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- 建於1960年,由美國俄亥俄州律師協會發起, DATA公司負責技術開發
- 收錄法律、新聞、商業資訊、金融財務和公共記錄等全文資訊
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Lexis.com資料庫介紹

• 專業法律資料庫

- 專門爲法律專業研究人員和律師提供權威的、內容豐 富的全球性法律資訊
- 強大的搜索引擎
 - 按照法律分類系統,瞬間將判例、專題論文、法律評論和相關的法律新聞檢索出來

收錄(一)

- 美國 國會法案、法律、裁判、行政命令、公 共紀錄、專利資料、法學論著、法學期刊以及 法律新聞
- 歐盟與其他國際組織 –條約與協定、裁判、法 律與命令、專利資料、評論與專門著作、新聞、 國際仲裁決定以及各國遵行歐盟決議的政策與 立法資訊
- 其他國家 如加拿大、英國、法國、義大利等
 20多個國家的法令、法案、案例、國際公約等
 法律相關資料



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 - 美國聯邦立法
 - 美國聯邦規章法典
 - 美國各州立法
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法律專書

- Accounting 會計
- Administrative Law 行政法
- Admiralty 海事
- Agricultural Law 農業法
- Antitrust & Trade 反壟斷及貿易
- Banking 銀行
- Bankruptcy 破産
- Business Law 商業法
- Civil Practice and Procedure 民事實踐和程序
- Commercial Law 商法
- Communications 通信
- Constitutional Law 憲法
- Contracts 契約
- Construction 營建

• Copyright Law 著作櫂法

- Corporate 公司
- Criminal Law 刑法
- Cyberlaw 網絡法
- E-Commerce 電子商務
- Education Law 教育法
- Elder Law 老年人法律
- Energy 能源
- Entertainment 娛樂
- Environment 環境
- Estate Planning 不動產規劃
- Family Law 家事法
- Federal Practice 聯邦業務
- Forms 書式

• General Practice 一般業務

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- Health Care 衛生保健
- Human Resources 人力資源
- Immigration 移民
- Insurance 保險
- Intellectual Property 知識産權
- International Law 國際法
- International Trade 國際貿易
- Labor & Employment 勞動與就業
- Litigation 訴訟
- Local Government 地方政府
- Mergers & Acquisitions 併購
- Military Justice 軍法
- Patent Law 専利法

- Pension & Benefits 退休金與福利
- Personal Injury 人身傷害
- Product Liability 產品責任
- Public Contracts 公共契約
- Real Estate 房地産
- Securities 證券
- Tax 稅
- Torts 侵權
- Trademarks, Unfair Competition & Trade Secrets 商標,不正當競爭和商業秘密
- Uniform Commercial Code 統一商法典
- Workers' Comp & Social Security Disability 勞動補償和社會保障殘疾



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A. 使用技巧

- B. 檢索與瀏覽
- C. 以已知資訊來進行資料查找

A.使用技巧

- 進行Lexis.com法律資料庫檢索三步驟
 - 1. 第一步:確認目的
 - 2. 第二步: 定義檢索範圍
 - 3. 第三步: 適合的檢索技巧

法律檢索步驟第一步:確認目的(一)

- 找權威資料 (Finding authorities)
 - 原始資料(Primary sources)
 法規(legislation)、案件(cases)、條約(treaty)
 二次資料(Secondary sources)

期刊、評論、教科書、新聞

• 找訴訟資訊

法律檢索步驟第一步:確認目的(二)

- 法律分析
 - 案件分析-Shepard' s
 - 主題檢索-Topic or Headnote search
 - •法律問題的學術討論-Journals
 - 特定議題的檢索-Terms & Connectors

法律檢索步驟第一步:確認目的(三)

- 獲取最新資訊
 - 法律
 - 例如:所有反對國際恐怖主義法律制定
 - 案例
 - 例如:在國際商務仲裁案例涉及美洲各國間習慣
 新聞
 - 例如:找王建民相關新聞
 - 期刊
 - 例如:找教授 Elena Kagan的文章
 - 法律主題
 - 例如: 強制執行仲裁結果
 - Email Alert功能-自動定期查詢技術

法律檢索步驟第一步:確認目的(範例)

• 進行特定研究

- 準據法之約定(Choice-of-law)條款在一個國際商業 合約中是否可由法院執行?(Reference: Batchelder v. Nobuhiko Kawamoto, 147 F.3d 915)
- 美國總統是否有權利命令軍隊拘留一個疑似恐怖份子的人?嫌疑犯是否可以向法庭申請人身保護命令反對這項命令? (Reference: Rumsfeld v. Padilla, 124 S. Ct. 2711)

法律檢索第二步:定義檢索範圍

• 廣度 - 管轄範圍

- 例如:比較研究美國加州和紐約兩者間的法律原理
- 深度 時間與內容
 - 例如:查詢10年來所有聯邦判例法和州法規

法律檢索第三步:適合的檢索技巧

- 1. 進入Lexis.com
- 2. 找到有關的資料庫路徑
- 3. 精確檢索:使用Citation找到文件
- 4. 概念檢索:使用Terms & Connectors
- 5. 擴大查詢:使用More Like this

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- Search
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- * 單個字母
 - (wom*n)
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 - allcaps (aids)
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	 person is found to have engaged in copyright infringement by downloading digital music files. Under § 504(c)(1) old was found to have infringed respondents' copyrights by downloading digital music files. The District here, that if a prescribed notice of copyright "appears on the published phonorecord or phonorecords from a material object bearing the prescribed copyright notice is deemed to have "reason to not see any material object bearing a copyright notice, and accordingly there is force to actually see a material object with the copyright notice. It is enough that the infringer 	
 (2) 2.	. Harper v. Maverick Recording Co., No. 10-94., SUPREME COURT OF THE UNITED STATES, 131 S. Ct. 590; 178 L. Ed. 2d 511; 2010 U.S. LEXIS 9042; 79 U.S.L.W. 3325, November 29, 2010, Decided, The LEXIS pagination of this document is subject to change pending release of the final published version.	
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CASE SUMMARY

PROCEDURAL POSTURE: Petitioners sought review of a judgment of the United States Court of Appeals for the Second Circuit which was entered in favor of respondents on a finding that respondents did not infringe petitioners' copyright because use of the material was excused by the public's interest in the subject matter and by a finding that the fair use defense was established under the Copyright Act, 17 U.S.C.S. § 107.

OVERVIEW: Petitioners alleged that the lower court erred in ruling in favor of respondents and holding that respondents did not infringe upon petitioners' copyright because use of the material was excused by the public's interest in the subject matter and by a finding that the fair use defense was established. Reversing the judgment, the court held that respondents failed to establish that

their unauthorized use of quotations from a public figure's unpublished manuscript was sanctioned by the fair use doc Respondents admitted to lifting verbatim quotes. The unpublished nature of book was a key factor that negated the use. The court found that four statutory factors relevant to determining whether the use was fair were not satisfied. had the intended purpose of supplanting copyright holder's commercially valuable right of first publication. The use inf copyright holder's interest in confidentiality and creative control. Respondents took what was essentially the heart of copied much of it verbatim. Finally, the use of copyrighted material had an actual effect on the market for first rights excerpts from the book.

OUTCOME: The court reversed the appellate court judgment, and held that respondents' unauthorized use of quotati figure's unpublished manuscript was not sanctioned by the Copyright Act's fair use doctrine.

CORE TERMS: fair use, copyrighted, pardon, infringement, quotation, literary, reporting, prepublication, verbatim, exc Copyright Act, substantiality, copyright laws, appropriation, copying, times, infringing, publish, exclusive right, holder, dissemination, unauthorized, publisher, public figure, revision, disseminate, magazine, common law

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 Coates-Freeman Assoc., Inc. v. Polaroid Corp., OF MASSACHUSETTS, 792 F. Supp. 879; 1992 9, 1992, Decided OVERVIEW: The court awarded judgment to d plaintiff's chart was fair when plaintiff gave the 	CIVIL ACTION NO. 90-11475-K, UNITED STATES DISTRICT COURT FOR THE DISTRICT J.S. Dist. LEXIS 6655; 24 U.S.P.Q.2D (BNA) 1891; Copy. L. Rep. (CCH) P26,994, April efendant in plaintiff's copyright infringement action because defendant's limited use of chart to defendant and it was not for sale.
CORE TERMS: chart, grid, copyrightability, styl	es, axis, box, vertical, creative, problem-solving, labels
 six Polaroid charts that are alleged to infrin copyrightable. However, beyond doubt, Pola similar to any Once one recognizes that Polaroid did not ir chart is protected by the doctrine of fair us determines that the use following factors, determines that it was a 	Je it are appended to this Memorandum and roid did not infringe that which it did not copy, nor did it infringe that which is not fringe any copyright on the CFA chart merely e . 17 U.S.C. § 107. An otherwise infringing use may be excused if a decisionmaker fair use : (1) the purpose and character of the
… that Coates-Freeman cannot reasonably co … genuine dispute of fact material to the "fair	mplain. (The " fair use " issue was not addressed in previous phase use " issue addressed in this Memorandum, plaintiff's proffer
2. Federal Cartridge Corp. v. Olin Mathieson Chem OF MINNESOTA, FOURTH DIVISION, 41 F.R.D. 5 (BNA) 497, January 18, 1967	cal Corp., No. 4-65-Civ. 392, UNITED STATES DISTRICT COURT FOR THE DISTRICT 31; 1967 U.S. Dist. LEXIS 7964; 10 Fed. R. Serv. 2d (Callaghan) 865; 152 U.S.P.Q.
OVERVIEW: A defendant asserting a counterc	aim of patent infringement was ordered to respond to plaintiff's interrogatories seeking

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No. 83-1632

SUPREME COURT OF THE UNITED STATES

471 U.S. 539; 105 S. Ct. 2218; 85 L. Ed. 2d 588; 1985 U.S. LEXIS 17; 53 U.S.L.W. 4562; 225 U.S.P.Q. (BNA) 1073; 11 Media L. Rep. 1969

> November 6, 1984, Argued May 20, 1985, Decided

PRIOR HISTORY: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

DISPOSITION: 723 F.2d 195, reversed and remanded.

protection applied only to the use of the author's particular expression rather than of the facts recorded, and that the second magazine's limited use of direct quotations from the manuscript was a "fair use" which was protected under the Copyright Act (*17 USCS 107*), especially in view of the news reporting purpose of the article and the politically significant nature of the material (*723 F2d 195*).

DECISION:

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HARPER & ROW, PUBLISHERS, INC., ET AL. V. NATION ENTERPRISES ET AL.

No. 83-1632

SUPREME COURT OF THE UNITED STATES

471 U.S. 539; 105 S. Ct. 2218; 85 L. Ed. 2d 588; 1985 U.S. LEXIS 17; 53 U.S.L.W. 4562; 225 U.S.P.Q. (BNA) 1073; 11 Media L. Rep. 1969

November 6, 1984, Argued May 20, 1985, Decided

PRIOR HISTORY: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

DISPOSITION: 723 F.2d 195, reversed and remanded.

CASE SUMMARY:

PROCEDURAL POSTURE: Petitioners sought review of a judgment of the United States Court of Appeals for the Second Circuit which was entered in favor of respondents on a finding that respondents did not infringe petitioners' copyright because use of the material was excused by the public's interest in the subject matter and by a finding that the fair use defense was established under the Copyright Act, 17 U.S.C.S. § 107.

OVERVIEW: Petitioners alleged that the lower court erred in ruling in favor of respondents and holding that respondents did not infringe upon petitioners' copyright because use of the material was excused by the public's interest in the subject matter and by a finding that the fair use defense was established. Reversing the judgment, the court held that respondents failed to establish that their unauthorized use of quotations from a public figure's unpublished manuscript was sanctioned by the fair use doctrine. Respondents admitted to lifting verbatim quotes. The unpublished nature of book was a key factor that negated the defense of fair use. The court found that four statutory factors relevant to determining whether the use was fair were not satisfied. Respondents use had the intended purpose of supplanting copyright holder's commercially valuable right of first publication. The use infringed upon the copyright holder's interest in confidentiality and creative control. Respondents took what was essentially the heart of the book and copied much of it verbatim. Finally, the use of copyrighted material had an actual effect on the market for first rights to publish excerpts from the book.

OUTCOME: The court reversed the appellate court judgment, and held that respondents' unauthorized use of quotations from a public figure's unpublished manuscript was not sanctioned by the Copyright Act's fair use doctrine.

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By the act of July 15, 1870, ch. 296, § 10, for the united States for the District of Minnesota and take the same out of allegiance as is pri- iens, and should also make proof to the sati sufficiently intelligent and prudent to control the united States for the District of Minnesot and take the same out of allegiance as is provis	Switch Client Preferences help Incl Get a Document Shepard's More Automation Automation Automation ust** terms Search Within Original Results (1 - 100) Image: Automation Automation View ust** terms Search Within Original Results (1 - 100) Image: Automation View Automation View View: Citle Diggest KWIC Full Custom Image: Automation Image: Automa



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