



Westlaw International 培训

贾琼 (Sarah Jia)

产品培训师



THOMSON REUTERS

议程

- 汤森路透集团介绍
- 汤森路透法律信息集团介绍
- 汤森路透法律信息集团在线产品Westlaw International
- Westlaw International的使用方法详述

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汤森路透的总部设在纽约, 主要运营地在伦敦和明尼苏达州的伊根, 公司在100多个国家雇用大约6万名员工。汤森路透股票在多伦多和纽约证券交易所上市交易 (代码: TRI)。

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百

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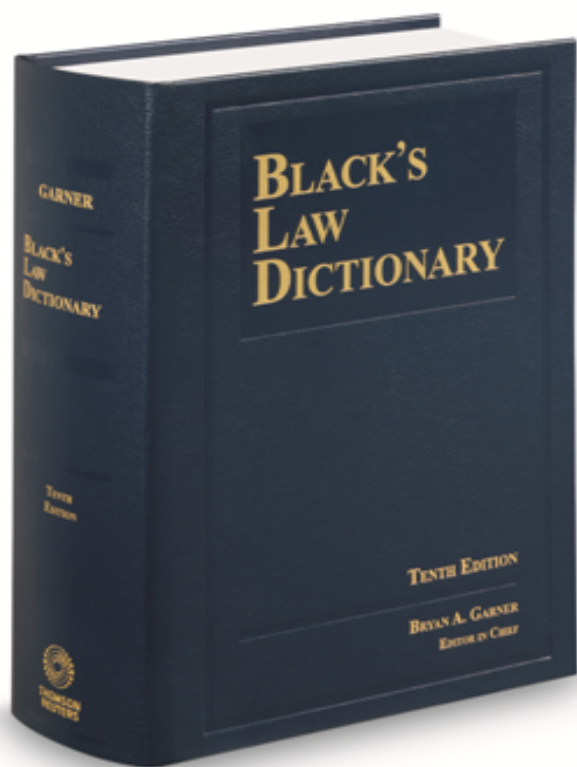
议程

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ISBN: 9780314613004
出版商：Thomson West
出版日期：2014年5月
页数：2052页
版别：第十版
装帧：精装版

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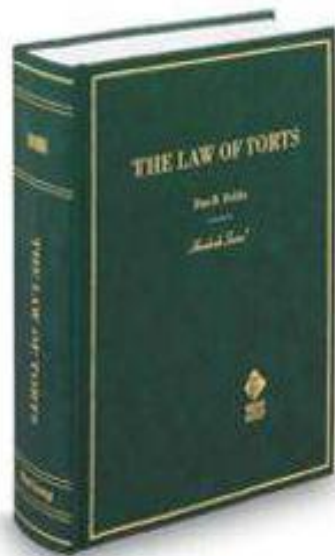
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- Westlaw International的使用方法详述



关于Westlaw International

- **Westlaw**法律数据库是由汤森路透法律信息集团旗下美国**West**出版公司于1975年开发的综合性法律、法规、新闻和公司信息平台
- 超过27000个数据库， 1500余种法学专业期刊，个别数据库以每30分钟一次的速度更新
- **Westlaw**现已成为全球使用量最多的法律检索在线数据库。在美国法学院、律师事务所中的覆盖率几乎高达100%，并广泛地被英国、加拿大、澳大利亚、新加坡、马来西亚、香港地区的大学、政府机构、律师事务所和企业所采用

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- 二次法律资源 (*secondary legal sources*)
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 - 法学专著及法律法律百科全书(treatises and legal encyclopedia)
 - 法律新闻 (legal news)
 - 法学词典(black's law dictionary)



重点涵盖以下几个国家和地区

- USA
- EU
- UK
- Australia
- Canada
- Hong Kong

注：其他国家的法律资料分别为独立的数据库产品，如WestlawChina, Westlaw Japan, Westlaw Gulf, Westlaw Malaysia等

议程

- 汤森路透集团介绍
- 汤森路透法律信息集团介绍
- 汤森路透法律信息集团在线产品Westlaw International
- **Westlaw International的使用方法详述**

Westlaw 界面

The screenshot shows the Westlaw International website interface. At the top, there is a dark blue navigation bar with the Westlaw International logo on the left and a menu of links (FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, SITE MAP) in the center. On the right side of this bar are links for HELP and SIGN OFF. Below the navigation bar is a secondary dark blue bar containing tabs for Westlaw International and Global News, with an Add/Remove Tabs link. The main content area is white and features a search section on the left with a 'Find by citation:' input field and a 'Go' button. Below this is a 'Search these databases:' section with another input field and 'Go' button. To the right of the search section is the 'International Directory' heading and a 'Search the Westlaw Directory:' input field with a 'Search' button. The directory lists various materials with hyperlinks, including Westlaw International Subscriptions, Australian Materials, Canadian Materials, European Union Materials, United Kingdom Materials, Hong Kong, U.S. Federal Materials, International/Worldwide Materials, Law Reviews and Journals, International Practice Areas, and Business & News. A world map is visible in the background on the right side of the page.

Westlaw International

FIND KEYCITE DIRECTORY KEY NUMBERS COURT DOCS SITE MAP

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- 第一步：选择进入某特定子数据库
- 第二步：输入检索指令
- 第三步：浏览检索结果，筛选合适的文档并进行保存等处理



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- 为了满足不同用户的检索目的，子数据库可分为
综合性子数据库：如world journals & law reviews(world-jlr)，包含Westlaw收录的一千多本法学期刊
单一型子数据库：如Harvard Law Review，仅收录该单本期刊
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 - 3，通过Search these databases功能输入数据库的识别号（identifier）进入一个或多个数据库（跨库检索）

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international arbitration Search

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- [International Commercial Arbitration - Droit compare de l'arbitrage international \(French\)](#) (ICA-DCAINT)
- [International Chamber of Commerce International Court of Arbitration - Awards](#) (ICC-AWARDS)
- [InternationalArbitration - A Guide to the Complete Swiss Case Law \(Unreported and Reported\) \(Christoph Muller\)](#) (GCSCCL)
- [London Court of InternationalArbitration Awards](#) (LCIA-AWARDS)
- [American Review of InternationalArbitration](#) (AMRIARB)
- [InternationalArbitration Law Review](#) (INTALR)
- [London Court of InternationalArbitration - All](#) (LCIA-ALL)
- [London Court of InternationalArbitration](#) (LCIA-MODC)
- [London Court of InternationalArbitration - Rules](#) (LCIA-RULES)
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- [Singapore InternationalArbitration Centre - Rules](#) (SIAC-RULES)
- [Hong Kong InternationalArbitration Centre - All](#) (HKIAC-ALL)
- [Hong Kong InternationalArbitration Centre - Guide](#) (HKIAC-GUIDE)
- [Hong Kong InternationalArbitration Centre - Model Clause](#) (HKIAC-MODC)
- [Vienna InternationalArbitration Centre - All](#) (VIAC-ALL)
- [Vienna InternationalArbitration Centre - Model Clause](#) (VIAC-MODC)

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To access multiple databases, type up to 10 database identifiers separated by commas or semicolons in the Search for a database text box.

Westlaw Directory Tips

Internet

通过Search these databases功能输入数据库的识别号（identifier）进入一个或多个数据库（跨库检索）

The screenshot shows the Westlaw International website interface. At the top, there is a navigation bar with links for FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. On the right, there are links for HELP, SIGN OFF, Preferences, Alert Centre, and Research Trail. Below the navigation bar, there are tabs for different regions: Hong Kong, International Arbitration, Financial Crisis, Trademark, and Westlaw International. The main content area is titled 'Westlaw Directory' and features a search box labeled 'Search the Westlaw Directory:' with a 'Search' button. Below the search box, there are several categories of databases, each with a list of sub-categories. A red box highlights the 'Search for a database:' section, which contains a text input field with the text 'world-jlr;alr' and a 'Go' button. Below the search box, there are two dropdown menus for 'Recent Databases' and 'Favorite Databases'. At the bottom of the page, there is a footer with the Thomson Reuters logo and the text 'Westlaw Directory Tios'.

一般检索步骤之第二步：输入检索指令

- 通过刚才介绍的某种途径进入一个或者多个数据库后，即该进行第二步步骤：编辑检索指令。
- **Westlaw International**中绝大部分数据库均包含2种检索语言供用户选择：**Terms and Connectors**（术语和连接符语言）以及**Natural Language**（自然语言）

Terms and Connectors（术语和连接符语言）

- 这是Westlaw 中大部分数据库检索页面预设的检索语言。
- 术语（**Terms**）是指输入的检索词。
- 连接符（**Connectors**）是连接不同的检索词，实现它们之间特定逻辑位置关系的符号。
- 例如检索指令breach /s contract 中，连接符/s 表示breach 和contract 必须出现在同一个句子中。各种连接符的写法和作用见下文。

Connectors连接符

And &	表示并列	judgment & verdict
Or Space (空格)	表示或然	judgment or verdict
“ ”	引号中作为词组， 不可拆	“directed verdict”

Connectors连接符

/s	在同一句子中	breach /s contract
+s	在同一句子中，且第一个字词要出现在第二个字词之前	breach +s contract
/p	在同一段落中	breach /p contract
+p	在同一段落中，且第一个字词要出现在第二个字词之前	breach +p contract
/n	两个字词之间间隔最多不超过n个字词	breach /2 contract
+n	第一个字词必须在第二个字词之前n个字词范围内出现	breach +2 contract

Connectors连接符

!	字根扩展号，检索不同结尾的字词	negligen!
*	代替某一个字母	crimin*l
% But not	文件中不可包含%后面的字词	euthanasia % suicide
Atleast n()	括号中的字词必须在文件中最少出现n次（注意： atleast和n之间无空格，且括号中文字不能套用除引号外的其他connectors）	atleast10(anti-trust)

Natural Language（自然语言）

- 自然语言（**Natural Language**），即普通英语（**Plain English**），类似于Google、百度中的检索语言，用户输入描述性语句或者字词，系统会按照相关度原则，给出**100**份文件。这种检索语言即通常说的简单检索，适合初级用户。

Terms and Connectors和 Natural Language的区别

	Terms and Connectors	Natural Language
语言风格	复杂但精确，需要严格按照各连接符格式组织不同检索词	简单，随意输入单词，词组或者句子
结果文件数量	全部显示，上限1万篇	100篇
结果文件排列顺序	按照时间倒序	按照相关度
最符合部分突出显示(Best)功能	不可用	可用
栏目(Fields)功能	可用	不可用
自动检索(WestClip)功能	可用	不可用

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1. 2008 Duke L. & Tech. Rev. 4
Duke Law & Technology Review April 3, 2008 Copyright and Trademark ON THE PERILS OF INADEQUATE ANALOGIES Dan Tammuz [FN1]

...Duke Law & Technology Review April 3, 2008 Copyright and Trademark ON THE PERILS OF INADEQUATE ANALOGIES Dan Tammuz [FN1] Copyright © 2008 Duke Law & Technology Review; Dan ...

... regarding similar issues. Recently, there has been a new addition to the jurisprudence. A Texas holding established that linking to copyright-protected content violates copyright. This iBrief argues that the reasoning in this decision is flawed. The opposite conclusion should have been ...

... ibrief argues that the reasoning in this decision is flawed. The opposite conclusion should have been reached by applying straightforward copyright analysis and by looking to recent case law regarding hyperlinking. INTRODUCTION SFX Motor Sports ("SFX") has been promoting professional Supercross ...

2. 50 Ariz. L. Rev. 157
Arizona Law Review Spring 2008 In Celebration TOLERATING CONFUSION ABOUT CONFUSION: TRADEMARK POLICIES AND FAIR USE Graeme W. Austin [FN1]

...Essays and Articles Celebrating the 50th Anniversary of the Arizona Law Review Article TOLERATING CONFUSION ABOUT CONFUSION: TRADEMARK POLICIES AND FAIR USE Graeme W. Austin [FN1] Copyright © 2008 Arizona Board of Regents; Graeme W. Austin This Article suggests that the role ...

...Trademark "fair use" doctrine provides a useful context in which to explore these ideas.

2008 Duke L. & Tech. Rev. 4

Duke Law & Technology Review
April 3, 2008

Copyright and Trademark

ON THE PERILS OF INADEQUATE ANALOGIES

Dan Tammuz [FN1]

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ABSTRACT

Linking law is barely a decade old. Over the course of this short period, a wide variety of approaches have come to light. In fact, different jurisdictions have come to different conclusions regarding similar issues. Recently, there has been a new addition to the jurisprudence. A Texas holding established that linking to copyright-protected content violates copyright. This iBrief argues that the reasoning in this decision is flawed. The opposite conclusion should have been reached by applying straightforward copyright analysis and by looking to recent case law regarding hyperlinking.

INTRODUCTION

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*2 Robert Davis [FN5] ran SupercrossLIVE.com. [FN6] Davis provided "chat, statistical datas [sic], audio webcasts, video webcasts, and software solutions, offering enthusiasts and fans a web community via various sports centric Internet sites." [FN7] SupercrossLIVE.com, founded in 2003, was one of these sites. [FN8] Among other content, Davis posted hyperlinks to SFX's audio webcasts on SupercrossLIVE. [FN9]

*3 On February 13, 2006, SFX Motor Sports ("SFX") filed a complaint alleging four counts against Robert Davis. [FN10] Three counts pertained to trademark infringement and unfair competition due to improper trademark use. [FN11] The fourth count alleged copyright infringement. [FN12] The defendants counterclaimed, alleging trademark infringement. [FN13]

*4 SFX's trademark allegations concerned the use of its logos on the SupercrossLIVE.com website. [FN14] Davis' trademark claim revolved around SFX's use of the phrase "Supercross Live" on its website--a phrase allegedly infringing on his claimed trademark of SupercrossLIVE. [FN15]

*5 This iBrief will focus on a portion of the copyright infringement claim. SFX asserted that Davis "willfully copied, reproduced and distributed, and continue[s] to copy, reproduce and distribute SFX's Audio Web Casts ... at Defendants' web site, www.supercrosslive.com" [FN16]

*6 On January 9, 2007, the United States District Court for the Northern District of Texas ruled on the matter. [FN17] Judge Sam A. Lindsay held that Davis "violated SFX's copyright by providing a link of its webcasts without authorization, and not for a protected fair use purpose under the Copyright Act." [FN18] The analysis in the opinion can be said to be cursory at best.

Term Doc 1 of 487 Tools

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- **Find:** 输入已知文件的引称(citation), 直接检索出唯一结果
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其他检索方法之Find 引证检索法

- 要求准确输入文档的citation
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- 可以由工具栏Find进入，或者由欢迎页面左侧的快捷检索区进入
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- 选择进入具体的legal issue，再输入关键词检索
- 也支持直接唤出具体的legal issue
- 每一个legal issue内可以检索于该主题有关的成文法，法学期刊文章和专著等



Key Number

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Key Numbers help you search for legal concepts. The American system of law is broken down into Major Topics -- there are more than 400, including topics like Civil Rights, Negligence, and Pretrial Procedure. Each of those topics is divided, in greater and greater detail, into individual subtopics that represent specific legal concepts. Each specific legal concept has a unique number, called a Key Number. Every case headnote in Westlaw is classified to a particular Key Number, which allows you to find cases on any of the more than 100,000 Key Numbers. The whole outline, along with the case headnotes classified to it, is called the Key Number Digest System.

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THE IMMORALITY OF STRICT LIABILITY IN COPYRIGHT
Winter 2013 (Approx. 25 pages)

17 Marq. Intell. Prop. L. Rev. 1

Marquette Intellectual Property Law Review
Winter 2013

Article

***1 THE IMMORALITY OF STRICT LIABILITY IN COPYRIGHT**

Steven Hetcher [\[FN1\]](#)

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“Abhorred monster! Fiend that thou art! The tortures of hell are too mild a vengeance for thy c
 Wretched devil! You reproach me with your creation; come on, then, that I may extinguish the sp
 which I so negligently bestowed.” [\[FN1\]](#)
 Mary Shelley, Frankenstein

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[1. 17 Marq. Intell. Prop. L. Rev. 1](#)
 Marquette Intellectual Property Law Review Winter
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 LIABILITY IN COPYRIGHT Steven Hetcher

...however, just that it was not the fault but
 instead the force and directness that
 formally mattered.[FN33] . In modern **tort**
 generally, strict liability is the exception to
 the rule—it is applied to “unreasonably
 dangerous activities,” such as using
 explosives, or keeping wild **animals**.
 Restatement (Second) Of **Torts**: Abnormally
 Dangerous Activities §520 (1977) (stating
 “In determining whether an activity is
 abnormally dangerous, the following factors
 are to be...

...on; and (f) extent to which its value to
 the community is outweighed by its
 dangerous attributes.”); Restatement
 (Third) of **Torts**: Liability for Physical and
 Emotional Harm §20 cmt.e (2010) (“Courts
 frequently state that blasting is a paradigm
 of an abnormally...

...ultra-hazardous activity in North Carolina
 and parties whose blasting causes injury
 are held strictly liable for damages,
 regardless of **negligence**.”): Restatement

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Am.Jur.2d: Computers and the Internet 2. Procedural Effects of Use of Internet or E-Mail; Electronic Signatures, Transactions, and Contracts, Use of Internet as Conferring Jurisdiction Over Nonresident; Venue, Effect of Interactive Nature of Website, Generally; Defendant's Doing Business Over Internet

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Copyright and Trademark

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*6 On January 9, 2007, the United States District Court for the Northern District of Texas ruled on the matter. [FN17] Judge Sam A. Lindsay held that Davis "violated SFX's copyright by providing a link of its webcasts without authorization, and not for a protected 'fair use' purpose under the Copyright Act." [FN18] The analysis in the opinion can be said to be cursory at best.

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