BOOK REVIEWS

Computer Technology and the Law in Canada by J. Fraser Mann.

A new client has just walked into your office. He and his friend have just developed a new computer program and they are very excited about the prospects of commercializing that innovative effort. You are a general practitioner who has provided legal services for the father of one of the computer programmers in the past.

After receiving basic instructions from your clients, you go to the firm library to do some research. Typically, the library has very little material on intellectual property law and less so on the legal requirements of this particular industry. Where do you get an introductory overview of the law which might be applicable to the computer industry?

Mr. Fraser Mann has provided such a resource with this new volume. This text provides a starting reference for your review of a wide range of issues of interest to the computer industry.

Specifically, Part II, Chapters 4, 5, and 6 provide a brief introduction to certain intellectual property aspects of the protection of computer programs. In some ways this part II of the text is merely an up-date of many other references in the area, including an article by the author of the book review, 9 *Dalhousie Law Review* (1985) 555. Bill C-60 has, of course, provided that much of the discussion in Chapter 4 (approximately 60% of this part of the book) is now more historical in nature. Also missing is a discussion of the Federal Government's proposals for semi-conductor chip protection legislation (mask work legislation).

Part III deals with criminal law and problems of evidence related to the computer industry. These Chapters provide a bare introduction to the various sections of the Criminal Code of Canada. In normal circumstances, the person providing the date entry is not available at the time the document based on such data is sought to be admitted in judicial proceedings. As a result, the party seeking to admit the computer generated records must seek an exemption to the hearsay rule, usually under the Business Records Section of the appropriate Provincial or Federal Evidence Act. Mr. Mann's materials in relation to these matters of evidence provide an introduction to such issues. For a more thorough analysis, the reader may wish to review Articles by Ken Chase in the *Canadian Computer Law Reporter*.

Part IV of the text provides a discussion of freedom of information, privacy, and data protection consideration in electronic fund transfers.

Perhaps the most useful section for the practitioner will be Part V. This part of the book provides four chapters reviewing contractual issues in relation to transactions related to computer products and services. While these four chapters make up only about 120 pages of the book, they provide a reasonable introductory discussion to some of the considerations you may wish to consider with your client in reviewing these types of transactions.

Mr. Mann's book ends with Part VI being an unfortunately brief introduction to taxation aspects of computer related transactions. This will provide a good starting point for a review of the important tax aspect of

computer related transactions. Of course, counsel will wish to also review more current materials arising as a result of the several subsequent major tax reform measures and their affect on the transaction. Furthermore, counsel may wish to consider the effect of the Federal Sales Tax reform which is, understandably not analyzed in this text.

Mr. Mann has taken on the very difficult task of providing introduction to the fast moving and changing world of computer related transactions. In doing so, Mr. Mann has provided a very good beginning reference for the general practitioner who wishes to orient him or herself in this new field. What Mr. Mann's text cannot, of course, do, is to maintain contact with the rapid pace of development of the computer industry and the subsequent changes that has brought aboiut in the law relating to these transactons. For this type of more current support, counsel may wish to refer to certain excellent seminars and very thorough accompanying materials such as Legal Education Society of Alberta "Technology and the Law for General Practitioners: Featuring Computer Law", 1987; InSight Press "New Strategies for Managing, Financing and Transferring Technology", 1988; or the current issues of the *Canadian Computer Law Reporter*.

Martin P.J. Kratz
Ogilvie and Company
Edmonton, Alberta