

FOREWORD

David Brennan's *Copyright Law* makes a notable contribution to the study and practice of Australian copyright law. It is a completely up-to-date monograph dedicated exclusively to this now dauntingly vast, complex yet vitally important field. As such, it will prove a welcome and invaluable addition to the resources on which practitioners, students, researchers and jurists currently rely. It is comprehensive in scope and its exposition of each constituent topic is impressively thorough.

I taught intellectual property at Melbourne Law School in the mid-1980s, not long after its introduction, in the mid-1970s, to the curricula of Australian law schools. At that time, intellectual property (save, perhaps, for patents) was not a well-established or prevalent area of legal practice. The volume of litigation was modest and reported Australian cases were relatively few. Many traditionally trained Australian lawyers were barely familiar with the emergent field.

At that time, it was considered feasible to include all the principal intellectual property topics in a single undergraduate course, although even then copyright was pre-eminent in terms of volume of material, allocated time and indeed, student interest. The pioneering Australian texts were few in number although of excellent quality. In his magisterial, comprehensive study, *The Law of Intellectual Property*, Ricketson included copyright as a component, albeit a major one. Lahore dedicated one of his early texts to copyright exclusively. The relevant legislature was, of course, derived from United Kingdom statutes and much of the important case law was the product of United Kingdom courts.

The traditional "works" afforded copyright protection pursuant to the *Copyright Act 1968* were familiar to those well-grounded in classical literature and the arts – including the letters of Charles Dickens, Prince Albert's etchings, the plots of well-known plays and musical scores.

Even then, it was clear that copyright must imminently accommodate a variety of new technologies, whether as (despite their novel nature) types of traditional works, as "subject-matter other than works", or otherwise. Nevertheless, no specialised technical learning was then a threshold for accessing or mastering copyright law.

The intervening decades have witnessed transformative growth in Australian copyright legislation, research, policy development, legal practice, litigation and case law. These developments were fuelled significantly, if not exclusively, by waves of technological innovations central to all aspects of post-modern life.

Copyright law has, by various means, including legislation and judicial construction, extended protection to many developing technologies.

The demanding and complex nature of the expanding technologies is necessarily reflected in the related legislation, and the now voluminous, often dense, case law. While a technological background is still not an absolute prerequisite, important areas of copyright law are now considerably less accessible to those who lack technical expertise.

Accordingly, the author of this work bravely undertook a herculean task. The book, in covering an immense breadth of frequently difficult subject-matter so compactly, but accurately, represents an immense achievement. It narrates Australian copyright law's story from inception to the present, with the conceptual cohesion and consistent tone of an engaged and knowledgeable author. Its orderly structure, extensive reference to significant case law and effective practical illustrations enhance its appeal.

Although the field is served by an abundance of quality case books and loose-leaf services, it has lacked a comprehensive, up-to-date monograph reflecting the development of Australian copyright law. This well-structured, clearly-written, accessibly-explained work ably fills this need.

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