia post-IceTV: Time for the Commonwealth to act</b> – <i>Cameron Andrews</i>	
This article argues that the Commonwealth should amend the <i>Copyright Act 1968</i> (Cth) to remedy the gap in protection for “authorless” computer-generated work now fully exposed by the High Court of Australia’s decision in <i>IceTV Pty Ltd v Nine Network Pty Ltd</i> (2009) 239 CLR 458 and its subsequent application by the Federal Court. It notes this “gap” means there is no effective legal protection for a diverse range of material which might be regarded as fundamental to Australia’s “Digital Economy”, including advanced forms of multi-layered software, sophisticated databases, mapping services, and “collaborative works” involving many people interacting via computer networks. The evolution of authorship as a concept in copyright law, previous inquiries into computer-generated work, and the protection available in comparable jurisdictions are considered in support of the conclusion that the time for Commonwealth action on this issue has now come. ....	29
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