

SOME COMMENTS ON LEGAL  
RESEARCH AND COMPUTER NETWORKS  
(UPDATED ON JANUARY, 1996)

Tarcisio Queiroz Cerqueira  
Superintendente do Núcleo de Pesquisa  
do Curso de Mestrado em  
Ciência Jurídica\*

1 Information, Lawyers and computer networks

Information is everything for lawyers. We read and learn, we discuss what we have learnt, we pass exams, teach, do research, write contracts, invoice clients for fees, defend our parties at courts of justice, and produce academic dissertations based entirely on information. Through clear and unambiguous information we advise businesses and try to convince the judge, and the jury<sup>2</sup>.

Law is pure information. The law system is something like an abstract and complex net of information floating over human society, designed to regulate human behaviour, facts and things that affect human beings, during and after human life. A detached dimension of principles which govern human society.

People also produce concrete things, such as buildings, bridges and spaceships, based on information. Information allows us to fly faster and more comfortably, to cure illness, to live longer and healthier, planning our own development. We have clearly entered into the age of information.

Within information, as a whole, we have information technology, which is transforming organizations and changing the shape of society. Information technology is a field of knowledge dedicated to knowing and developing the best use of information.

At the core of information technology there is the technology of digital and electronic conversion and transmission of information. Computer networks have a great impact on everything because they have proved to be an effective pathway not only for transmitting and receiving information, but for transmitting and receiving information from computer-memory to computer-memory. Here is the difference between computer networks and any other networks.

Information, and its development, and the development of information technology and computer networks have a very intimate relationship with the legal profession. For any law researcher, whomever he might be - an international/commercial lawyer or a scholar - since he is reasonably computer-literate - computer networks allow an undreamt-of enhancement of his working capacity. They are a cheap, comprehensive and very effective tool. Depending on the field of law, they could even be indispensable.

They are becoming, slowly but surely, a sort of relief to the effort of going to a conventional library and reading a book, or a journal, and taking notes from them, or even filling in forms to request inter-library loans, and waiting for the answer.

Through computer networks one may just

king/part1/faq.html

So far, French lawyers do not appear to have set up a discussion list on the internet. Perhaps some discussions take place on the Minitel system. It is difficult to arrange links between

Minitel and the Internet.

There is a Usenet news group called fr.misc.droit which discusses general aspects of law in France.

## 5 Examples of law & internet bibliography available through computer networks \* \* \* \* \*

John Perry Barlow, "The Economy of Ideas: Selling Wine Without Bottles," *Wired*, March 1994. (available online at [eff.org](http://eff.org), in the Intellectual Property section, and at [www.hotwired.com](http://www.hotwired.com)).

Dan Burk, "Transborder Intellectual Property Issues on the Electronic Frontier," 5 *Stanford Journal of Law and Policy Review* (1994) (Available online at

[gopher://gopher.gmu.edu:70/00/academic/colleges-depts-insts-schools/law/working/dburk2](http://gopher://gopher.gmu.edu:70/00/academic/colleges-depts-insts-schools/law/working/dburk2)).

Brad Cox, "Superdistribution," *Wired*, September 1994 at 89 (available online at [www.hotwired.com](http://www.hotwired.com)).

Gary N. Griswold, "A Method for Protecting Copyright on Networks," Summer 1994. (Available online at

[gopher.cni.org/11/cniftp/miscdocs/ima.ip-workshop](http://gopher.cni.org/11/cniftp/miscdocs/ima.ip-workshop)).

Information Infrastructure Task Force, Intellectual Property and the National Information Infrastructure (Green Paper), preliminary draft, July 1994. (available online

at [gopher iitf.doc.gov](http://gopher.iitf.doc.gov) and many other sites).

Pamela Samuelson, "Legally Speaking: The NII Intellectual Property Report," *Communications of the ACM*, December 1994 (Available online at

<http://gnn.com:80/meta/imedia/features/copyright/samuelson.html>).

Lance Rose, "Is Copyright Dead on the Net?," *Wired*, November 1993 at 112. (Available online at [www.hotwired.com](http://www.hotwired.com))

Lance Rose, "The Emperor's Clothes Still Fit Just Fine," *Wired*, February 1995 at 103 (available online at [www.hotwired.com](http://www.hotwired.com)).

William S. Strong, "Copyright in the New World of Electronic Publishing," June 17, 1994 (Available online at <http://www.press.umich.edu/jep/works/strong.copyright.html>).

David Voss, "Stop That Copy," *Wired*, August 1994 at 34 (available online at [www.hotwired.com](http://www.hotwired.com)).

See different articles on the same subject at [ftp.research.att.com/dist](http://ftp.research.att.com/dist)

## 6 Using the web browser \* \* \* \* \*

Mike Bradley ([mike@zoser.sphinx.com](mailto:mike@zoser.sphinx.com)), in CNI-Copyright and Intellectual Property Forum ([cni-copyright@cni.org](mailto:cni-copyright@cni.org))28, posted the following invaluable message:

"> I do encourage you to use your Web browser for either the Yahoo Internet directory (<http://akebono.stanford.edu/yahoo>) from which you may click on "law: intellectual

property” and then on Copyrights or else find “Law on the Web Master Index” which will point you to Copyright Resources on the Web, under which you can find “Copyright FAQ” by Terry Carroll-Gopher version or the same in HTML version. Numerous other resources are there, including search copyright Office Online Files at Library of Congress (Telnet) and the Greguras, Egger, and Wong paper on

multimedia content and copyright on the super highway. In the meantime, I can orient you with various essentials. I just came across an excellent Web site for intellectual property issues: Chicago-Kent College of Law <http://www.kentlaw.edu>. The site has a search tool that links to more and more cogent resources than the other sites I’ve been prowling”.

## 7 Glossary of the most common internet terms \* \* \* \* \*

Archie - A system to automatically gather, index and serve information on the Internet  
BBS -Bulletin Board Service  
BUBL - Bulletin Board for librarians  
Client - A program that requests services from another computer called server.  
DTD - Document Type Definition  
Email - Electronic Mail  
FAQ - Frequently Asked Questions  
FTP - File Transfer Protocol  
Gopher - A distributed information service that makes available hierarchical collections of information across the Internet  
HTML - Hipertext Markup Language  
HTTP - Hypertext Transport Protocol  
Hytelnet - Designed to assist in reaching all of the Internet-accessible libraries  
IP - Internet Protocol  
IRC - Internet Relay Chat  
ISDN - Integrated Services Digital Network  
JANET - Joint Academic NETWORK

LAN - Local Area Network  
Lynx - Software to access the WWW  
Mosaic - Software to access the WWW with graphic interface  
Netscape - Software to access the WWW with graphic interface  
NISS - National Information on Services and Systems  
PICO - A simple-to-use text editor for Unix  
PPP - Point-to-point protocol  
RFC - Requests For Comments  
SGML - Standard Generalised Markup Language  
Server - A provider of resources on a network  
SOSIG - Social Science Information Gateway  
TCP - Transmission Control Protocol  
URL - Uniform Resource Locator (or Universal Resource Link)  
VERONICA - Very Easy Rodent-Oriented Net-wide Index to Computerized Archives  
WAIS - Wide Area Information Servers

## REFERENCES (in January 1996)

- 1 - Tarcisio Queiroz Cerqueira, Msc, LL.M. Lawyer in Rio de Janeiro, Brazil. Tarcisio.Cerqueira@bristol.ac.uk  
URLs: <http://mail.bris.ac.uk/~lwtqc/> and [http://www.tvlf.com/tvlf/profile\\_tqc.html](http://www.tvlf.com/tvlf/profile_tqc.html). The author wishes to thank Mr. Alan Lockett, lecturer in English at the Language Centre, Univ. of Bristol, for his invaluable help with the English language and Mrs. Helen Norman, lecturer at the law faculty, who supervises his research.
- 2 - "Lawyers' services to their clients are information based. The information in question may be about a client's affairs, or about the law, or about facts or circumstances affecting a client. The advice which lawyers give to their clients is also essentially information...". Simon Chalton, in "New IBA communications services for members" (International Bar News. International Bar Association. London. Summer 1995. Vol. 49 No. 2).
- 3 - "Newsgroups" are articles posted on USENET, which is a set of machines that exchange those articles tagged with one or more universally-recognized labels.
- 4 - Mailbase is an electronic information service, or an "electronic group information exchange service" which allows UK groups to manage their own discussion topics and associated files. Mailbases services are produced and managed by the Networked Information Services Project (NISP) at Newcastle University.
- 5 - "Listserv" is an automated system for maintaining discussion lists similar to mailbases. It is also the name of the software which runs the system. Listservs are based in the U.S.A..
- 6 - About being swamped by free information from the Internet, Jimmy Mackintosh, in "The Super-highway, where does it lead" (Computers and Law. New Series. Vol. 5. Issue 5. Dec 94/Jan 95. pag. 13) says that "It is by no means a desirable state of affairs".(!)
- 7 - Perhaps because people only have to write, not to talk or show themselves in person. The Internet is a place filled by solidarity. Although, you never know who will read your messages.
- 8 - See "Zen and the Art of the Internet" (brendan@cs.widener.edu) Chester. PA. U.S.A.
- 9 - See "Newsweek" of February 27, 1995, "The Sunday Times" of February 26, or browse in Internet for a while, but, be careful, as "... trawling randomly in search of accessible filespace, much like walking down the street trying to open all the doors you pass, is illegal and will probably get you in trouble. Please be responsible when using the network". University of Bristol Computing Service, in "Using the Internet" (Document J8.2 (10.94) p. 1).
- 10 - "Lists" are electronic mailing lists which include discussion groups, announcements-only lists, electronic journals, newsletters or news digests, etc.
- 11 - "Law-lists" was compiled by Lyonette Louis-Jacques (LLOU@midway.uchicago.edu). Last version is of 12 February 1995 sized 137K (about 70 pages long).
- 12 - Only on Information Technology & Intellectual Property Law it is possible to subscribe to more than 30 lists and discussion groups in UK and America.
- 13 -law-europe-request@mailbase.ac.uk
- 14 -To subscribe send an e-mail to net-lawyers-request@webcom.com with the word subscribe in the body of the message.
- 15 -ipr-science is owned by Andrew Webster, from the Newcastle University.
- 16 -To join, send a message to [LISTSERV@CNI.ORG](mailto:LISTSERV@CNI.ORG) with a single line of the text saying "SUBSCRIBE CNI-COPYRIGHT" and write your name.
- 17 - On 8 February, 1995, Jamie Wodetzki, from the Australian Council of Libraries and Information Services

14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42

(j.wodetzki@nla.gov.au) wrote, to all members of the CNI-Copyright that the American fair use doctrine was originated by the English fair dealing doctrine. This statement started an interesting discussion, as Wendy J. Gordon, Professor of law of the Boston University Law School (wgordon@bu.edu) replied immediatly, saying that she was "... very surprised to hear [you] say that our fair use doctrine originated with the British 'fair dealing' doctrine". Professor Gordon strongly defended the idea that fair use has its origins in America. On 10 February Mark Lemley, from the University of Texas School of Law (mlemley@mail.law.utexas.edu) commented: "Wow. I never thought the historic origins of fair use would be such a contentious issue as to warrant the use of sarcasm". The title of the subject under discussion was "Copyright and heresy". (cni-copyright@cni.org).

18 - Available freely at :<http://www.urich.edu/~jolt>.

19 - JANET, the Joint Academic NETwork, was set up in 1983 to keep the country's universities and research institutes talking to each other electronically (NetUser. Issue 1. Spring 1995. p. 32. "Get online with JANET").

20 - Email: Sue.Pettit@uk.ac.bris (JANET)/ Sue.Pettit@bris.ac.uk (INTERNET)

21 - Having modem, just try dialling 01484-401139.

22 - There is a German-American Law Journal (WWW + gopher server - Univ. Maryland), edited by Clemens Kochinke: clemesk@jei.umd.edu

23 - Several information provided by Whelan Darius. Lecturer in Law. Regional Technical College, Tallaght, Dublin 24, Ireland. E-mail: dwh@staffmail.rtc-tallaght.ie / dwhelan@tcd.ie

24 - The Sunday Times. 02/03/95.

25 - See also Darius Whelan, from Dublin. Above footnote.

26 - According to Louis Lai: d3302001@cc.ntu.edu.tw

27 - The World Wide Web, also known as "WWW", "is the name given to a certain standard for the retrieval of multimedia information via the Internet". See Clifford Chance. E-mail: info@CliffordChance.com. Clifford Chance has a home page in the Internet: <http://www.CliffordChance.com>

28 - Subject: "Re-COPYRIGHT WORK/Preliminary reply" (Tue, 7 Mar 1995 19:10:50-0500).

\* *tarcisio@univali.rct-sc.br*

URLs. <http://mail.bristol.ac.uk/~lwtqc> e [http://www.tvlf.com/tvlf/profile\\_tqc.html](http://www.tvlf.com/tvlf/profile_tqc.html)

43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72