Business Law Review Index Volume 20 January December 1999

Articles Index

AUSTRALIA

Accessing infrastructure, 290 Regulation of business transactions,

AUSTRIA

Euro and company law, 108

AUTOMBILE INDUSTRY Import restrictions lifted, 172

BELGIUM

Euro and company law, 110

BUDGET, 82

CANADA

Company law, 181

CIVIL PROCEDURE Rules, 199

COMMERCIAL LAW

Banks, sureties and solicitors, 31 Fiduciary relationships under JOA, 150 Security industry, 230

COMPANY LAW

Derivative actions, Law Comission report, 180 Developments in 1998, 55

Directors' duty,

care and skill

Law Commission report, 51, 57

Insider trading,

Malaysian law and Shari'ah law,

COMPUTERS AND INTERNET **Draft Electronic Communications**

Consultation on, 278, 282

E-commerce, 203, 282

EU Directive, 29

UK, in, 125

E-mail,

unsolicited commercial, 129

CONSUMER LAW

EC draft directive, 83 'In the course of a business', 176 Sale of Goods Act, 176 Trading Stamps Act, 174

CONTRIBUTORS

Aziz H bin A and Billah MM, 261 Billah MM see Aziz Bolle MJ and Hugen L, 110 Boundy C, 3 Bourne N, 55, 154

Brinkworth K and Spilsbury S, 255

Broadbent G, 230 Campbell K, see Morris P

Cancel C, 113

Capelli G and Ortali L, 116

Circus P, 174

Clark B, 150

Deane-Johns S, 29 Dodwell M, 199

Doherty M and Fletcher R, 259

Dunlea O, 115

Elgers R, 107, 118, 123

Fletcher R see Doherty M

Flint D, 125, 282

Giliker P, 31

Goldberg J, 210 Goldberg P, 106

Huygen L, see Bolle MJ

Jones, P, 278

Korotana, MSE, 287

Lindholm T and Westerling C, 111

McGuiness K and Rogers P, 26

Miles L, 180, 296

Morris P and Campbell K, 59

Ortali L, see Capelli G

Plummer J, 213, 285

Rajan V V, 83

Rebmann V, 114 Roach L, 51

Rogers P, see McGuiness K

Roquero C, 121 Ryder N, 206

Sargeant M, 204

Sciadone R, 133

Spilsbury S see Brinkworth K

Stephenson Harwood, see

Dodwell M

Ter KL, 176

Vinhas L, 119

Westerling C, see Lindholm T

Wright M, 215

Wynn-Evans C, 6

Zahradnik A, 108

Zumbo F, 66

COURTS see Civil Procedure; House of Lords

ELECTRONIC COMMERCE, see Computers and Internet

E-MAIL see Computers and Internet

EMPLOYMENT

National Minimum Wage Act, 3 Termination settlements, tax on, 69 TUPE,

cases 1998, 6

change of contractors, ECJ, 204 Working time regulations, 198

EURO

Company law and, 55, 107 IMF and, 28

EUROPEAN COMMUNITY

LAW see also Consumer Law Electronic commerce directive, 29

FINANCE BILL see Budget

FINANCIAL SERVICES

Electronic commerce, developments,

Financial Services Act, 206

Financial Services and Markets Bill,

26, 206

Offshore centres, 59

FINLAND

Euro and company law, 111

FRANCE

Euro and company law, 113

GERMANY

Euro and company law, 114

GUERNSEY see Offshore Finance Centres

HEALTH AND SAFETY

'Millenium bug' and, 82, 165 HOUSE OF LORDS

Repayments judgment, 210

INTELLECTUAL PROPERTY Domain names,

recent disputes, 265

trade mark protection and

Internet, 133 Changes in law,

Oman, 215

Passing off, 255

IRELAND

Euro and company law, 115

ISLE OF MAN see Offshore

Finance Centres

TTAT.Y

Euro and company law, 116 Trade mark protection on Internet,

JERSEY see Offshore Financial Centres

JOINT OPERATING **AGREEMENT**

Fiduciary relationships under, 150

LAW COMMISSION Reports, 51, 57, 312

LUXEMBOURG

Euro and company law, 111

Infobank

MALAYSIA Insider trading, 261

MILLENIUM BUG Eastern European problems, 50 Health and Safety affected, 82, 165

NETHERLANDS Euro and company law, 118

OFFSHORE FINANCE CENTRES, 59

OMAN Intellectual property law, 215

PORTUGAL Euro and company law, 119

RETAILING see Consumer Law; Trading Law

SALE OF GOODS see Consumer

SECURITY INDUSTRY White Paper, 230

SOLICITORS
Banks, sureties, and 31

SPAIN Euro and company law, 121

TAXATION, 213 Personal service companies, 285

TRADE MARKS, 106, 133

TUPE see Employment

Current Comment

ADVERTISING EU update, 86, 237

BUDGET, 36

COMPANY LAW EU update, 98, 159, 241 Fraud, juridiction, 164

COMPETITION 1998 Act, 10, 95, 293 EU update, 34, 86, 157, 238 Mergers, 294 Restrictive trade practices, 294 UK developments, 251 EC law, 295

COMPUTERS AND INTERNET Child Online Protection Act (USA), 14 Digital and electronic signatures, 72
E-commerce,
EU directive, 184, 185
UK Bill
125, 248
US regulation, 218
E-mail,
vanity, 266
'Hate' and abortion sites, 97, 220
Information technology
EU update, 242
Service providers,
liability cases, 161
Software and shrinkwrapping, 37

CONSUMER PROTECTION EU update, 87, 158, 239

COPYRIGHT see also Intellectual Property Country of litigation, 246

DISTRIBUTION EU law, 34, 36

ELECTRONIC COMMERCE AND E-MAIL see Computers and Internet

EMPLOYMENT EU update, 88, 89, 158, 240

ENVIRONMENT AND WATER EU update, 90, 159, 241

EUROPEAN MONETARY UNION, 89

FINANCIAL SERVICES EU update, 90, 158, 241

INSURANCE EU update, 98, 159, 241

INTELLECTUAL PROPERTY EU update 91, 159, 242, 265

PHARMACEUTICALS EU update, 268

PUBLIC PROCUREMENT Bid-rigging, 35 EU update, 92, 160

TAXATION EU update 92, 159, 268

Infobank

ACCOUNTANCY
Financial instruments,
IASC standard, 102
Post-balance sheet, IAS, 10, 187

BANKS European Central Bank, 45 European Investment Bank, 18

BUDGET
Deep discounted securities, 194

CIVIL JUSTICE see also COURTS Bailiffs, 301 Council website, 16 LCD consultation paper, 301

COMMERCIAL LAW Hallmarking Act, 41

COMPANY LAW Nominee directorships, 76 Rescue mechanisms, 269

COMPETITION, 16, 41, 104, 187
1998 Act, 16, 297
Competition Commission, 166, 226, 269
Mergers, etc, 20, 80, 188
MMC Reports, 139, 187
Takeovers
company's own shares and, 302
Transparency, 226
Underwriting, 139
White Paper, 140

COMPUTERS AND INTERNET see also Telecommunication
Business site, 78
Computers in Scottish courts
Design images on, 169
E-mail, junk, 191
Free forms service, 297
Internet Watch Foundation, 78
Patent Office on Internet, 44, 145
Patenting computer programs, 146
Trade Marks Register, 44

CONSTRUCTION INDUSTRY see also TAXATION Building regulations, 103, 139

CONSUMER CREDIT, 141

CONSUMER PROTECTION
Appliances, 17
Car dealers, 270
EU, in, 17
Directive, 189
Flame retardants, 103
Holidays, 16
Money advice, 76
Price indications, 77
Unfair contracts, 270
White Paper, 142

CONTRACTS ICE Conditions, 271 Unfair, 270

Cases

COURTS
Annual report of judicial
appointments, 300
Civil,
appeals, new rules, 275
enforcement, 193
fees, 146
Mercantile, new, 17

Patent agents in High Court, 192 Scotland,

computers in, 193

CUSTOMS & EXCISE Offshore bookies, 297

DATA PROTECTION Compliance audit manual, 188

DEFAMATION Statutory privilege, 142

EMPLOYMENT EU directives, 17, 195 Public Interest Disclosure Act, 143

ENVIRONMENT 17, 42, see also
Pollution
Aggregates quarrying, taxation, 143
Countyside Agency, 17
Prosecutor, 189
Waste
regulation, 166
sewage sumping, 42
site inspection, 166

EURO, 18, 21, 144, 190 see also Taxation

EUROPEAN UNION Better regulation in, 298

FINANCIAL SERVICES EU, in, 190

FRAUD EC investigation, 144

HEALTH AND SAFETY, 19, 42, 168
Disabled people and, 298
Fines, 19
Gas, 20, 42
Management, 168
New poster, 299
Packaging accidents, 145
Vibration white finger, 226
Work equipment, 43, 168

INSOLVENCY, 78 Register, 139

INTELLECTUAL PROPERTY, 44 Copyright task force, 190 DTI guide for inventors, 299 Patent agents in High Court, 192 Patenting computer programs, 146 IMF European Central Bank and, 45 Quotas, 77

Standards and codes, 272 Website, 45

LEGAL SERVICES Costs, 191

LOCAL GOVERNMENT, 45 Building control charging, 45 Enforcement officers, 192 Planning, 46 Reforms, 146

MEDIA see Telecommunications

OECD Bribery Convention, 45

PATENTS see Intellectual Property

PERSONAL INJURY Lawyers' code, 301

PHARMACEUTICALS Markets in EU, 19

PLANNING see Local Government

POLLUTION see also ENVIRONMENT Commercial vehicles, 42 Milford Haven oil spill, 189 Sewage dumping, 42 Water, control, 167

SMEs, 195, 274

STOCK EXCHANGE Underwriting practice, 139

STATE AID, 19

TAXATION Advance pricing agreements, 46 Construction industry, 227 Corporation tax, 47, 147, 169, 227, 228, 274 Customs tariffs, 195 Double taxation agreements, 20, 47, 171, 227 Employers' Guide, 228 European single currency and, 47 Friendly societies, 274 ISAs, 79 Inland Revenue, making law clearer, 194 officers' powers, 303 Life insurance companies, 148 Partnership profits, 21 Personal service companies, 275

Quarrying aggregates, 143 Savings and investment income, 304 Self-assessment, 80

companies, for, 304 Stamp duty, 148, 275, 276 VAT

company cars, 22, 271 construction businesses, 196 finance centre outsourcing, 196 single European Authorisation Project, 148

TELECOMMUNICATIONS, MEDIA AND IT Direct marketing regulations, 171 EC reforms, 145

TRADING LAW Investment agreement fails, 195 Tariff liberalisation, 195

VAT see TAXATION

Cases

Abrahamson and Anderson v Fogelquist (ECJ), 158 Amadeus Marketing SA and Amadesu Marketing Italia srl v Logica srl (Italy), 134 Avery Dennison v Sumpton (USA), 266 Bacchiochi v Academic Agency Limited, 211 Barrett v Catacombs Press, Darlene Sherrell and ors (USA), 163 Baxendale & Meade v BLF, 6 Beta Computers (Europe) Ltd v Adobe Systems (Europe) Ltd, Birkett v Acorn Business Machines Ltd, 259 BMW v Ronald Karel Decnik (ECI),159

(ECJ),159
Brookes & ors v Borough Care
Services & CLS Care Services
Ltd, 9

Brower et al, Levy et al, v Gateway 2000 Inc et al (USA), 39

BS Leves v TH Jennings (Harlow Pools) Ltd (ECJ), 88

Centros Ltd v Erhvers og Selskabs Styrelson (ECJ), 159

Cimentieries CNB v European Commission (CFI), 34

Coffexip SA v Stolt Comex Seaway
MS Ltd and ors, 246

Continuum (Europe) Ltd v HM Customs & Excise, 196

Cornwall County Care Ltd v Brightman, 6

Credit Suisse First Boston (Europe)
Ltd v Padiachy, 7

Crehan v Courage Ltd and ors, 251, 295

Cybersell (Arizona) v Cybersell (Florida) (USA), 219

Books and Publications

Demon Internet Ltd v Godfrey, 161, 223

ECM (Vehicle Delivery Service) v Cox, 7, 205

ECO Swiss China Time Ltd v Benetton (ECJ), 34, 252

European Night Services Ltd & ors v European Commission (CFI), 34

Expandable Grafts Partnership v Boston Scientific BV (Netherlands), 93

FC Terhoeve v Inspecteur van de Belastingdienst Particulieren (ECJ), 88

Fletcher & anor v RAC, 164
Foro Italiano srl v Tiziano Solignani
(Italy), 133

Fort Dodge Animal Health Ltd v Azko Nobel NV (Netherlands), 93

Francisco Hernandez Vidal *v*Prudencia Gomez Perez (ECJ),
88, 204

Francisco Sanchez Higalgo v Associacion de Servicios Aser (ECJ), 88, 204

Gary Scott International v Baroudi (USA), 219

GC Allen & ors v Amalgamated
Construction Lltd (ECJ), 240

Gibson v Ciro Citterio (Menswear)
Plc, 8

Hasbro Inc v Clue Computing Inc (USA), 267

Hermes Iinternational v FHT Marketing Choice BV (ECJ), 94 Hill v Gateway 2000 (USA), 39

Hotmail Corp v Van Money Pie Inc (USA), 39

Hyde Park Residence Ltd v Yelland and ors, 245

ICI v Colmer (ECJ), 147

Interstellar Starship Services Ltd v Epix Incorporated (USA), 265

Kleinwort Benson v Lincoln City Council and ors, 210

Langnese ICOL GmbH v European Commission (ECJ), 34

Logica srl v Amadeus Marketing SA and Amadeus Marketing Italia srl (Italy), 134

Lunney v Prodigy Services Company (USA), 162, 223 Matthew Gloag & Sons Ltd and anor v Welsh Distillers Ltd and ors, 256

Matra Communications v Home Office, 160, 223

Mehdi Norowzian v Arks Ltd, Guiness Brewing Ltd, Guiness plc, 94

Michael Doherty v Registry of Motor Vehicles (USA), 127

Microsoft Corp v Plato Technology Ltd, 246

Morris v John Grose Group Ltd, 8 Newspaper Licensing Agency v Marks & Spencer, 245

Nurdin & Peacock plc v DB Ramsden & Co Ltd, 211

'Nuremberg Files' (USA), 221 Palmaz Julio Cesar v Boston

Scientific BV (Netherlands), 93 Panavision International v Toeppen

(USA), 133 Pearce v Ove Arup Partnership Ltd, 246

Philips Electronics BV v Remington Consumer Products Ltd, 247

Planned Parenthood Federation of America Inc v Bucci (USA), 97, 221

Premier League Case, 294
ProCD v Zeidenberg (USA), 38
Proctor & Gamble v Office for
Harmonisation in the Internal
Market (ECJ), 242

Pro Sieben Media AV v Carlton Television Ltd, 245

R v F Howe & Son (Engineers) Ltd, 19

R v Secretary of State for Trade and Industry ex p Thomson Holidays Ltd, 242

Royal Bank of Scotland v Etridge, 31

Rubbercraft Corp of California v Rubbercraft Inc (USA), 219

Sebago and SA Ancienne Maison Dubois v SA G-B Unie (ECJ), 91, 160 242

Sege srl v Starnet srl (Italy), 134 Stevenson and anor v Rogers, 176

TC Harrison Ltd, Allied Domecq plc and Royscott Leasing Ltd/ Royscott Industrial Leasing Ltd (ECJ), 271 UnieWarner v Adnet Ltd, 8
Walford v Miles, 287
Wilson v St Helens's Borough
Council, 6
Zino Davidoff v A & G Imports Ltd
(ECJ), 242, 243

Books and **Publications**

Advertising Law and Regulation (1998) Crown, 236

Blackstone's Guide to the Competition Act 1998, Singleton, 156

Business Judgment Rule, Block et al,

Commercial Regulation and Judicial Review, Black et al, 65

Competition Act 1998: A Practical Guide, Frazer & Hornsby, 156

Competition Act 1998 Explained, Pickersgill, 156

Competition Law of the UK and EC, Furse, 236

Contract and Control in the Entertainment Industry Greenfield and Osborn, 65

Corporate Finance Companion, Currie et al, 99

Countertrade and Offset A Guide for Exporters, 48

EC Antitrust Procedure, Kerse, 156 EC Competition Handbook, Jones et al, 156

Guide for the Expert Witness, 101 Guide to the Competition Act 1998, Whish and Freeman, 156,

Principles of Company Law, Bourne, 296

The European Handbook on Advertising Law, Campbell of Alloway and Zahd Yaqub, 260

Trawling for Minnows - EC

Competition Policy, Neven et al,
64

UK and the WTO - Introduction to the Next Round, 175