## Contents

$Pr\epsilon$	eface	V
Ta	ble of Cases	xi
Та	ble of Legislation	000
	ntributors	000
1	International Intellectual Property Law and the Common Law World-Introduction  The Hon Justice W.M.C. Gummow	— 1
Par	rt 1: Intellectual Property and the Information Society	
2	Database Protection and the Circuitous Route Around the United States Constitution  Marci A. Hamilton	9
3	Commodifying and Transacting Informational Products Through Contractual Licences: The Challenge for Informational Constitutionalism Brian Fitzgerald	35
4	Shall We Shoot a Messenger Now and Then? Copyright Infringement and the On-line Service Provider Louise Longdin	63
5	Copyright Across (and Within) Domestic Borders Graeme W. Austin	105
Par	rt 2: Developments in Industrial Property	
6	Dilution and Confusion: The Bases of Trade Mark Infringement or the new Australian Trade Marks Anti-dilution Law 1999 Sam Ricketson	123
7	New Challenges for the Law of Patents  John Robinson Thomas	165
8	Patentability in Australia and New Zealand Under the Statute of Monopolies John Smillie	211
9	The Protection of Designs The Hon Sir Nicholas Pumfrey	235

## viii Contents

10 Industrial Property in a Globalised Environment: Issues of Jurisdiction and Choice of Law <i>John N. Adams</i>	251
Part 3: Competition and Market Regulation	
11 Unfair Competition Law—"Over Protection Stifles the Very Creative Force it is Supposed to Nurture"  Susy Frankel	265
12 Intellectual Property and Competition Policy: The Case for Neutrality Ian Eagles	285
Index	341

## Contributors

The Hon Justice W.M.C. Gummow, AC, Justice of the High Court of Australia

Marci A. Hamilton, Distinguished Visiting Professor of Law, Emory University School of Law

Brian Fitzgerald, Associate Professor and Head of the School of Law, Southern Cross University

Louise Longdin, Senior Lecturer in Commercial Law, The University of Auckland

Graeme W. Austin, Senior Solicitor, Chapman Tripp, New Zealand

Sam Ricketson, Sir Keith Aicken Professor of Law, Monash University

John Robinson Thomas, Associate Professor of Law, George Washington University

John Smillie, Professor of Law, University of Otago

The Hon Sir Nicholas Pumfrey, Judge of the Chancery Division of the High Court of England and Wales

John N. Adams, Professor of Intellectual Property, University of Sheffield

Susy Frankel, Senior Lecturer in Law, Victoria University of Wellington

Ian Eagles, Professor of Commercial Law, The University of Auckland