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# Update Summary

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UPDATE 214

MARCH 2024

COMPUTER CONTRACTS  
PRINCIPLES AND PRECEDENTS

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Material Code 42608665

Print Post Approved PP255003/00420

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## Commentary Updated

### E-Commerce: Other Internet Issues – General Issues

Added new commentary on policies for AI/GPT use. See [1A.4420].

### Intellectual property

Updated commentary in relation to the test for software patentability with reference to *Aristocrat Technologies Australia Pty Ltd v Commissioner of Patents* [2022] HCA 29. See [3.4646].

Added new commentary on patents manual – computer implemented inventions. See [3.4648].



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### Policies and Procedures

New precedent added: Generative AI Policy. See [905.10].

### Checklist and Precedent

Added new commentary on Checklist and Precedent concerning using social media posts (user generated content). See [4A7.10] and [4A7.20].

### Reframing the test for software patentability

The decision in *Motorola Solutions Inc v Hytera Communications Corporation Ltd (Liability)* [2022] FCA 1585 is an example of a decision in which it was held that although computer implemented, an invention was an advance in computer technology. See [3.4646].

### Liability of ISPs and search engine providers

Updated commentary with reference to case *Google LLC v Defteros* [2022] HCA 27 in which the High Court of Australia held that the appellant Google was not liable for allegedly defamatory content in search engine results. See [1A.2800].

### Defamation reform initiatives

New commentary regarding stages 1 and 2 of the amendments to a national framework for model defamation provisions (Model Provisions). See [1A.2850].

### Australian Consumer Law – unfair contract terms – Introduction

Added commentary in relation to the expanded statutory definition of “small business contracts”. See [4.2540].

### Remedies

Added commentary regarding updates on statutory penalties. See [4.2570].

**On-line safety**

Updated commentary discussing the *Online Safety Act 2021* (Cth) and a number of schemes in force under it, including the Adult Cyber Abuse Scheme, Cyberbullying Scheme, Image-Based Abuse Scheme and Online Content Scheme. See [1A.3811].

