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ARTICLES

MARGARET STONE: LEGAL SCHOLAR, JURIST AND PHILOSOPHER – WHY PROPERTY LAW IS “BEAUTIFUL” AND ITS INFLUENCE ON LEGAL THINKING AND DEVELOPMENT

The Hon Michelle Gordon AC

The Honourable Margaret Stone AO FAAL was a scholar, academic, teacher, practitioner, Judge, Inspector-General of Intelligence and Security, leader and mentor. Throughout her career she taught, advised and adjudicated on matters that spanned the breadth of Australian law. In the inaugural Margaret Stone Lecture, Justice Michelle Gordon AC reflects on Margaret Stone’s life in the law. The Lecture explores Margaret Stone’s profound contribution to Australian property law, an area which she once observed “fascinated” because of its history and development, and because of how it challenges “how we think about law”. The Lecture is a celebration of how Margaret Stone thought and the lasting impact of that thinking.	178
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NON-ENGLISH WORD AND CHARACTER TRADE MARKS IN AUSTRALIA:
BEFORE AND AFTER CANTARELLA BROS PTY LTD V MODENA TRADING PTY LTD

Mitchell Adams and Amanda Scardamaglia

This article presents findings from an empirical study on the application and registration of non-English word and non-Roman character trade marks in Australia following the landmark High Court of Australia decision of *Cantarella Bros Pty Limited v Modena Trading Pty Ltd* (2014) 254 CLR 337. The study canvasses the key trends emerging from this data in order to reconcile the current state of the law with legal practice. The results indicate that the number of applications for non-English language and non-Roman character marks is growing, with a peak observed in 2021 with 1,627 applications filed. 190

FULLY ONLINE CIVIL PROCEEDINGS: RISKS, REWARDS AND THE RULE OF LAW

Kyle Denning

This article examines how, in the wake of the pandemic, a fully online civil proceeding might undermine, or threaten to undermine, the administration of justice. A comparison of the virtual and physical formats highlights that the virtual courtroom, in its current form, fails to give proper effect to several essential aspects of the rule of law. In assessing the long-term prospects of fully online hearings, this article classifies the virtual courtroom's shortcomings as either transitory or enduring. This novel, dichotomous analysis reveals that most shortcomings flow from inadequate courtroom procedures or poor design decisions and are therefore fixable. The residual issues, those that transcend both technology and courtroom procedure, are the true boundaries of the online space. A comprehensive understanding of these non-remediable limitations is vital for ensuring that the Australian judiciary can facilitate the just, quick and cheap resolution of the real issues in dispute. 210

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