# Table of Contents

About Westlaw ................................................................................................................................. 4  
About This Guide .............................................................................................................................. 4  
Customer Support .......................................................................................................................... 4  

Logging into Westlaw ...................................................................................................................... 5  
Internet Protocol (IP) Access .......................................................................................................... 5  
Password Access ............................................................................................................................. 5  

Quick-Search – The One Page Search Guide ..................................................................................... 6  

Types of Information Available on Westlaw .................................................................................... 7  
Types of Content Available Under Academic Subscription .......................................................... 7  
Jurisdictions with Extensive Westlaw Coverage .............................................................................. 7  
Content on Westlaw Not Accessible under Academic Subscription ............................................. 7  

Interface and Custom Tabs .............................................................................................................. 8  

Databases ......................................................................................................................................... 9  
Finding a Database .......................................................................................................................... 9  
Determining the Contents of a Database - Scope .......................................................................... 10  

Searching Databases for Documents ............................................................................................... 11  
Terms and Connectors .................................................................................................................... 12  
Terms and Connectors Search Reference Table ............................................................................ 13  
Browsing your Search Results ......................................................................................................... 15  
Refining your Query - Searching within Search Results ................................................................. 16  
Restricting your Search by Field ..................................................................................................... 17  

Site Map ......................................................................................................................................... 19  

Alternative Routes to Finding Documents .................................................................................... 20  
Find by Citation................................................................................................................................. 20  
Table of Contents ............................................................................................................................ 21  

Extra Tools for Searching EU Materials .......................................................................................... 22  

Extra Tools for Researching United States Materials .................................................................... 23  
West Key Numbers ......................................................................................................................... 23  
US Cases – West Key Digest and the Custom Digest ................................................................... 23  
US Cases – Using Key Number Search to search the Key Digest .................................................. 24  
US Cases – Using KeySearch to Retrieve Cases ......................................................................... 25  
Searching US Statutes .................................................................................................................... 26  

Analysing your Result Documents .................................................................................................. 27  
KeyCite ............................................................................................................................................ 27  
KeyCite Symbol Guide ..................................................................................................................... 28  
Analysing UK Cases and Legislation .............................................................................................. 29  
Analysis/Locator ............................................................................................................................ 30  

Print/Download/E-mail .................................................................................................................... 31  

News .............................................................................................................................................. 32  
Databases ....................................................................................................................................... 32  
Natural Language Searching ......................................................................................................... 33  
Terms & Connectors ....................................................................................................................... 34  
Using Fields ................................................................................................................................... 35  

Appendix – Research Strategies – where/how to search for: ................................................................. 36  
A Document by its Citation ............................................................................................................... 36  
Find Analysis of a Case or Legislation ............................................................................................ 36  
Recent developments in the law ...................................................................................................... 36  
Search for journal articles by author or title .................................................................................. 36  
Checking whether a patent, legislative provision or case is still good law .................................... 36  
Find Treaties or International Agreements ..................................................................................... 37  
Researching an unfamiliar area of law ............................................................................................ 37  
Looking for cases about a particular fact situation ........................................................................ 37  
Recent Additions to a Database ....................................................................................................... 37  
Retrieving Case Law ....................................................................................................................... 38  
Statutes .......................................................................................................................................... 39  
US Uniform Laws, Model Laws & Restatements of the Law .......................................................... 41  


About Westlaw

Westlaw International combines a world of legal information with the convenience of the World Wide Web to enable you to efficiently search and retrieve results tailored to your specific professional needs. Westlaw International offers the following benefits to legal researchers:

- Current, accurate, reliable content, editorially enhanced for easy retrieval of documents
- A predictable, subscription-based service with access to selected case law, legislation, journals and treatises
- Reviews and legal directories organized in topical and regional libraries
- A user-friendly interface based on familiar Web technology

Access for law firms or corporate customers is generally by password; Academic institutions sometimes have a secure link via their intranet to allow users access without using passwords.

About This Guide

The graphics and step-by-step instructions in this guide are based on accessing Westlaw International via the Internet. Because of the evolving nature of Internet technology, recent changes to the Westlaw International interface and functionality may not be reflected in this guide. Other Westlaw International guides on various aspects of Westlaw research are available at: www.support.westlawinternational.com

Customer Support

If you have questions about account, billing or subscription issues visit www.WestlawInternational.com to find the contact details of your local account management team.

If you would like technical support, or if you need research assistance from the Westlaw International team of reference attorneys, call one of the numbers listed below or e-mail: west.referenceattorneys@thomson.com.

Country Access Code Toll-Free Number

<table>
<thead>
<tr>
<th>Country</th>
<th>Access Code</th>
<th>Toll-Free Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>011 4378-4765</td>
<td>1-800-80-4982</td>
</tr>
<tr>
<td>Australia</td>
<td>0011 1800 733 2889</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Bahamas</td>
<td>1-800-9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Belgium</td>
<td>0 800 9751</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Brazil</td>
<td>000814-550-4199</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Canada</td>
<td>800 937 8529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Chile</td>
<td>1230 020 2620</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>China</td>
<td>10 800 120 0157</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Denmark</td>
<td>00 800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Finland</td>
<td>800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>France</td>
<td>00 800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Germany</td>
<td>00 800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Greece</td>
<td>00800 12 5188</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>001 800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Ireland</td>
<td>800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>India</td>
<td>+1 800 937 8529*</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Israel</td>
<td>800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Italy</td>
<td>800 874-052</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Japan</td>
<td>0041/0061/001 800 09378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Malaysia</td>
<td>1-800-80-4982</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Mexico</td>
<td>001 800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Netherlands</td>
<td>0 800 0220347</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>New Zealand</td>
<td>0800 493 785</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Norway</td>
<td>0 800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Poland</td>
<td>800 0937 8529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Russia</td>
<td>8 1080028243011</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Singapore</td>
<td>001 800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>South Africa</td>
<td>080-09-93397</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>South Korea</td>
<td>800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Spain</td>
<td>800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Sweden</td>
<td>800 9378529</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Taiwan</td>
<td>0080-13-717</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Thailand</td>
<td>001 800120664263</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>UK</td>
<td>00 800 0028 2200</td>
<td>1-800 9378529</td>
</tr>
<tr>
<td>Uruguay</td>
<td>000 413 598 2800</td>
<td>1-800 9378529</td>
</tr>
</tbody>
</table>

* indicates line not toll free: IDD rates apply
Logging into Westlaw

Westlaw is a legal research system accessible via the Internet. Access is restricted to users within a subscribing institution or firm. Subscribers are usually universities, law firms, corporations, research houses, judicial, regulatory or government entities.

Internet Protocol (IP) Access

Academic institutions generally provide access to their students via a secure link within their own intranet or computer network. Westlaw recognises the network from which the computer request originates as that of a subscriber customer and allows access.

The academic institution's library or IT department will direct users to a link they can click on to get access to Westlaw.

Users should be aware that there is a maximum number of simultaneous users – if the maximum number of students are logged on simultaneously the system will not allow subsequent users to log in until the current users finish their sessions.

You should therefore log out when you complete your research. [For this reason the system will automatically log out if the user is inactive for 10 minutes.]

Password Access

Some users, usually professors or librarians within universities, will have their own individual passwords so they can access directly on the world wide web, independent of the university intranet or IT network, via: www.WestlawInternational.com

To access Westlaw you are required to enter your Westlaw Password and a Client ID. The Client ID can be any combination of numbers or characters - you may find it useful to identify the topic of your research in the Client ID box so you may more easily return to your Research Trail history. [The Client ID box is used by lawyers in law firms to allocate their research to a particular client file for client billing purposes.]

Users with their own passwords may like to consult the sections on Customising Passwords, Alerts and WestClip at: http://support.westlawinternational.com
Quick-search – The One Page Search Guide

Fundamentally, searching on Westlaw is a three-step process:
1. Choose a database
2. Type a query
3. Click the Search button and wait for the search result

The following would comprise basic instructions for the quickest and simplest searches using the default Quick-Search Tab style home pages:

1. Log in to Westlaw
2. Select the most appropriate Tab from those available at the top of screen (Additional Tabs can be accessed via the Site Map button at top of screen, see page 19)
3. Click Natural Language (above the search box)
4. Select the most appropriate database(s)
5. Type your search query in plain English
6. Click Search to run the search

In practice, there are many additional search options. There are several alternative methods for choosing a database, two distinct primary methods of typing a query, several different options in downloading, e-mailing or printing results along with many useful tools to assist these processes.

The subsequent pages outline some more sophisticated tools and the background information that would assist beginner Westlaw users to become “power users”.
Types of Information Available on Westlaw

Westlaw comprises a collection of over 32,000 different databases, ranging from legislation to court case reports, legal journals to US public records and company share values to international news and business publications. Most users only need a fraction of all this content. Academic users, whose research needs are comparatively wide, have access to a huge section of Westlaw, including almost all of Westlaw’s legal content.

Types of Content Available Under Westlaw International Academic Subscription

- Legislation
- Cases, law reports/judgments/briefs
- Law reviews and journals
- Text books/commentaries/treatises and practice guides
- US Patent Information
- Forms/Precedents/Sample Agreements
- News Information [access may not be available to all users depending on licencing restrictions]

Jurisdictions with Detailed Westlaw Coverage

Westlaw has legislation, case law, journals and textbooks from the following jurisdictions:

- United States
- United Kingdom
- European Union
- Hong Kong
- Australia
- Canada

Content on Westlaw Not Accessible under Academic Subscription

Certain material on Westlaw is not accessible under the Westlaw Academic Subscription, usually because of licensing restrictions from the original publishers of this material. This is mostly limited to non-legal data and may include newspapers and magazines, company data, and US public records. You will see still this material listed in the Westlaw Directory (which lists all material available on Westlaw) but attempts to view such material will be met with the following message:

“Your request to access DATABASE cannot be processed because use of this database is not authorized under your subscription agreement.”
Interface and Custom Tabs

Westlaw’s interface or look is capable of appearing differently depending on the Tab settings. Tabs provide alternative themed starting points for research.

There are three main layout styles for the tabs you may encounter:

**Quick Search Tab**
(e.g. World Journals Tab)

**Directory Style Tab**
(e.g. Westlaw International Tab)

**Template Style Tab**
(e.g. European Union tab)

Access alternative Tabs via the Site Map link at top of the screen.

Accessing Additional Tabs/Research Start Pages

Additional Tabs can be accessed via the Site Map (at the top of the screen) under the heading Browse Westlaw International/ Tabs(Research Start Pages). Choose from over 50 additional jurisdiction or legal topic based Tabs.
Databases

There are over 32,000 databases on Westlaw. The majority are accessible to users with the Academic Subscription. There are several alternative routes and tools to assist in finding the ideal database.

A database is a thematic collection of documents. An example would be the Harvard Law Review database containing the articles featured in that publication. Databases are sometimes referred to by abbreviations or codes known as Database Identifiers: e.g. the Westlaw database identifier for Harvard Law Review is: HVLR.

Like HVLR, many databases relate directly to physical journals or books. Other databases comprise material that only exists in electronic form, or are collections of materials from books or cases in a specific area, e.g. Insurance Cases. Multi-bases are databases that are made up of collections of smaller databases. For example World Journals is a multi-base comprising over 800 journals from around the world (so it includes the Harvard Law Review database). Searching a multi-base is very effective in allowing the researcher to check many databases simultaneously. Multi-bases frequently have the prefix ALL, e.g. All Federal Cases [identifier ALL-FEDS].

Finding a Database

With thousands of databases on Westlaw to choose from, finding the right one can be crucial. There are several different tools to assist you:

Via a Customised Interface (Tab)

The Tabs located along the top of the screen provide a short cut to various screens containing thematic collections of databases. Users with their own passwords can choose from over 50 different Tabs via the Add/Remove Tabs button at the top of the screen. Users on IP Authentication can access alternative Tabs via the Site Map (see page 19).

Directory Browsing

The Westlaw Directory provides a hierarchical file structure to locate all the databases available on Westlaw. The button to access the Directory (circled on right) is always accessible at the top of the screen regardless which Tab you select.

Directory Search

From the Directory Page you can also run a Natural Language search within the Directory for the type of database you need e.g. Intellectual Property Treaties or Harvard Law Review. Alternatively type IDEN into the “Search These Databases” box to do a more advanced Terms and Connectors search of the Westlaw Directory.

Via a Database Identifier Code

If you know the database identifier code you can enter it in the Search these Databases box e.g. UK-ALL-RPTS is the database identifier for the UK law reports multi-base, which contains all the UK case law on Westlaw.
Determining the Contents of a Database - Scope

A feature called Scope allows you to get further information on a database. Scope for a multi-base will list the databases that make up the multi-base. Scope on a single database usually provides information about the source publisher, the frequency that the database is updated, the start date of the database and tips to assist searching.

To access Scope look for the Scope icon next to the database name or identifier and click it to reveal the scope screen:

Scope Screen for UK-RPTS-ALL database (combined UK law reports multi-base)

Scope Screen for the HVLR database (Harvard Law Review)
Searching Databases for Documents

Once you have found a database to search, the next task is to type in your query. Westlaw International provides two search methods, Natural Language and Terms and Connectors, so you can search the way that is most effective for you. The currently selected search method is displayed in black type. To select a different method, click the appropriate blue link:

<table>
<thead>
<tr>
<th>Use Natural Language when you are:</th>
<th>Use Terms and Connectors when you are:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• searching for broad concepts</td>
<td>• searching for particular terms</td>
</tr>
<tr>
<td>• searching databases containing large numbers of documents and you want to retrieve a small number of documents</td>
<td>• searching for a particular document</td>
</tr>
<tr>
<td>• a new or infrequent Westlaw user or you are unfamiliar with Terms and Connectors searching</td>
<td>• searching for all documents containing specific information, such as all opinions written by a particular judge or cases involving a particular company</td>
</tr>
<tr>
<td>• not retrieving the information you are looking for by using a Terms and Connectors search</td>
<td>• searching a database for which Natural Language searching is not available</td>
</tr>
</tbody>
</table>

Natural Language Searching

1. Type the terms that you want the result document to feature. Westlaw’s Natural Language search engine will interpret your query and try to bring you the most relevant documents.
2. Select the database(s) you wish to search.
3. Click “GO”.

Additional Tools

Date Restriction

You can impose a date restriction to retrieve only recent documents using the button beneath the search box.

Control Concepts

Use Control Concepts to override Natural Language’s fuzzy searching and mandate that certain terms are “required” and must appear.

Characteristics of Natural Language Searching

• Fast, easy and often effective
• Forgiving – searches alternative word endings, if it can’t find exact matches for your terms it gives you something close
• Results limited to 100 hits ordered by relevance
• Designed to be flexible in the interpretation of what you type rather than exact
Terms and Connectors

Terms & Connectors is the more exact search mode, utilising what are known as Boolean logical operators to connect your search terms. For example you can specify that your search terms appear in the same sentence, (s) or same paragraph (p) as each other. Skilful use of Terms & Connectors will allow you to create very precise search queries.

Basic Search Formatting

1. Type a query of required terms that you want the result document to feature. Consider including alternative terms.
2. Connect the terms. Westlaw’s Connectors and Expanders (see page 13 for further details) are listed on screen below the search box.
3. Select the database(s) you wish to search.
4. Click “GO”

Searching from the Quick Search Tab

You can search up to 10 databases simultaneously using the basic search box provided on the Quick Search Tabs (pictured on page 8). The list of Connectors and Expanders is available below the search box. However, users may find the Standard Search Screen (see below) useful as it permanently displays the full list of available Fields (for more information on refining your searches using Fields see page 17).

Searching from the Standard Search Screen

The more focused and detailed Standard Search Screen features a list of all the available Connectors and Fields as well as a tool to impose a date restriction on your search results. To access the more detailed Standard Search Screen (pictured on right) you will need to access the database via the Directory, Database Identifier Code or via the hyperlink in Scope (see page 9-10).
## Terms and Connectors Search Reference

<table>
<thead>
<tr>
<th>Connector</th>
<th>Type</th>
<th>To search for documents that contain</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AND</strong></td>
<td>&amp;</td>
<td>both terms (e.g., mortgage &amp; like-kind)</td>
</tr>
<tr>
<td><strong>OR</strong></td>
<td>[a space]</td>
<td>either term or both terms (e.g., wage salary)</td>
</tr>
<tr>
<td><strong>Grammatical Connectors</strong></td>
<td>/p</td>
<td>terms in the same paragraph (e.g., interest /p deduct!)</td>
</tr>
<tr>
<td></td>
<td>/s</td>
<td>terms in the same sentence (e.g., recaptur! /s depreciat!)</td>
</tr>
<tr>
<td></td>
<td>+s</td>
<td>terms in the same sentence as each other (where the first precedes the second, e.g., stock +s option)</td>
</tr>
<tr>
<td><strong>Numerical Connectors</strong></td>
<td>/n</td>
<td>terms within n terms of each other (where n is a number from 1 to 255, e.g., right /4 shareholder)</td>
</tr>
<tr>
<td></td>
<td>+n</td>
<td>the first term preceding the second by n terms (where n is a number from 1 to 255, e.g., forum /3 convenien!)</td>
</tr>
<tr>
<td><strong>Phrase</strong></td>
<td>&quot; &quot;</td>
<td>terms appearing exactly as in the quotation marks (e.g., “ordinary loss”)</td>
</tr>
<tr>
<td></td>
<td>+n</td>
<td>the first term preceding the second by n terms (where n is a number from 1 to 255, e.g., right /3 silen!)</td>
</tr>
<tr>
<td><strong>But Not</strong></td>
<td>%</td>
<td>Documents featuring terms specified after the % sign will be excluded</td>
</tr>
<tr>
<td><strong>Word Expander</strong></td>
<td>!</td>
<td>Use the root expander (!) at the end of a word to retrieve words with variant endings e.g. deduct! retrieves deduct, deducts, deducting, deducted, deductable</td>
</tr>
</tbody>
</table>
Searching for Abbreviations and Acronyms

It is good practice to include in your query the words or phrase from which the abbreviation is derived, e.g., “qualified domestic relations order” is an alternative search term to q.d.r.o. In addition, abbreviations may appear with or without periods and spaces. To ensure you retrieve all forms of an abbreviation ensure to include the periods:

<table>
<thead>
<tr>
<th>Type</th>
<th>To Retrieve</th>
</tr>
</thead>
<tbody>
<tr>
<td>W.T.O.</td>
<td>WTO</td>
</tr>
<tr>
<td></td>
<td>W T O</td>
</tr>
<tr>
<td></td>
<td>W.T.O.</td>
</tr>
<tr>
<td></td>
<td>W. T. O.</td>
</tr>
</tbody>
</table>

Searching for Compound Words

A compound word may appear as one word, as a hyphenated word or as two separate words. If your search term is a compound word, search for it using the hyphenated form to retrieve all variants.

<table>
<thead>
<tr>
<th>Type</th>
<th>To Retrieve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade-mark</td>
<td>Trademark</td>
</tr>
<tr>
<td></td>
<td>Trade-mark</td>
</tr>
<tr>
<td></td>
<td>Trade mark</td>
</tr>
</tbody>
</table>

Using the Universal Character

Use the universal character to represent one variable character. You can place the universal character anywhere in a term except at the beginning.

<table>
<thead>
<tr>
<th>Type</th>
<th>To Retrieve</th>
</tr>
</thead>
<tbody>
<tr>
<td>gr*w</td>
<td>grew</td>
</tr>
<tr>
<td></td>
<td>grow</td>
</tr>
</tbody>
</table>

Characteristics of Terms & Connectors Searching

- Very precise, but not as user-friendly as Natural Language – requires skill to get good results
- Comprehensive retrieval of all documents meeting your search criteria
- Results generally appear in reverse chronological order (the most recent documents first)

Troubleshooting Terms and Connectors

- Too many results? – try being more precise by adding additional search terms
- Too many results? – remember to use connectors. A space between two words is interpreted as OR. To get both words to appear you must at least use the AND connector
- Too many irrelevant results? – try increasing the proximity between the terms using the /p, /s, or /n connectors
- Too few results? Be careful of the Phrase connector which searches only for exactly what you type: e.g. “George Bush” would not find George W. Bush (George +2 Bush would retrieve the US president’s name in either form).
Browsing your Search Results

Left Frame
The Left Frame contains two Tabs:

- **Related Info** – Links to analysis of citing cases, related briefs, secondary materials and KeyCite citator materials relating to the document displayed in the right frame.

- **Result List** – gives the list of documents fulfilling your search query.

Navigating Search Results
Click the links in the Results List to move between different Result documents. The navigation buttons at the bottom of the result screen also allow you to move efficiently through search results.

- **The Term Button** – links to each occurrence of your search term.

- **The Doc button** – allows you to move to the preceding or subsequent document in the result list.

- **The Best Button** – only appears in Natural Language searching and takes you to the section of the documents with the best concentration of your search terms (highlighted in red).

Document Result Order

- **Terms & Connectors** – Result lists are displayed with the most recent document first and will have an exact number of hits.

- **Natural Language** – Result lists always display the 100 most relevant in order of relevance (as determined by the search engine).
Refining your Query - Searching within Search Results

Edit Search
If you find your search did not retrieve documents you require or you wish to add extra terms in the light of your results you can use the Edit Search button to go back and refine your search.

Locate within Results
A useful alternative if you have too many documents within your result list and want to refine the search results retrieved and to search within them for particular terms is to use the Locate feature. Clicking the Locate in Result link will bring you to a new search box featuring a handy list of applicable Terms and Connectors and Fields (see page 17 above) to assist you in formatting your Locate query.

Locate Search Terms

**Selected Databases**

| World Journals and Law Reviews |

| Terms and Connectors |

- **Search:** ["\"DOMAIN NAME\" | S INFRINGEMENT] HIJACK

- **Locate:** ["\"DOMAIN NAME\" | S INFRINGEMENT] HIJACK

- **Term Frequency:**

- **Recent Searches & Locates:**

- **Dates:** Unrestricted

- **Fields:**

  - **Select an Option:**

**Add Connectors or Expanders**

- **AND:** In same sentence
- **OR:** Proceeding within sentence
- **** Phrase: In same paragraph
- **%** But not: Within a term of
- **|** Root expander: Proceeding within in terms of
- **#** Universal character

**12 TIPPL 361**

Texas Intellectual Property Law Journal

*RECENT DEVELOPMENTS IN TRADMARK LAW: REVERSE DOMAIN NAME HJACKING, MUTANT COPYRIGHTS, AND OTHER MIRACULOUS CREATURES OF THE TRADEMARK WORLD*

William G. Barber (FIN 1)

Copyright © 2004 State Bar of Texas, Intellectual Property Section; William G. Barber

Table of Contents

Introduction .................................................. 346

- Ripracy Control .................................... 346

- Domain Name Abuse Protection Act ............................ 346

- The Law of Intellectual Property .......................... 346

- The Law of Trademark .................. 346

- The Law of Copyrights .......................... 346

- The Law of Patent ....................... 346

- The Law of the Internet .......................... 346

- The Law of the Computer .................... 346

- The Law of the Internet of Things ................ 346

- The Law of the Mobile Phone .................. 346

- The Law of the Wireless Technology .......... 346

12 Tex. Intell. Prop. L. 361

Texas Intellectual Property Law Journal

Winter 2004 (approx. 32 pages)

Recent Developments

*362. RECENT DEVELOPMENTS IN TRADEMARK LAW: REVERSE DOMAIN NAME HJACKING, MUTANT COPYRIGHTS, AND OTHER MIRACULOUS CREATURES OF THE TRADEMARK WORLD*

William G. Barber (FIN 1)

The articles retrieved from the Locate search all have the search terms in the title.
Restricting your Search by Field

Almost all documents on Westlaw are composed of several parts called Fields.

In a case law document (judgment) for example, the names of the parties, the name of the judge, and the names of the attorneys are each considered a separate field, as well as editorial enhancements such as the synopsis, topic, headnote, and digest fields (see the illustration below).

Rather than searching entire documents, you can restrict your search to one or more Fields. Doing so saves searching and browsing time and makes your search more efficient.

For example, in the US All Federal Cases database, to retrieve patent cases relating to e-mail systems, you could restrict your search to the topic (to), synopsis (sy) and digest (di) Fields by typing `sy,di(enabling-loan /s exception) & to(patent)`. Using these Fields ensures that these terms will be relevant to the legal issues or facts of the retrieved case.

Some commonly used Field Restrictions:

When searching case law (judgments) the Field abbreviation Ti always stands for Title (ie Party Names).
Use an AND connector to search for more than one party name.

When searching law journals and bar reviews the Ti (title), AU (author) and SO (Source or publisher) may be helpful.
Identifying Available Fields

You can find out the applicable Field Restrictors for any given database by visiting that database’s Scope (see Finding a Database, page 9), Search Box or Locate Box (the Fields are not visible from a Quick Search Tab).

Using the Fields menu on the database’s Search or Locate Screens, you can select the field abbreviation from the drop down menu to add the Field abbreviation to the text box. Then type the terms you want within the parentheses.

The Federal Cases database pictured on the right features a huge variety of available Field restrictors.

If you are unsure as to which parts of the document are contained in a particular Field Restrictor you can use the “Limit Display by Fields” feature to cause the document to display only selected Fields.

The “Limit Display By Fields” feature can be found within your result screen at the bottom right under the tools Heading.

Above - the Fields Menu can be accessed by clicking on the Drop Down menu.

Double-click the required Field from the menu to add it to the search query and then type the desired terms within the parentheses

Left - access the “Limit Display by Fields” function via the Tools menu at the bottom right of the screen.

Use “Limit Display by Fields” to isolate specific Fields in the display for examination or identification.
Site Map

The Site Map is the fastest way to access some of the tools and resources that can really enhance the efficiency of your search. From the Site Map you can access tools such as Find a Database Wizard, Key Search, Table of Contents and Key Number Digest (Custom Digest).

Link to the Site Map via the button located in the Top Frame of the screen

Above, the Site Map screen is the central resource for Navigating to Westlaw Tools and Special Features

Highlights

KeySearch - use this tool to provide assistance in shortcutting US caselaw research. (Powered by the Key Number Digest.)

Tabs (Research Start Pages) - use this tool to access over 50 start pages containing themed collections of databases from particular legal or national themes

Key Number Digest - United States topical index to cases

Table of Contents - browse legislation and treatises/commentaries

Alert Centre - Manage all your WestClip, KeyCite Alert and other Alerts (note, Alerts can only be created by users with their own password)

WestClip - Use this feature to monitor developments. Creates an automatic search on any database that runs at a specified frequency and can email the search results (note, Alerts can only be created by users with their own password)

KeyCite Alert - Monitor developments relating to a specific case or legislative provision. Receive email alerts when the case is cited or an appeal is heard, when a legislative provision is amended or cited. (note, Alerts can only be created by users with their own password)
Alternative Routes to Finding Documents

Find by Citation

To retrieve a document when you know its citation use the Find function. The button to access the Find screen is located on the top bar near the centre.

Type the citation in the Enter citation text box and click GO. You do not need to include brackets or use exact spacing, capitalization or punctuation.

Publication Country

Because publications from different countries can have the same publication abbreviation, you may be required to specify the country from which you want to retrieve documents. To choose a country for your current Find request, select the country from the Publication Country drop-down list in the left frame.

Find by Party Name

To retrieve a case document when you know the names of the parties involved in the litigation [case title] click the Global Case Law Find by Title link on the Find page.

Enter the party name[s] and click GO [select the jurisdiction from the drop down box if you know it]. A list of cases featuring those party names will appear.

Note: The Find page on the Westlaw International platform is set up for searching Commonwealth & EU cases and does not allow you to access US cases by party name. Go to the appropriate US case database and search there [further details on page 38].

Conversely, the Find page on the Westlaw.com platform is set up for searching US cases and does not allow you to access Commonwealth & EU cases by party name. Go to the appropriate case database and search there [further details on page 38].
Table of Contents
The Table of Contents service allows you to view a document in the context of the sections surrounding it and to retrieve related sections.

The Table of Contents (TOC) service contains the tables of contents for legislation, treatises and commentaries from various jurisdictions. In addition the US collection features TOC on publications such as Code of Federal Regulations (CFR); USCA; Uniform Laws Annotated; state statutes, court rules and administrative materials.

Accessing TOC for a Publication
To access a table of contents, go the Site Map and click Table of Contents. Click the plus and minus symbols to browse the list of available publications. To view the table of contents for a publication in the list, e.g., United States Code Annotated, click its hypertext link.

Note: You can also access the table of contents at a database Search page by clicking Table of Contents at the top of the page.

Accessing TOC from within a Document
To access a publication’s Table of Contents while viewing a document, click Table of Contents on the Related Info/Links tab. The portion of the Table of Contents that references the document and the documents surrounding it is displayed in the right frame. Click a hypertext link to view the text of a document.

Retrieving Documents Using TOC
There are two ways to retrieve documents using the Table of Contents service. To retrieve a specific section of a document, click its hypertext link in the table of contents. The section is displayed in the Link Viewer. To retrieve more than one section or whole titles, chapters, or sub chapters, use the Table of Contents search feature by completing these steps:
1. Select the check box next to the titles, chapters, sub chapters, or sections you want to retrieve.
2. Once you have selected the check box you can click Retrieve to print all the documents covered by that check box or click Search to search for terms within selected parts of the TOC.
Extra Tools for Searching for EU Materials

The Tab available for the European Union provides a simplified search experience through the use of Template based searching, easily allowing the user to use document fields to refine his search.

Users should be aware of a characteristic of these EU templates: the templates interpret spaces as an AND connector (rather than Westlaw’s usual Terms and Connectors default of OR). Users who wish to retrieve either of several terms should manually type OR between the terms. Users can access similar Template style Tabs for UK materials via the Browse Westlaw International section in the Site Map.
Extra Tools for Researching United States Materials

The United States collection is the most comprehensive and extensive jurisdictional collection on Westlaw. Because of the potential difficulties in managing sheer volume of information Westlaw has produced several excellent tools for the US collection which can greatly simplify your research.

West Key Numbers & West Key Digest

Every legal issue in a case published by West is identified and summarized in a headnote. Each headnote is then classified under one or more topics. Each legal topic has a number known as a Key Numbers.

The Key Digest is a comprehensive and precise classification of US law with over 400 topics and thousands of subtopics. The complete topic and key number outline used by West attorney-editors to classify headnotes (the Key Digest) is available via the Key Numbers link at the top of the screen).

Cases – the Custom Digest

Use the Custom Digest to find topic and key numbers from the Key Digest related to your specific issue and to retrieve cases with headnotes classified under those topic and key numbers.

1. Choose Key Numbers and Digest from the Site Map (accessible via link at the top of the screen) to display the topic and key number outline.
2. Click the plus and minus symbols to browse the outline.
3. Select the check box next to each topic or key number you want to include in your custom digest, then click Search selected. The Custom Digest search page is displayed.
4. Select a jurisdiction and a date restriction if required, add search terms if required, or change the order in which cases in your custom digest are displayed (the default is reverse chronological order).
5. Click Search. A list of all topic and key numbers included in your custom digest is displayed in the left frame. The relevant headnotes are displayed in the right frame together with the hyperlinks to the full text of the documents.

Key Number Search

As an alternative to browsing the Key Digest you can run a search to find the appropriate Key Number. See following page for details.
Key Number Search

Key Number Search helps you quickly find an on-point Key Number so you can identify and locate cases with the same or similar legal concepts and principles. The Key Number Digest (outlined on previous page) is a comprehensive and precise classification of US law with over 400 topics and thousands of subtopics. Sometimes the huge extent of Key Number topics can make it difficult to locate the precise Key Number topic you require when you are browsing using the Westlaw Key Number Digest.

Key Number Search lets you use natural language searching to quickly retrieve relevant Key Number Topics, so there’s no need to formulate complex queries.

West Key Numbers & West Key Digest

Use the Search for Key Numbers to quickly retrieve on-point cases as follows:

1. Access the Key Numbers page - Click on the Key Numbers link at the top of the page to access the Key Numbers page.

2. Enter the search terms you require.

3. Select a Jurisdiction [optional]. If you need to select a particular US state or federal circuit click the Change Jurisdiction link to select a jurisdiction, eg All Federal Cases or Texas state (this is optional, the default setting is to search all federal & state cases)

4. Click Search to retrieve Key Number topics relating to your search terms. The list of Key Number topics containing the requested search terms appears.

5. Select the topic that relates to the type of cases you require to view the list of case digests available under that topic.

6. The list of case digests appears.

7. Click on any of the case names to view the full text of the cases.

Refine your search within this list using the Locate in Result function [see page 16].

Alternatively, you can refine your result list by clicking on a Key Number to access the Custom Digest [see page 23].
Cases – Using KeySearch to Retrieve Cases

KeySearch is a tool powered by the West Key Number System that identifies key numbers and terms related to your legal issue and runs a query created by West attorney-editors for you. KeySearch retrieves documents that contain key numbers, such as cases with West headnotes, as well as documents that don’t contain key numbers, such as law reviews and cases without West headnotes.

Selecting a Topic

Click KeySearch link from within the Site Map (accessible via link at the top of the screen) then browse the list of topics and sub-topics in the right frame by clicking the Folder icons.

When you see a topic or sub-topic related to your issue, select it by clicking the magnifying glass icon next to it.

Letting KeySearch Provide a Query for You

Once you’ve selected a topic or sub-topic to search, choose the source you want to retrieve documents from and, if desired, type additional search terms in the Add Search terms text box (above). KeySearch provides a query for you based on the topic or sub-topic and source you selected and on any search terms you entered in the Add Search terms text box.

Click Search to run the KeySearch query.
Searching US Statutes
The USCA Search Box (right) contains a number of additional tools to assist legislation research: Table of Contents, Statutes Index, Popular Name Table and 50 State Surveys. To access the USCA search box type USCA into the Search These Databases box in the Directory.

Table of Contents
Click the Table of Contents button on the Search page to browse the table of contents (see separate Table of Contents on page 21 above for further details).

Using the Statutes Index
To browse the alphabetical index for a statutes database, click Statutes Index at the top of the Search page. Then click the hypertext links and the plus and minus symbols until you see a section that interests you. To view the full text of the section, click its citation.

Using the Popular Name Table
When you know the popular name of an act, e.g. the Sarbanes Oxley Act, you can use the Popular Name Table to retrieve all statutory sections under which the act was codified. Click Popular Name Table at the top of the USCA Search page and browse the alphabetical list or use Locate to run a search.

To see all statutory sections under which the act was codified, click the act’s name (right) - each section from the original public law is listed opposite its location within the current United States Code.

To see the original Public Law in its entirety, use the Public Law citation number reference referenced in the preliminary section in the Popular Name table [eg for the Sarbanes Oxley Act in the box on the right it is PL 107-204].

Model & Uniform Laws
For tips on searching model laws see page 41.
**KeyCite**

KeyCite is a citator service operating on US, Australian, Canadian and Hong Kong materials on Westlaw. (UK and EU materials use the Locator system, below page 29).

Status flags warn you that history is available for your case or legislation and should be investigated (see page 27). KeyCite case history links are displayed in the Related Info tab in the left frame for all cases.

You can also access KeyCite directly from the Link at the top of the screen. Simply enter the citation and view the case or legislation’s direct history and citing references.

In addition red and yellow warning flags warn you when the case has negative history.

Clicking on the Yellow flag (in the case above) takes you to the KeyCite report detailing the negative history relating to this case (pictured on the right). Negative history may indicate weaknesses in the precedential authority of the case.

Westlaw’s Graphical KeyCite feature for US cases (pictured below right) displays a diagram which neatly shows the case’s progress through the court system.
KeyCite Symbol Guide

KeyCite is the citation research service developed by West.

Red Flag

In cases and administrative decisions, a red flag warns that the case or administrative decision is no longer good law for at least one of the points of law it contains.

In statutes and regulations, a red flag warns that the statute or regulation has been amended by a recent session law or rule, repealed, superseded, or held unconstitutional or pre-empted in whole or in part.

Yellow Flag

In cases and administrative decisions, a yellow flag warns that the case or administrative decision has some negative history, but has not been reversed or overruled.

In statutes and regulations, a yellow flag warns that a statute has been renumbered or transferred by a recent session law; that an uncodified session law or pending legislation affecting the statute is available (statutes merely referenced, i.e., mentioned, are marked with a green C); that the regulation has been reinstated, corrected or confirmed; or that the statute or regulation was limited on constitutional or pre-emption grounds or its validity was otherwise called into doubt, or that a prior version of the statute or regulation received negative treatment from a court.

Blue H

In cases and administrative decisions, a blue H indicates that there is some history but it is not known to be negative history.

In patents, a blue H indicates that the patent is:

• Construed: The court determines the meaning of words or phrases in a cited patent.
• Infringed: The court rules that the cited patent is infringed by the technology at issue.
• Valid: The court upholds the validity of all or part of the cited patent.

Valid and Infringed: The court upholds the validity of all or part of the cited patent, and rules that it is infringed by the technology at issue.

Green C

A green C indicates that the case/administrative decision has citing references but no direct or negative indirect history. It also indicates that a statute/regulation has citing references, but no updating documents.

★★★★★ Depth of treatment stars indicate how extensively a cited case or administrative decision has been discussed by the citing case.
Analysing UK Cases and Legislation

The UK cases and legislation use the Locator citator system to help determine whether the case or legislation is still good law and to direct the researcher to relevant materials. The full text databases are hyperlinked to separate and parallel analytic databases containing citator and related information. Users can search either within the full text databases or search within summaries in the analytic Locator databases.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Main Primary Law Database (full text)</th>
<th>Analytic Database (summary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Law</td>
<td>All United Kingdom Reports (UK-RPTS-ALL)</td>
<td>UK Case Law Locator (UK-CASELOC)</td>
</tr>
<tr>
<td>Legislation</td>
<td>United Kingdom Statutes (UK-ST)</td>
<td>UK Legislative Locator (UK-LEGISLOC)</td>
</tr>
</tbody>
</table>

The full range of KeyCite symbols are not featured in UK materials, however the analysis is very comprehensive; cases that have been overruled or overturned are marked with a Red Flag and the Locator/Analysis documents give details of direct or indirect negative history from subsequent citing cases.

From a full text case or statute result, the link to the Locator database appears under the heading Analysis in the left hand frame.

UK full text case: DPP v Lynch. Note the Red Flag indicating the case has been overturned.

Further analytic details about the case history can be retrieved via the Analysis link found under the Related Info Tab in the left frame. A link to any available citing commentary(treatise) is also included.
Analysing your Result Documents

Analysis/Locator

The Locator databases feature only a concise summary of the case so any search terms which appear in a search result are more likely to be directly related to the essence of the case. The Case Law Locator database/Analysis documents feature links to citing cases and journals, history information relating to the document in question, and a link to the full text document where available (the Case Law Locator has history and summary information even for even obscure cases where the full text is not available).

UK Case Law on www.WestlawInternational.com features KeyCite links to cases from other Commonwealth countries that have cited the UK authority (not available on Westlaw.com)

Underlined hyper-links allow you to access the full text judgments from any of several different reporters

The section of the Case Law Locator/Analysis detailing the case history (left)
Print/Download/E-mail

You can send documents retrieved in Westlaw to a printer or an e-mail address. If you prefer, you can download documents to a word-processing file.

1. Click the desired icon from the selection at the top right of the page.
2. To modify the destination settings, e.g., your e-mail address, click Properties.
3. Verify or change the selections in the Range and Content sections.
4. Click Send Request to print or save the document.
Researching News

Westlaw International provides a comprehensive collection of news, trade, industry and business information sources. No matter what your discipline — social science, pre-law, marketing, political science — access to world-wide news coverage will be an invaluable research tool. Please note: Access to News is subject to licencing restrictions and may not be available under your subscription package.

Search Process

Retrieving articles and documents is a four-step process:

- Choose a database
- Type the terms you need your article to feature
- Click Search
- Browse and refine your result list

Choosing a Database

You can run a search across the entire News collection of news publications by searching the database identifier: ALLNEWS. Alternatively, you can search or particular subject or geographic collections or even individual publications, accessible via the Directory. [See page 9 for details on how to use a database identifier or search or browse the Directory]. You can also access news sources via a Quicksearch tab such as Global News [pictured below]. To access the Global News tab go to Site Map, and click the Tabs button under the Browse Westlaw International heading.

Databases

- Search all sources and publications simultaneously – select the International News database from the Global News tab
- Search for Headlines, or for particular People or Companies in the headlines using the short-cut search boxes in the left frame
- Search Articles from specific Countries
- Search for a specific publication – type the publications’ name into the Search these databases box to see if the publication is available

Entering Search Queries

Once you’ve chosen a database to search type in the terms you want your search to retrieve. Two distinct search methods are available: Either do a quick and easy search using plain English with Natural Language, or a targeted search using Boolean operators with Westlaw’s Terms & Connectors.
Using Natural Language

Simply type your search terms into the search box. It may be worth including alternative search terms or you may miss relevant documents (e.g., USA may be referred to as America, United States, US, etc.).

A thesaurus is available to assist you in choosing additional search terms.

You can also add from a selection of date restrictions to retrieve only recent articles, or articles from a particular period.

Natural Language Search Process

Westlaw’s Natural Language search engine looks for articles containing your search words. It generally disregards common words like in, the, of, or, to, etc., and looks for documents ideally containing all your important terms close together. If there are many documents featuring your terms, it prioritizes results featuring more frequent occurrences of the words that are statistically more unusual.

If there are no documents with all your search terms, it looks for ones which have some. The document with the highest statistical relevancy found by this method will appear first.

Result Order

Natural language always defaults to retrieve 100 documents, and the documents appear in order of relevance – not in date order.

Browsing Search Results

Select a link on from the result list on the left to view the article in the right frame. Scroll down the list on the left to view additional results.

More Like This

Use the More Like This link at the top of the document to retrieve additional similar documents. Alternatively, the More Like Selected Text tool allows you to highlight a relevant paragraph or sentence, and run an additional Natural Language search on these terms to find paragraphs on the same subject in other documents.

Navigation Buttons: Click Term to move to the next highlighted search term. Click Best to move to the most relevant part of your document result (in Natural Language) highlighted in red.
Using Terms & Connectors

Terms & Connectors gives precise control over the relation between the different words in your search query. If you don’t include any connectors Westlaw views your terms as alternatives [or] which often results in retrieval of too many documents.

You can also search for terms within specific parts of an article using Fields.

Creating your Terms & Connectors Search

<table>
<thead>
<tr>
<th>Use this connector</th>
<th>To retrieve documents that contain</th>
</tr>
</thead>
<tbody>
<tr>
<td>AND</td>
<td>&amp;</td>
</tr>
<tr>
<td>OR</td>
<td>Space</td>
</tr>
<tr>
<td>Grammatical Connectors</td>
<td>/s terms in the same sentence: Guantanamo is appeal!</td>
</tr>
<tr>
<td></td>
<td>/+ terms in the same sentence 1st term before 2nd: right + silen!</td>
</tr>
<tr>
<td></td>
<td>/p terms in the same paragraph: ebay /p fraud!</td>
</tr>
<tr>
<td></td>
<td>/p terms, 1st term before 2nd</td>
</tr>
<tr>
<td>Numerical Connectors</td>
<td>in terms within n words (where n is a number): ASEAN /8 treaty</td>
</tr>
<tr>
<td></td>
<td>+n terms within n words, 1st term before 2nd: right +4 silen!</td>
</tr>
<tr>
<td>Phrase</td>
<td>“ “ appearing exactly as typed between “ marks: “kyoto protocol”</td>
</tr>
</tbody>
</table>

Use this Connector | To exclude documents that contain

| BUT NOT            | % terms following the % symbol: bush % “george bush” |

To Search For | Type | Retrieves

| Words with multiple endings | object! | object, objects, objection, objectionable, objecting |
| Variable words | gr*w | grew, grow |
| Compound nouns | good-will | goodwill, good will, good-will |
| Acronyms | P.R.C. | PRC, P.R.C., P. R. C., P R C |

Check the Search Only Headlines and Lead Paragraphs box to get more focused results.

Smart Terms

Campus Research’s news articles are indexed and categorized to identify the subject matter of each article under different Index fields:

- Industry
- Company
- Subject
- Location

For example, if you want to limit your search to documents related to the banking industry, you can click the Industry tab and browse the industries to find banking. If you want to research a specific company, such as Sony, you can click the Company tab and type Sony in the scan box, or to find articles about a country such as France: go to Location and browse through Europe to France. You can Browse the SmartTerms Field Index directories or use the Scan search box to find a term quickly.
WASHINGTON, March 17 Mark McGwire, one of the top home run hitters in baseball history, refused repeatedly during a Congressional hearing Thursday to say whether he used steroids while he played. Two other star players testified that they had not used steroids. “My lawyers have advised me that I cannot answer these questions without jeopardizing my friends, my family, or myself,” Mr. McGwire said in his opening statement, choking up and appearing close to tears, before a House committee investigating steroid use in baseball.

Mark McGwire, one of top home run hitters in baseball history, refuses repeatedly during Congressional hearing to say whether he used steroids while he played; is among 10 players and baseball executives who speak under oath before House Committee on Government

--- INDEX REFERENCES ---

NEWS SUBJECT:  (Steroids (1ST76); Drug Addiction (1DR84); Legislation (1LE97); Health & Family (1HE30); Government (1GO80))

INDUSTRY:  (Baseball (1BA48); Healthcare (1HE06); Sports (1SP75); Orthopedics & Rheumatology (1OR79); Internal Medicine (1IN54); Healthcare Practice Specialties (1HE49); Sports Medicine (1SP68))

REGION:  (USA (1US73); Americas (1AM92); North America (1NO39))

OTHER INDEXING:  (Wilson, Duff; Mcgwire, Mark; Schilling, Curt; Sosa, Sammy; Selig, Bud; Fehr, Donald; Canseco, Jose)  (BASEBALL; BASEBALL COMR BUD SELIG; HOUSE COMMITTEE; JUSTICE DEPARTMENT; MARK MCGWIRE; MCGWIRE OFFERS; NEW YORK TIMES; TESTIMONY; YANKEES)  (Barry Bonds; Bud Selig; Canseco; Cummings; Curt Schilling; Donald Fehr; Donald M. (Baseball; Steroids; Books and Literature; Juiced (Book); Baseball; Immunity From Prosecution; Labor; Organized Labor; Sports Commissioners; Baseball; Tests and Testing; Drug Abuse and Traffic)

COMPANY TERMS: ST LOUIS CARDINALS; BOSTON RED SOX; OAKLAND ATHLETICS; CHICAGO CUBS; BALTIMORE ORIOLES; MAJOR LEAGUE BASEBALL PLAYERS ASSN

Additional Tools

The following tools are available on most databases to assist in formatting your search results:

- Thesaurus – a tool to help you find alternative search terms
- Term Frequency – specify the minimum number of search term appearances in the result documents
- Case-sensitive Searching – Westlaw is not usually case sensitive. To specify capital letters use this tool
- Date Restrictor – specify that only articles from particular date ranges should appear
- Exclude Terms – specify excluded terms – articles featuring these terms will not appear in your result
- Identify Duplicate Documents – use this tool to avoid duplicate articles. Frequently Press Agencies sell the same article to newspapers around the world who print the article often with only minor changes
- Search only Headline and Lead Paragraphs – journalists try to include the main point of the story in the headline and first paragraph. Use this tool to assist in providing more relevant results
Appendix – Research Strategies – where/how to search for:

A Document by its Citation
See the Section on Find by Citation at page 20.

Find Analysis of a Case or Legislation
Either:

a) Search for the case or legislation by name within journals or treatises for related commentary
   (Westlaw’s full text legislation coverage is limited to US, EU, UK, Canada and Hong Kong but there is
   a great deal of secondary analysis of other countries’ legislation in the journals collection
   (e.g. the database: JLR))

b) Find the case or legislation on Westlaw and view the “Related Information” links and references
   in the left hand frame; or

c) Use KeyCite (or “Analysis” for UK documents) to determine citing references or negative
   subsequent history. KeyCite may also include links to journals or texts discussing the case or
   legislation considered.

d) For the United States Code, Westlaw provides the United States Code Annotated where the foot of
   each document retrieved includes full annotation and analysis for the section under consideration.

Recent developments in the law
For US developments try the West Topical Highlights databases which are categorised by practice area.
To browse the available databases go to the Directory, select Legal Periodicals & Current Awareness
and look for the Westlaw Highlights and Bulletins Folder where you can select the appropriate
database for your area of interest. Alternatively, from the Directory browse to a suitable topic practice
area and click the Current Awareness folder.

These databases can be searched as normal using terms and connectors or natural language.
For UK/EU current awareness, go to the Directory/International and Worldwide materials/UK/Legal
News and Current Awareness.

Search for journal articles by author or title
You can restrict your search using Fields (see p.18 above) to terms appearing in only the title or
author fields. e.g. to search for articles by Michael Hor:

Type: TI(Michael and Hor)

To search only for articles with Korea or Korean and securities or securitisation in the title:

Type: TI(korea! and securiti!)

Checking whether a patent, legislative provision or
case is still good law
Use KeyCite (or Analysis for UK materials) to determine citing references or negative subsequent
history (see page 26).
Find Treaties or International Agreements

The extent of materials on treaties on Westlaw is limited mainly to those where US and EU are signatories, along with some from the UK. There are only a few other treaties featured.

To determine if a particular Treaty is on Westlaw scan the Directory using the name of the Treaty (see Directory Search at page 9).

US treaties can be found under the Directory at Topical Practice Areas/International Law/ International Agreements and Treaties.

EU Treaties are found under the EU-TREATIES database.

Researching an unfamiliar area of law

Either:

a) Find a suitable treatise and browse the Table of Contents
b) Try a broad search within journals or treatises (consider using natural language until you get a feel for the terminology employed in this area)
c) Try a focused search in journals for terms mentioned within a journal’s title
d) Try a broad search within Case-law
e) Try a focused search within the headnotes of Cases
f) For US research utilise the West Key Numbers to find cases on a particular area of law
g) For US research try the American Jurisprudence, American Law Reports, Restatements of the Law or Corpus Juris Secundum publications which provide encyclopaedic analysis of US law.

Looking for cases about a particular Fact situation

Either:

a) Search within cases using Terms and Connectors or Natural Language
b) For US cases, try using West Key Numbers to find cases on a particular legal topic and add search terms relating to the facts
c) Try searching within Journals and Treatises which may elaborate on the facts behind certain cases
d) For US cases try the Briefs databases which often contain more information on the facts at issue than the final judgments do.

Recent Additions to a Database

Use a date restriction. If you want to retrieve all recent documents search for a term that appears in all documents (e.g. the name of the publication) and add a date restriction. e.g. if you would like to see all articles published in the Duke Law and Technology Review since June 2005 you can search within the citation and date fields as follows:

Access: Duke Law and Technology Review (DUKELTR)
Type: duke and da(aft 06/01/2005)

Note: [It is not generally possible to run a search on Westlaw with a date restriction alone. Therefore it is necessary to search for a term that will be included in every document and add the required date restriction. Some experimentation may be required to find a suitably universal term for a particular database, but the publisher name or publication names are frequently effective. In the example above the publishing institution is Duke.]
Retrieving Case Law

You can download a specialised guide for searching US case law at: http://support.westlawinternational.com/user_guides

When you know the citation

When you know a case citation, use the Find service to retrieve the case. There is no need to access a database. To retrieve Speedplay, Inc. v. Bebop, Inc., 211 F.3d 1245 (Fed. Cir. 2000):

Access: Find
Type: 211 f3d 1245 in the Find this document by citation text box

For further details see the section on Find by Citation at page 20.

When you know the names of the parties

To retrieve Speedplay v. Bebop if you did not know the citation:

Access: the appropriate case law database for the jurisdiction you wish to search and search using Terms and Connectors in the Title field
Type: Ti(speedplay & bebop) and click “GO”.

Note: Using a phrase connector is not recommended because the cited form of party names frequently feature minor variations, abbreviations or suffixes [such as Inc, Incorporated, In Liquidation, Co, Company, Inc, Incorporated, Ltd, Limited, Private Limited Company etc] which may frustrate the precise parameters of a phrase search. For example “Speedplay Inc v Bebop” would not find “Speedplay Incorporated v Bebop”. A safer formulation for this search might be to search for one party name within up to 4 words of the other party name: speedplay /4 bebop.

When you want to search only the summary or headnotes

You can restrict your search so that your search terms only appear in the section of the judgment which features the essential elements of the case: the headnotes and catchwords added by the West, Carswell, Sweet & Maxwell, ICLR, Lloyds, LBC, Ellis or other publisher’s editors.

As all US cases are provided by West the fields are consistent: synopsis (sy) and digest (di) fields, which contain editorial summaries of the facts and legal issues in a case. You will retrieve only cases in which your search terms are significant. For example, type sy,di(website (web internet /s site page) /p copyright /s infring!).

Because publishers outside the US use slightly different terminology from one jurisdiction to the next for this summary information, it is necessary to check which fields are used for each database (e.g. catchwords, headnote, keywords, summary, digest, synopsis etc). You can check the Fields in use for a database by viewing Scope or by viewing the database’s Search or Locate screens.

In addition there are databases which consist entirely of headnotes or summary information with links to full text documents. For US cases try ALLCASES-HN and for UK/EU try the database: UK-CASELOC.

When you know the judge’s name

To retrieve cases in which Judge Leonie Brinkema presided:

Access: the appropriate case law database for the jurisdiction you wish to search restrict your search to the judge (ju)
Type: ju(brinkema)
When you are researching an issue

To retrieve US Federal cases discussing copyright infringement and Web sites.

**Access:** Federal Intellectual Property–Cases (FIP-CS)

**Type:** website (web internet /s site page) /p copyright /s infring!

**Tip:** To narrow your search result, restrict your search to the synopsis (sy) and digest (di) fields, which contain editorial summaries of the facts and legal issues in a case. You will retrieve only cases in which your search terms are significant. For example, to narrow the above search, type sy,di(website (web internet /s site page) /p copyright /s infring!).

Verifying Case Law with KeyCite

You can verify that your US, Australian, Canadian, or Hong Kong case is good law with KeyCite.

If you are viewing a case

- click History in the white box on the Links tab to view the direct history of the case and negative citing references.
- click Citing References to view a list of citations to cases, administrative materials, secondary sources, and briefs and other court documents that have cited the case.

You can also type the citation for the case in the **KeyCite this citation** text box at the KeyCite page (accessible via the Keycite link at the top of the Westlaw International home page) and click **GO** to retrieve a KeyCite result.

For more information about KeyCite, visit [http://support.westlawinternational.com/user_guides](http://support.westlawinternational.com/user_guides)

Retrieving Statutes

See the section above on Searching US Statutes ([at page 26](#)) for particular information on tools for searching US statutes. You can also download a guide specifically relating to US Statutes at [http://support.westlawinternational.com/user_guides](http://support.westlawinternational.com/user_guides)

When you know the citation

When you know a statute’s citation, use the **Find** service to retrieve the statute (top centre of the home page). There is no need to access a database. To retrieve 35 U.S.C.A. § 271

**Access:** Find

**Type:** 35 usca 271 in the **Find this document by citation** text box

When you know a US statute’s popular name

To retrieve sections of the *United States Code Annotated* (USCA) when you only know the common name of the enacting Act:

**Access:** Access the popular name table from the USCA database if you want to access provisions under the popular name for the legislation, eg the sections of the US Code effected by the Civil Rights Act or Sarbanes Oxley Act can be found using the popular name table ([See page 26 for details](#)).

To retrieve the original Act passed by congress you need to use the Public Law citation. You can find the Public Law citation using the Popular Name table link from the *United States Code Annotated* (USCA) database search screen (top right). The Popular Name entry for e.g. The Sarbanes Oxley Act will give you the citations for both the Public Law citation to the law as originally passed by congress and the location of the current enacted provisions within the USCA. Once you know the Public Law citation number you retrieve it using **Find**.
When you know a UK, EU or Canadian statute’s name

If you know the name of a UK or Canadian statute you can easily retrieve it using the Table of Contents (see page 21).

Alternatively, for EU, UK or Canadian statutes (UK-ST, CANST-ALL, EU-LEG) you can search using Fields in order to restrict your search terms to those appearing in the name of the legislation using the Title field:

**Type:** e.g. TI “Fair Trading Act”

**Note:** Each section of the Act is listed as a separate document.

When you are researching an issue in US statutes

Try using the Statutes Index (page 26).

Alternatively, instead of searching the entire USCA use one of the smaller databases containing only legislation from a specific practice area. E.g. for IP go to the Directory and then look under the Topical Practice Areas for IP Statutes.

To retrieve federal statutes dealing with copyright protection of computer software:

**Access:** Federal Intellectual Property–U.S. Code Annotated (FIP-USCA)

**Type:** copyright /p software computer

**Tip:** To narrow your search result, restrict your search to the prelim field (pr), which contains the main statutory headings such as the name of the title and chapter, and the caption (ca) field, which contains the section number and a description of the section’s contents.

For example, to narrow the above search, type **pr.ca(copyright & software computer)**.

To retrieve state statutes dealing with damages for the misappropriation of trade secrets:

**Access:** Multistate Intellectual Property–Statutes (MIP-ST) and restrict your search to the substantive-doc field (sd)

**Type:** sd(“trade secret” & misappropriat! & damages)

**Tip:** The substantive-doc field contains the information in the prelim and caption fields plus the statute’s citation, text, and credits. Restrict your search to this field when you do not want to search the historical notes, references, and annotations in annotated statutes databases.

Consider also the Statute Index to find legislation on a particular subject area. Also consider using treatises or journals to find information about which statutes deal with a particular issue.

Verifying whether Statutes are still good law

You can verify that your US or Canadian statute is good law with KeyCite. Red flags will warn if the provision has been repealed or been found unconstitutional and yellow flags will indicate there are proposals to amend the law.

- Type the citation of the statute in the KeyCite this citation text box at the KeyCite page or a tabbed page and click **GO** to retrieve a KeyCite result.
- You can also access KeyCite from the statute document itself: click History in the white box on the Links tab to view the history of the statute, which includes citations to cases affecting its validity, session laws amending or repealing it, and pending legislation; statutory credits; and historical notes.
- From the statute document click **Citing References** to view a list of citations to cases, administrative materials, secondary sources, and briefs and other court documents that have cited the statute.

For UK statutes, you can check for extra information about statutes using the **Analysis** feature in the Links Tab (as seen in the left frame when a Statutes document has been retrieved).
Appendix – Research Strategies – where/how to search for...

US: Model Laws, Uniform Laws & Restatements of the Law

United States: Model Laws

These materials are often of great interest to researchers from Academic and Government institutions as they provide great insight into the policy and jurisprudential aspects of law making.

A common mistake is to search for these materials under the US legislation section. However, Model Laws and Uniform Laws are recommendations on law - not actual laws, proposed by National Conference of Commissioners on Uniform State Laws (NCUSL).

The NCUSL formed in 1892. The purpose of the association is to discuss and debate in which areas of law there should be uniformity among the states and to draft acts accordingly. The results of these discussions are proposed to the states as either model acts or uniform acts. NCCUSL is best known for its work on the Uniform Commercial Code.

A Uniform Law is not law anywhere in the US. It is simply a legislative proposal addressed to fifty state legislatures. Half the NCUSL proposed laws have not been adopted by a single state.

However some have been well adopted - eg most of the Uniform Commercial Code [UCC] has now been adopted by most states.

Model Acts are proposed laws on topics where reform, not uniformity, is the dominant aim. Eg Model Penal Code.

Tip: You can generally find these materials at:

Westlaw Directory Location: All Databases > U.S. State Materials > Model Codes, Restatements & Principles of the Law

You can also find additional materials under the Topical Materials by Area of Practice sections of the Westlaw Directory. For example for materials relating to the Uniform Commercial Code:

All Databases > Topical Materials by Area of Practice > Commercial Law & Contracts > Uniform Commercial Code

You may also find some of the Uniform Laws and Model Laws included in the appendices of treatises on particular topics. If you can’t find a specific database containing the model law you require try searching the Westlaw combined treatises database: TEXTS

Restatements of the Law

Restatements of the Law are treatises published by the the American Law Institute [ALI] to address “uncertainty in the law through a restatement of basic legal subjects that would tell judges and lawyers what the law [is].”

The ALI has published Restatements on a wide variety of subjects. The restatements are authored by a group of judges, lawyers and law teachers with specialist knowledge on the subject.

Tip: Find these materials at:

Westlaw Directory Location: All Databases > U.S. State Materials > Model Codes, Restatements & Principles of the Law; or

Westlaw Directory Location: All Databases > Forms, Treatises, CLEs and Other Practice Material > ALI Restatements of the Law, Principles of the Law & Other ALI Publications