The Reading List
Book reviews for Society members, by Society members

Marketing and the Law

Brendan Sweeney, Mark Bender, Nadine Courmadia
5TH EDITION
LEXISNEXIS
RRP $119

LexisNexis' 5th and latest edition of Marketing and the Law proves a useful and informative tool for commercial lawyers. Before the writer had a chance to finalise this book review, the book had already been circulated throughout our office for use on a range of matters. The popularity of the book in our office stems from its comprehensive coverage of all areas relevant to marketing and the law relevant to commercial lawyers.

The book covers key intellectual property topics including protecting ideas, commercial secrets and of course trademarks. It examines product packaging and labelling and arguably the more technical subjects of mergers and collusive conduct. There is the usual analysis of case law (old and new) which, as we now expect, is in a short and easy to read format.

This edition covers recent cases including many from the ACCC. In our office we have found these references to be a useful starting point when researching and considering various commercial law issues. The recent case law cited in the trade mark chapter, including the Superman case, has also proven to be a good reference point.

The topics covered in this book cross over into other areas of law besides marketing related topics. One interesting example is how the law on trade secrets can protect customer lists with the help of the employee restraint clauses — an issue relevant to most businesses including, dare I say it, readers of this review!

I was, however, surprised to see that little was included on social media and the law. As we all know, social media is increasingly used as a marketing tool by many businesses. Rightly or wrongly, the authors of the book predict that copyright will be the issue most likely to arise in the context of marketing. I suggest that there are a whole range of legal issues waiting to be tested in this area and consequently I suspect by the next edition there will be more coverage and analysis on social media and the law.

The book achieves its objective to provide an overview of compliance issues for lawyers and I suggest it is also a useful tool for businesses and marketing professionals in their day to day operations.

Claire Carton
GRiffin Legal

The Trial
Principles, Process and Evidence

Jill Hunter, Terese Henning
FEDERATION PRESS
RRP $125

This is an engaging text book that ably delivers all that is expected from the title. It is difficult to make text books engaging and entertaining, but this is certainly one area of law where that is possible, and this book does not fail to be enjoyable.

I was slightly disappointed that the focus of so many cases incorporated into the text is predominantly criminal, albeit with mention of some civil matters. It may be that future editions will incorporate revisions aimed more at including civil litigation matters.

That said, the text is one which can easily be used by any practitioner who has a trial — be it a criminal or civil matter. This text manages to find the balance between being comprehensive and authoritative as it explores the principles and processes associated with trials, without overwhelming the reader, to the point of being redundant.