

# REGISTRATION FORM / TAX INVOICE

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## REGISTRATION OPTIONS Please mark boxes to indicate choice

I would like to attend:

### Privacy complaints: How to win for your client

Thursday 4 December 2003, 9:00 am to 12:45 pm

### The new Spam Act - How it works

Thursday 4 December 2003, 1:45 pm to 5:30 pm

### Digital Copyright & Software Licensing Update

Friday 5 December 2003, 9:00 am to 12:45 pm

### Online Contracts: Banking, finance & insurance

Friday 5 December 2003, 1:45 pm to 5:30 pm

### Registration Fees

Register me for **1** seminar - I enclose **\$352** / (\$264 conc.)

Register me for **2** seminars - I enclose **\$550** / (\$412.50 conc.)

Register me for **3** seminars - I enclose **\$770** / (\$577.50 conc.)

Register me for **all 4** seminars - I enclose **\$990** / (\$742.50 conc.)

(I am not enrolling as a postgraduate)

I cannot attend. Send me the papers for [please circle]:

Privacy Spam Copyright Contracts. I enclose **\$110** for each set

**Concessions:** 25% discount for full time students, unemployed, community legal centre staff — Please attach documentation.

Journalists — Please contact the Centre

**NB:** Do not use this form for *enrolment in postgraduate accredited course LAWS5238* (\$1100). For this, enrol only through UNSW law school. See:

[www.bakercyberlawcentre.org/2003/laws5238\\_ebusiness.htm](http://www.bakercyberlawcentre.org/2003/laws5238_ebusiness.htm),

ph: 9385 2227 or k.daley@unsw.edu.au

Course fees include tuition, materials for the sessions paid for, and refreshments. Lunch is also included with two conferences on the same day.

## Office use only:

Rec'd

Inv No.

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## Current issues in eBusiness, Intellectual Property and Privacy

### Four short CLE conferences:

- Privacy Complaints - How to Get a Win for Your Client
- The New *Spam Act* - How it Works
- Digital Copyright and Software Licensing Update
- Online Contracts: Banking, Finance and Insurance

### About the conferences

In four half day segments over two days (4 and 5 December 2003) these courses will cover a range of topical issues in e-business and e-commerce, data protection and privacy, spam and online marketing, digital copyright and software licensing:

- Successful remedies for privacy complainants in Federal, state and common law jurisdictions
- The philosophy of the new Spam Act (expected to pass in October or early November) how it will be administered and how it affects specific activities and industries
- Online contract formation in the banking, consumer finance and insurance
- Underlying fundamentals of online contract formation, and evidentiary and digital document issues: proving the terms, dealing with changes.
- Digital copyright and software licensing, including open source and proprietary licensing issues, the parallel import regime, and a digital copyright protection update.

MCLE Credit: The full two days 12 units, or 3 units per conference.

**About CLE** – The Continuing Legal Education programme is an important link between the Law School at UNSW and the professional community. The programme consists of a series of quality short courses assisting lawyers, IT managers, accountants, financial planners, executives and other professionals whose work demands up-to-date knowledge of, and skills in, the relevant areas.

**Mandatory CLE Units** – NSW solicitors who find our programmes relevant to their immediate or long term needs in relation to their professional development and practice of law may claim MCLE units for their attendance at the seminars.

**Postgraduate Credit** - this conference can be combined with three others and a research essay to form part of LAWS 5238 a postgraduate elective course worth 4 units. See the Course page.

About the Baker & McKenzie Cyberspace Law and Policy Centre - The centre, established within the Faculty of Law at UNSW, provides a focus for research, public interest advocacy and education on issues of law and policy concerning digital transactions in cyberspace. Baker & McKenzie (<http://www.bakernet.com>) are the principal supporters of the Centre.

**About the Cyberspace Law and Policy Series** - The Centre hosts a series of events examining the public interest in cyberspace legal and policy issues, and some practical workshops on related legal procedure. The series includes Continuing Legal Education conferences and workshops, Symposia which bring together policy makers and legal and technical experts for round table discussions, ad hoc LawTechTalks on campus, and major academic conferences.

**Payment** I enclose a cheque payable to "CLE, UNSW", or

Payment by:  Mastercard  Visa  Bankcard

Card number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Expiry date: \_\_\_\_\_ / \_\_\_\_\_

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### Please return your registration with the payment to:

CLE, Faculty of Law, UNSW, Sydney NSW 2052

Tel: (02) 9385 2267 • Fax: (02) 9385 1155

email: [cle@unsw.edu.au](mailto:cle@unsw.edu.au) • Website: [www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)

For queries about the event's content, contact: David Vaile, Executive Director, Baker & McKenzie Cyberspace Law and Policy Centre on (02) 9385 3589 or at [d.vaile@unsw.edu.au](mailto:d.vaile@unsw.edu.au).

### Programme Variation:

The Director of CLE retains the right to vary the programme to deal with unforeseen circumstances. This includes cancelling or rescheduling a programme and changing speakers or content if occasions oblige us to do so.

### Cancellation policy:

Cancellations will be accepted up to two weeks prior to the commencement of the course. Withdrawal after this time and before the commencement of the course will result in a cancellation charge of \$100. Cancellations after the commencement of the course will not be eligible for a refund

*Privacy note:* The information you have provided on this form will only be used by UNSW to distribute information about University courses and activities to you.



THE UNIVERSITY OF  
NEW SOUTH WALES

FACULTY OF LAW

Baker & McKenzie Cyberspace Law  
and Policy Centre and Centre for  
Continuing Legal Education

## Current issues in eBusiness, Intellectual Property and Privacy

- Privacy Complaints — How to get a Win for Your Client
- The New Spam Act — How it Works
- Digital Copyright and Software Licensing Update
- Online Contracts: Banking, Finance and Insurance

Thursday 4 and Friday 5 December 2003  
Grace Hotel, 77 York St  
(Cnr King St) Sydney

Presented by



BAKER & MCKENZIE  
Cyberspace Law and Policy Centre

FOR MORE INFORMATION VISIT OUR WEB SITES: [www.bakercyberlawcentre.org](http://www.bakercyberlawcentre.org) AND [www.cle.unsw.edu.au](http://www.cle.unsw.edu.au)

CYBERSPACE LAW AND POLICY SERIES 2003

## Privacy complaints: How to get a win for your client (Making privacy laws work)

**Morning of Tuesday, 4 December 2003 — 3 MCLE units.**

### About the conference

*Object:* To enable participants to gain an overview of privacy law and practice in Australia, and to offer a practical guide to making successful complaints or claims on behalf of people who have suffered loss and damage as a result of breach of their statutory or common law rights to privacy.

An eminent group of Australia's leading privacy regulators and advocates will set out the key issues and procedural factors in achieving a successful outcome, including damages or financial compensation, for breach of privacy.

It looks at procedures and principles in the federal (Office of the Federal Privacy Commissioner), NSW (Privacy Commissioner and Administrative Tribunal) and common law jurisdictions (including the recent Queensland case recognising a common law action). As well as advice from Commission staff, there is also commentary from privacy advocates and academics.

### Programme

|        |  |
|--------|--|
| 9:00am | <b>Introduction</b> co-chair, Prof Graham Greenleaf, co-director of the Centre   |
| 9:10   | <b>Successful complaints to Federal Privacy Commissioner</b><br>Chris Cowper, Complaints manager from the Office of the Federal Privacy Commissioner<br>Preparing and pursuing a complaint in the Federal jurisdiction, including remedies available. <ul style="list-style-type: none"><li>• Overview of privacy complaints - numbers, trends, issues</li><li>• Current complaints process, and improving practice</li><li>• Recent cases and risk areas emerging for organisations</li></ul> |
| 9:45   | <b>Successful complaints to Privacy NSW</b><br>Siobahn Jenner, Senior Compliance and Investigations Officer, Privacy NSW<br>Practical, legal and procedural issues involved in the NSW jurisdiction.   |
| 10:20  | <b>Pitfalls in the complaints process: an advocate's perspective</b><br>Graham Greenleaf, Professor of Law, UNSW Faculty of Law<br>Issues and limitations identified by advocates in Federal and State complaints processes.   |
| 10:40  | <b>Morning Tea</b>   |
| 11:00  | <b>Making privacy laws work - panel discussion</b><br>A vigorous expert discussion of issues raised in the first sessions, chaired by Nigel Waters (to be confirmed).  |
| 11:35  | <b>Representative actions for breach of privacy</b><br>Chris Connolly, Director, <a href="#">Financial Services Consumer Policy Centre</a> , UNSW<br>Making complaints on behalf of a class of people whose privacy has been breached: tactics, procedure, recent experience.  |
| 12:20  | <b>If all else fails: Common law, breach of confidence and s.98 injunctions</b><br>Tim Dixon, Privacy Consultant, <a href="#">Baker and McKenzie</a><br>Using other legal procedures to pursue privacy complaints, including the recent Queensland District Court judgement, actions for breach of confidence, and s.98 injunctions in the Federal Court.  |
| 12:45  | <b>Close</b>   |

## The New Spam Act — How it Works

**Afternoon of Thursday, 4 December 2003 — 3 MCLE Units**

### About the conference

*Object:* To enable participants to understand the principles underlying the new Spam Act, the likely approach to its enforcement by the regulator, its implications for marketers, and legal issues raised for various parties.

The *Spam Act* 2003 will be in operation by the end of 2003. This continuing legal education seminar is for legal advisers, in house counsel, and marketing and e-business executives affected by the Spam ban. Over a half day it will cover a range of topics:

- The role of the regulator ACA
- The philosophy and intent of the *Spam Act*
- How marketing practice will be affected
- Law and practice issues about complaints, enforcement and assessment.

### Programme

|        |   |
|--------|---|
| 1:50pm | <b>Introduction</b> , chair, David Vaile, executive director of the Centre  |
| 2:00   | <b>Principles behind the <i>Spam Act</i></b><br>Lindsay Barton, Manager, Online Policy, National Office of the Information Economy<br>One of the principal authors of the new Act explains the thinking behind it, and looks at how it operates in various situations.  |
| 2:45   | <b>The 'Spam Police': ACA's role</b><br>John Haydon, Executive Manager, Consumer and Universal Service Obligation, <a href="#">Australian Communications Authority</a><br>The ACA will administer the Spam ban. The manager of the ACA's Spam project sets out how this will occur, and procedural and substantive issues likely to arise. <ul style="list-style-type: none"><li>• ACA role in the legislative package, priorities for the ACA</li><li>• Expectations of industry</li><li>• Future objectives</li></ul> |
| 3:30   | Afternoon Tea   |
| 4:00   | <b>Legal issues for ISPs and marketers</b><br>Patrick Fair, Partner in the IT and Communications Group, <a href="#">Baker and McKenzie</a><br>Content regulation of electronic messages can have intended and unintended consequences for a range of participants in the online and e-business world. A senior IT law specialist outlines some of the issues.   |
| 4:45   | <b>Marketing practice and the 'Spam ban'</b><br>Jodie Sangster, Legal and regulatory affairs manager, Australian Direct Marketing Association<br>ADMA's qualified support for the new law was based on an expectation that responsible and ethical marketers will be able to avoid being caught, provided they review areas of risk.  |
| 5:30pm | Close   |

## Digital Copyright and Software Licensing Update

**Morning of Friday, 5 December 2003 — 3 MCLE Units**

### About the conference

*Object:* To enable participants to understand the legal and practical implications of developments in the law of digital intellectual property, including the parallel import regime, database copyright, open source licensing and digital copyright use and anti-circumvention issues.

A number of recent developments have made digital copyright a more complex legal terrain, especially in the software and data licensing area. This short conference is an update for lawyers, in-house legal counsel and senior executives responsible for advising on purchasing, development and risk management in IT, software licensing and related digital copyright areas. Over a half day it will cover:

- The impact of the new parallel importation regime on software licensing
- Copyright in databases after the High Court's *Telstra v. DTMS* decision.
- Challenges in dealing with the choice between "Open Source" and "proprietary" (sometimes called "lock in") software
- Hybrid licensing situations: when "Open Source" and "proprietary" software can and can't co-exist
- S.47B, "normal use", *Sony v Stevens* and other copyright issues

(Due to the ongoing nature of the Digital Agenda review, we are not covering possible changes to the Digital Agenda Act until recommendations or changes are introduced in 2004.)

### Programme

|         |   |
|---------|---|
| 9:00am  | <b>Introduction</b> from the chair  |
| 9:10    | <b>Impact of parallel import regime on software</b><br>Derek Neve, partner in the Intellectual Property Group, <a href="#">Baker and McKenzie</a><br>Challenges and opportunities thrown up by the new parallel import regime for software and other digital assets, by the author of a recent analysis of the topic.                                 |
| 9:55    | <b>Copyright in databases after <i>Telstra v DTMS</i> in High Court</b><br>Libby Baulch, chief executive, <a href="#">Australian Copyright Council</a><br>The recent <i>Telstra v DTMS</i> case has implications for copyright over content in digital databases, with potential to affect a wide range of participants in e-commerce and e-business. |
| 10:40   | <b>Morning Tea</b>  |
| 11:00   | <b>Challenges of working with 'Open Source' and 'Lock In' software</b><br>Brendan Scott, director, Open Source Law <ul style="list-style-type: none"><li>• Why Open Source?</li><li>• Some examples of Open Source licences: Open Standards</li><li>• Issues with Open Source adoption</li></ul>  |
| 11:45   | Section 47B, 'normal use', <i>Sony v. Stevens</i><br>John MacPhail, senior lawyer, Intellectual Property Group, <a href="#">Baker and McKenzie</a><br>Recent cases and developments in digital copyright, including use and anti-circumvention issues.  |
| 12:30pm | <b>Close</b>  |

## Online contracts: Banking, finance and insurance

**Afternoon of Friday, 5 December 2003 — MCLE Units**

### About the conference

As e-commerce and e-business moves from the fringes into the mainstream, law and practice issues about the effectiveness of online contract formation come to the fore. This seminar is for lawyers, in-house legal counsel and senior executives responsible for advising and risk management in this area.

Over a half day it will cover a range of topical areas:

- Online contract formation in the banking area
- Online contract formation in consumer finance and insurance
- Evidentiary and digital document issues: proving the terms, dealing with changes
- Underlying fundamentals of online contract formation.

### Programme

|        |   |
|--------|---|
| 1:50pm | <b>Introduction</b> from chair, David Vaile, executive director   |
| 2:00   | <b>Online banking contracts</b><br>Prof. Alan Tyree, former Landerer Prof of Banking Law, University of Sydney<br>Underlying and practical issues with the formation of electronic banking contracts, from one of the architects of the code of practice.   |
| 2:45   | <b>Online consumer finance and insurance contracts</b><br>Chris Connolly, Director, Financial Services Consumer Policy Centre, UNSW<br>A leading consumer advocate's view of issues surrounding online creation of insurance and finance contracts.   |
| 3:30   | <b>Afternoon Tea</b>  |
| 4:00   | <b>Evidentiary issues with online contract documentation</b><br>Adrian Lawrence, senior lawyer in the IT and Communications Group, Baker and McKenzie <ul style="list-style-type: none"><li>• Digital document retention and destruction policies</li><li>• Changes to terms of online contracts</li><li>• Other evidentiary and record keeping issues</li></ul>  |
| 4:45   | <b>The legal framework for online contract formation</b><br>Eliza Mik, PhD candidate, U Sydney, software lawyer for Whitesmiths Australia and imagine international. <ul style="list-style-type: none"><li>• Who forms the contract: electronic agents and expression of intent in electronic environment,</li><li>• When is contract formed: meaning of "send" and "receive", effectiveness of electronic messages - Postal Acceptance Rule,</li><li>• Determining contents: links, frames and other technologies; general terms</li><li>• UNICTRAL <i>Model Law on Electronic Commerce, Electronic Transactions Act</i> (Australia), <i>Uniform Computer Information Transactions Act</i> (US), <i>Uniform Electronic Transactions Act</i> (US)</li></ul> |
| 5:30pm | <b>Close</b>  |