

# Internet Newsletter for Lawyers

By Delia Venables

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[www.venables.co.uk/  
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## Privacy and Electronic Communications Ten Tricky Questions Answered by Eduardo Ustaran

The Privacy and Electronic Communications (EC Directive) Regulations came into force in the UK on 11 December 2003. These Regulations represent a complete U-turn in the law applicable to direct marketing by electronic means and regulate the use of cookies and location-based services for the first time. Here are some of the tricky questions answered.

### 1. What is the distinction between B2B and B2C marketing e-mails?

"B2B" and "B2C" are the commonly used abbreviations for "Business to Business" and "Business to Consumer" respectively. This is an important distinction because the bulk of the new regime dealing with direct marketing by e-mail only applies where the recipient of the e-mail is an "individual subscriber" i.e. essentially when that individual pays for the use of the electronic communications services.

Therefore, e-mail marketers can distinguish between communications sent to individual subscribers and communications sent to corporate subscribers (i.e. limited companies in the UK, limited liability partnerships in England, Wales and Northern Ireland and partnerships in Scotland). The latter can be lawfully targeted provided that those sending marketing e-mails do not conceal their identities and provide a valid address to which the recipients can send their opt-out requests. No matter how personal a corporate address is (e.g. [bill@microsoft.com](mailto:bill@microsoft.com)) it will still be regarded as a corporate subscriber.

### 2. What is the difference between opt in, soft opt in and opt out?

The Regulations do not refer to opt in or opt out. They simply require – as a general rule – the prior consent of the recipients of promotional e-mails. Such consent may be obtained by means of a so-called opt in box (i.e. a mechanism that requires ticking a box to indicate someone's consent to receiving marketing e-mails) but it can also be obtained by other means as long as the individual takes some positive action to express his or her willingness to receive marketing materials.

The Regulations do permit the sending of unsolicited e-mails about similar products or services to those individuals with whom you have a commercial relationship, provided that they have not opted out in the past and are given the opportunity to opt out in future e-mails. This exception is often known as "soft opt in", since it is not strictly regarded as obtaining consent, but allows individuals to exercise an element of control over the direct marketing they receive.

### 3. Can you lawfully buy or rent e-mail addresses from third parties?

The way the Regulations are drafted means that an individual can only notify his or her consent regarding marketing e-mails to the sender of such e-mails. Therefore, the only lawful way in which a list of e-mail addresses can be compiled by one party and used by another is if the individuals actually solicit the information.

If you wish to use e-mail addresses compiled by a third party for your direct marketing campaigns, you must ensure that the individuals to whom the addresses relate have specifically requested the information that you wish to send.

### 4. Legacy mailing lists – can you continue to use them?

The Regulations do not establish any transitional period to bring existing e-mail lists in line with the new regime – so after 11 December 2003, it will be in breach to use e-mail lists which were not originally compiled in accordance with the new requirements. However, the Information Commissioner has said that he is prepared to take a pragmatic view on pre-existing lists for the time being, as long as opt out requests are acted upon promptly.

## 5. Will the new regime make any difference to the flood of spam reaching our mailboxes?

The new regime will apply throughout the European Union, so marketing e-mails sent from any EU Member State will be subject to the law of each country (e.g. the Regulations in the UK). E-mails sent from non-EU Member States will not be covered and as a result, much of the spam flooding the Internet will be unaffected.

Nevertheless, the Regulations and the equivalent laws being adopted across Europe will prevent the development of spam havens within the EU and are likely to be a model that will be followed in other countries as part of the international fight against spam.

## 6. Cookies – how are they regulated?

The Regulations require that web site operators provide clear and comprehensive information about the use of cookies on their sites. According to the guidance provided by the Information Commissioner, such information should be included in a clearly signposted privacy policy or cookie statement. In addition, web site users must be told how to reject cookies.

## 7. Location based services – how will they affect individuals?

From 11 December, the use of information about the geographical location of an individual as pinpointed by mobile equipment is subject to strict information and consent requirements. Whilst using location data for direct marketing purposes is still a while off, providers of services that rely on this information (such as child and employee location services) must come up with practical ways of making individuals understand the implications of this technology and facilitating their acceptance.

## 8. How do you obtain consent from children?

UK data protection law does not distinguish between adults and children – all have the same rights under the law. However, given the increasing use of electronic communications by children and the number of instances where the new regime requires the consent of individuals before processing their data, e-businesses and mobile services providers must ensure that they take the right steps to allow minors to decide whether to give their consent or not.

This means that the wording of statements seeking consent to e-mail and SMS marketing or allowing others to locate a mobile phone user must be particularly clear and simple. In most cases, parental consent will not actually be required, given that when it comes down to privacy, it will be up to the real users of the technology (even if they are children).

As a parent (rather than a lawyer), my advice is that we should all take an interest in what our kids are up to when using electronic communications.

## 9. How is the Information Commissioner going to police compliance?

Practice will show where the regulator's priorities lie. At this stage, organisations relying on electronic means to collect personal data and promote their products, services or causes must make a special effort to respect individuals' wishes, as the Information Commissioner has openly stated that he will be paying particular attention to those businesses that fail to honour opt out requests.

## 10. How do you comply with the new law on an international basis?

It is quite obvious that global data protection law is far from being harmonised. Even on a pan-European basis it is virtually impossible to adopt a "one size fits all" approach. Business with EU-wide operations must therefore identify the key privacy issues affecting their operations and assess how the law of each country where they operate affects them.

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*Eduardo was one of the speakers in the recent conference on "Successful E-Marketing" put on by Privacy Law & Business ([www.privacylaws.com](http://www.privacylaws.com)) which took place on 11th December - the date that the new regulations came into force. This is where Delia asked him to write this article!*

*The new regulations can be found as Statutory Instrument 2003 No. 2426 at [www.hms.o.gov.uk/si/si2003/20032426.htm](http://www.hms.o.gov.uk/si/si2003/20032426.htm)*

*Guidance from the Information Commissioner can be found in pdf form at [www.informationcommissioner.gov.uk/eventual.aspx?id=96](http://www.informationcommissioner.gov.uk/eventual.aspx?id=96)*

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## Department for Constitutional Affairs

The DCA has now (at last) launched its new website (see [www.dca.gov.uk](http://www.dca.gov.uk)). It was just about to be launched in early summer as the new LCD site (see the May/June issue for Mike Wicksteed's report) when the DCA was announced, and the site went back to the drawing board. Then the DCA was given responsibility for the Hutton Inquiry site, taking precedence over the department's own plans, which put it back still further.

So what is it like? I think it is impressive. Hardly any other sites have such a mass of nitty gritty information to provide in a coherent form for so many entirely different types of viewers (including lawyers, academics and "ordinary" people) and where it really matters if the information provided is correct. The site is fast to load and has the excellent characteristic that the different sections of the site are genuine html pages with a stable web address. Thus, other sites (such as my own) can link to the relevant section, e.g. human rights or data protection, rather than requiring the viewer to search for themselves on the DCA site.

Another good feature is that links from other sites to the old LCD site are automatically redirected to the relevant part of the new one. That is particularly useful since there must be thousands of other sites which have got links to the LCD site and where it would be very annoying if the information was suddenly unobtainable.

There is a What's New section prominently displayed on the opening page and the graphics and backgrounds are restrained and re-used across the site so as not to waste the viewer's time with lots of downloads.

There is a good search facility and the site adheres to the Cabinet Office guidelines with regard to accessibility, e.g. the print size can be changed.

## Free and Easy Access to Law By Peter Clinch

Over the last few years a number of free and easy-to-use databases have been developed, designed to help lawyers find the law. These databases have often identified a niche activity which the big, commercial providers have overlooked. To fall within the criteria for inclusion in this article the sites should not carry the law itself, but direct users to where the law may be found, by means of indexes, catalogues, databases, lists, or training materials. This article is a personal selection of twelve resources which offer the most assistance to lawyers in finding the law.

### Internet for Lawyers

Internet for Lawyers ([www.vts.rdn.ac.uk/tutorial/lawyers](http://www.vts.rdn.ac.uk/tutorial/lawyers)) will appeal to those new to searching the internet for law or who have responsibilities for training in law firms. It is a free, 'teach yourself' tutorial, that lets users practise their Internet Information Skills at their own pace. Although devised for law students and funded by higher education, Sue Pettit, Subject Librarian for Law, Wills Memorial Library, University of Bristol, has developed a series of tutorials which will appeal to practising and academic lawyers alike. Tutorials cover such topics as Internet Orientation: understanding the nature of the Internet and its potential value in law work, developing effective internet information seeking skills, thinking critically about and evaluating what lawyers can find on the internet, and how to 'read' web addresses. If any topic does not appeal, the design of the tutorial makes it easy to skip irrelevant sections.

A 'Links Basket' allows users of the tutorials to make a personal collection of URLs relevant to their interests. The contents of the 'Basket' can be printed out or added to your own lists of Favorites or Bookmarks. For trainers, there is a teachers' pack with downloadable files of workbooks, and a PowerPoint presentation for use in training sessions.

### Legal Resources in the UK and Ireland

Having mastered how to use the internet effectively, the value of law portals will be plain. Probably the best known is Legal Resources in the UK and Ireland devised by Delia Venables ([www.venables.co.uk](http://www.venables.co.uk)). The site is a veritable cornucopia of links, with an accent on those of benefit to the practitioner rather than the academic. The thousands of links to law internet sites are arranged under four main headings: Information for Individuals, Lawyers, Companies and Primarily for Students. Each site is described in a few lines, briefly yet succinctly, and for a few an occasional evaluative comment is added. The 'New on the Internet' feature is a valuable updating service.

### LawLinks: Legal Information on the Internet

While Delia concentrates on sites of value to practitioners, Sarah Carter's site at the University of Kent ([library.ukc.ac.uk/library/lawlinks/default.htm](http://library.ukc.ac.uk/library/lawlinks/default.htm)) provides links to sites of value to academic lawyers. The site has won a number of awards and is attractively presented.

Sarah also includes links to sites for EU, international law and the law of a range of foreign jurisdictions. In fact, there is very little overlap in coverage between Delia's and Sarah's sites, and between them these two law portals provide lawyers with excellent routemaps for research.

### Infolaw

Nick Holmes' Infolaw website ([www.infolaw.co.uk](http://www.infolaw.co.uk)) is the longest established UK legal gateway. The site is especially noted for its Lawfinder search service which indexes over 80,000 Acts, SIs, cases, procedural forms and precedents, other official documents, EU legislation and treaties. The range of materials covered by Nick is far wider than any of the commercial databases. However, this service is free only for a 30 day trial period. Nevertheless, there are other reasons for using the site: particularly Law Resources, the extensive subject lists of web links to over 700 sites with substantial law content.

### Swarbrick's Case Index

Another long established free internet database to assist researching UK law is David Swarbrick's Case Law Index ([www.swarb.co.uk/#lawindex](http://www.swarb.co.uk/#lawindex)). It now contains a free index to a small selection of more than 55,000 cases indexed since 1995 with links to over 43,000 full text judgments. The strength of the index lies in the selection of material, obviously focused at the law practitioner. To access the complete index users need to register and subscribe on the lawindexpro part of the site.

### Cardiff Index to Legal Abbreviations

For the next site, I admit to a large personal involvement in its creation. One of the most common queries that library and information staff receive is: what does this legal abbreviation mean? In June 2003, the Cardiff Index to Legal Abbreviations ([www.legalabbrevs.cardiff.ac.uk](http://www.legalabbrevs.cardiff.ac.uk)) was launched. It is a free web site with a searchable index to over 12,000 abbreviations used to refer to over 7,000 publications. The jurisdictional coverage is wide: UK, Commonwealth, United States, Europe, international, foreign and comparative law.

The Cardiff Index is unlike paper-based indexes to abbreviations in at least two major respects: first, you do not need to carefully enter the correct punctuation for an abbreviation to find the title. The software strips out punctuation and is not case sensitive. The Index returns the best matches for the information provided. Second, it is possible to search both from an abbreviation to find the title and also from a title to find its abbreviation. Where a preferred abbreviation for a publication has been discovered, this is mentioned. It is clear from the long lists of alternative abbreviations for some of the most popular publications, that there is a need for the creation of internationally agreed standards for legal abbreviations.

Having discovered what an abbreviation means, lawyers may need help to cite the particular type of legal literature correctly in memoranda, opinions and litigation.

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## Oxford Standard Citation of Legal Authorities

Although devised by Oxford University Law Faculty, the Oxford Standard Citation of Legal Authorities (OSCOLA) ([www.law.ox.ac.uk/oscola/index.shtml](http://www.law.ox.ac.uk/oscola/index.shtml)) will be of value to any lawyer who cares about communicating in writing effectively, consistently and with convenience for the reader. The site presents standards for 'a system of citation and presentational style for use in legal writing, covering abbreviation, punctuation, cross-referencing, the use of headings, and other topics... It is the closest that the UK has to what in the US is known as the Blue Book' and in Canada: the Red Book.

It covers much more than how to cite legal material correctly, and includes standards on presentation and layout (creating hierarchies of headings, using footnotes, how to set out quotations, how to refer to numbers and dates). It is produced in two versions: Bigoscola which runs to over 100 pages of standards and guidance, and Littleoscola, a 32 page summary. The site and its standards will prove valuable to lawyers responsible for compiling or editing in-house or client newsletters and even training new entrants to the profession in the skills of good writing and presentation.

## Eagle-i

The next two sites take a geographically wider view of finding the law. Eagle-i ([ials.sas.ac.uk/links/eagle-i.htm](http://ials.sas.ac.uk/links/eagle-i.htm)) promotes itself as 'the law gateway offering global legal information'. Links are provided to web sites covering the substantive law of well over 100 jurisdictions and all the major international and inter-governmental organisations. Also featured is a subject index to web law resources of interest to international lawyers. Eagle-i is the jumping-off point to access a huge range of resources of interest to lawyers with interests in international, foreign and comparative law. The site is maintained by the Institute of Advanced Legal Studies (IALS), University of London, the foremost UK library covering these subject areas.

## Social Science Information Gateway (SOSIG)

A link from Eagle-i leads to the SOSIG Law Gateway ([www.sosig.ac.uk/law](http://www.sosig.ac.uk/law)). This is a catalogue of internet sites of relevance to the social sciences, law and business. The accent is on including high quality web resources and providing users of the web catalogue with a critical evaluation of the content of each resource. Law has its own Gateway, edited jointly by the IALS and University of Bristol Law Library. The jurisdictional coverage is wide, covering over 200 countries as well as international law. Over 3,500 law web sites are included and the number is growing by more than 50 per month. There are several ways to search: either by typing in keywords or following links from the home page to hierarchical lists of web resources. In addition the site provides Grapevine, a 'community notice board' for law, detailing forthcoming law conferences, courses, events, as well as Likeminds, a professional contact service for lawyers.

## Foreign Law Guide (FLAG)

The next two sites are of use to lawyers seeking information on foreign and international law. Again, I admit to having played a considerable part in the creation of the first site: the FLAG database ([ials.sas.ac.uk/library/flag/flag.htm](http://ials.sas.ac.uk/library/flag/flag.htm)). FLAG stands for Foreign Law Guide. It is a web inventory of the collections of foreign, comparative and international law materials held in UK universities, the British Library, the Inns of Court and the Public Record Office, Kew. It is not a union catalogue or listing. It describes the contents of

different collections noting shelf marks and providing web links to each of the libraries included in the database.

It is important to remember that there are still some countries of the world which have very few law resources freely available on the internet. This is especially true for law made in the pre-internet era or made in developing countries. FLAG identifies where in the UK, paper versions of law from earliest times to the present, for over 200 countries and over 60 international organisations, is held.

The database is not intended to indicate who holds the issues of a particular serial, e.g. Queensland Reports. But by searching for the country: Australia, the state: Queensland, and the general material type: Court Reports, it will tell you which libraries have collections of court reports for Queensland.

## Foreign Law Research (FLARE)

The Foreign Law Research (FLARE) site has only recently gone live, but for lawyers interested in foreign law it should prove invaluable as its content develops. FLARE ([ials.sas.ac.uk/flare/flare.htm](http://ials.sas.ac.uk/flare/flare.htm)) aims to improve the coverage and accessibility of foreign legal materials at the UK national level and enhance expertise in their use. Its work is currently focused on improving national coverage of the law of the transition states of Central and Eastern Europe and building a distributed national collection of Official Gazettes.

In many countries, the Official Gazette (OG) contains the authoritative text of legislation and much valuable administrative material, such as government notices, circulars, announcements. Some libraries in the UK collect OG and yet it can be difficult for a researcher to discover whether the OG for a particular country is held in any library in the UK. FLAG, mentioned above, includes references to holdings of OG only where the parts of the publication held contain legislation or court reports. FLARE has begun to publish on its web site a Union List of holdings of European Legal Gazettes in major research libraries. It is also producing a series of Research Guides to the law of central and Eastern European jurisdictions.

## Current Legal Research Topics

The final site is, perhaps, of more specialist interest. The Current Legal Research Topics Database ([ials.sas.ac.uk/library/clrt/clrt.htm](http://ials.sas.ac.uk/library/clrt/clrt.htm)) provides details of research into the law being undertaken at the present time by postgraduate research students (MPhil and PhD) in British university law schools. The database can be searched either by any keyword in the title of the dissertation, or subject keywords, or the name of the student undertaking the research or the name of the university in which the research is taking place. The database is updated annually and is on the web site of the Institute of Advanced Legal Studies, University of London.

I admit that the balance of sites mentioned in this article is biased rather towards those serving the academic law community. If a practitioner is stirred by my list to write an article featuring a more practice-based selection, I am sure the editor of the Newsletter will be pleased to receive copy to redress the imbalance.

*Dr Peter Clinch has been active in legal information work and research skills training for over 25 years. He is the author of three books on the topics and currently is Information Specialist-Law in the Information Services Division of Cardiff University.  
Email [ClinchPC@Cardiff.ac.uk](mailto:ClinchPC@Cardiff.ac.uk).*

Another in the series of publishers online

## The Estates Gazette Group by Joanne Tenhave

The Estates Gazette Group has supplied news and information to the property industry and the legal sector for almost 150 years. It is owned by the Anglo-Dutch publisher Reed Elsevier, which has four divisions: science and medical, legal, education and business to business. The latter includes Reed Business Information (RBI), the UK's leading provider of business information and market solutions.

RBI has a portfolio of market-leading publications, directories, electronic products and online services, including the products managed by the Estates Gazette Group. The group ([www.estatesgazettegroup.com](http://www.estatesgazettegroup.com)) has around 160 employees based both in London and in regional offices. Its various publications, including hard-copy products and electronic services, aim to be the first choice for property information.

The flagship title, Estates Gazette, was first published in 1858, and quickly established a reputation as the leading publication for property professionals. The magazine has become essential reading for all those involved in the sale, purchase and development of commercial property, and is now read by more than 100,000 people each week.

Estates Gazette offers unrivalled coverage of commercial property issues. It provides comprehensive news and analysis, together with technical and legal information. The practice and law section contains authoritative commentary and advice on legal developments. In addition, the full transcript of a property law case is published each week, and is usually accompanied by two summaries of recent, significant decisions.

### EGi and EGi Legal

The online subscription service EGi ([www.egi.co.uk](http://www.egi.co.uk)) was launched in 1996. The website now has in excess of 19,000 subscribers who access a range of different products, including a specialised legal service, that are tailored to the property professional.

The EGi core service delivers in-depth news reporting "live" throughout the day from EGi's dedicated team of journalists, together with a comprehensive deals database, access to the Estates Gazette archive, a Who's Who directory and a companies database.

EGi Legal ([www.egi.co.uk/legal](http://www.egi.co.uk/legal)) is a separate, specialised service that offers detailed legal information on property issues. This aims to provide wide-ranging coverage of property law issues, including landlord and tenant, planning, compulsory purchase and leasehold enfranchisement. EGi Legal is a valuable research and analysis tool, not only for lawyers but for anyone who needs to keep up to date with all aspects of property law. Subscribers include Top 10 law firms, leading barristers' chambers, chartered surveyors, developers and local authorities. The service has more than 9,000 users.

EGi Legal incorporates an archive of Estates Gazette Law Reports and Planning Law Reports from their inception in 1975 and 1988 respectively. In addition, a team of court reporters based in the Royal Courts of Justice summarise the latest property law decisions. Up to 10 case summaries and 40 news items are added to the site each week, all of which are carefully selected to provide indispensable legal information for property professionals.

EGi Legal also includes a database of property statutes and statutory instruments, as well as an archive of every property law article that has appeared in Estates Gazette from 1986. These articles are not available from any other source. The service incorporates a number of additional features, such as a claims database, access to EGi news and summaries from the national and regional press, the Who's Who directory and the companies database.

### Free Services from EGi

EGi offers a limited range of services to guests, including short summaries of national press news items and details of properties for sale and lease (courtesy of EGPropertyLink). Non-subscribers can also access Practice Points ([www.egi.co.uk/practicepoints.asp](http://www.egi.co.uk/practicepoints.asp)), which is a free service providing practical comments on topical issues and recent judgments affecting property law. Anyone interested in electronic conveyancing may like to take a look at Propert-e, another free website ([www.egi.co.uk/propert-e](http://www.egi.co.uk/propert-e)). This has been developed in conjunction with Wragge & Co to supply comprehensive news and analysis on the development of e-conveyancing.

### Other Estates Gazette Group Services

The group also offers a number of other products. Europroperty is a monthly publication providing a comprehensive and up-to-date guide to the European property market. It incorporates news, including details of the latest lettings and investment transactions, information on legal and fiscal regulations, and analyses of the key issues affecting Europe's property markets. It also offers in-depth reports on pan-European investors and developers, regional surveys and new data on property markets worldwide.

In addition, the group publishes EGPropertyLink.com, which is a free commercial property listings service covering the UK and Ireland. At least 100,000 people visit the site each month, accessing more than one million pages. EGPropertyLink powers the commercial property search screens of 95+ commercial property websites throughout the UK and Ireland.

"The internet has revolutionised the way in which publishers such as Estates Gazette have been able to satisfy the needs of the markets it serves," said Jim Muttram, publishing director of the Estates Gazette Group. "As early pioneers, we have enjoyed a head-start in these developments and today offer a huge range of information and services to our customers."

*Joanne Tenhave is the assistant manager of EGi Legal. Email [Joanne.Tenhave@egi.co.uk](mailto:Joanne.Tenhave@egi.co.uk).*

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### Legal IT Exhibition and Seminars - all free

Legal IT 2004 ([www.legalitshow.com](http://www.legalitshow.com)) is an exhibition and series of free seminars to be held at the Business Design Centre in London, on February 11th and 12th. Most of the important suppliers of computer systems for lawyers are going to be there, including several of the key digital dictation suppliers. You can register online.

The seminars (all free) are chaired by Neil Cameron and include talks about selecting the best system, email archiving and management, and how to implement a case management system. There are also several "product shootouts" where key suppliers describe their products - an increasingly popular format these days.

## Latest Specialised Websites by Delia Venables

Specialised sites are still coming onto the web at a good rate! Here are the latest ones I have come across.

About Cookies, [www.aboutcookies.org](http://www.aboutcookies.org), is a site set up by international law firm Masons in response to the European Union Directive on Privacy and Electronic Communications, now incorporated into UK law as the Privacy and Electronic Communications (EC directive) Regulations 2003. The site provides the text of the new regulations as they affect cookies, and provides information on what cookies are, how to control them and how to delete them (from an individual user's point of view). There is also an article called "Most UK web sites do not meet new cookie law".

[www.laurencekaye.com](http://www.laurencekaye.com) covers technology, media, intellectual property and e-commerce law. There is a major section called "Knowledge Zone" with a large number of FAQ's, articles and checklists. The FAQ's cover Is linking to other websites legal?, Legal rights involved in a website?, Who owns a website?, When do I have to notify the Data Protection Commissioner?, Can I still send unsolicited e-mails?, Can employers monitor their employees' e-mails?, Has UK Copyright law changed?, What are moral rights?, Intellectual Property and how to protect it, Contracts - ten key deal points, Business Online - top ten points.

[www.constructionlawdatabase.com](http://www.constructionlawdatabase.com) is a subscription service which features Adjudication under the Construction Act 1996. Developed by lawyer Tim Gulliver, there are some 150 case summaries, including all leading as well as recent cases, plus law summaries. New cases will be added as they appear. Cases can be searched by a unique menu system as well as by date, title, judge, party, barrister or solicitor.

[www.dataprotectionforbusiness.co.uk](http://www.dataprotectionforbusiness.co.uk) is a site set up by London and Manchester firm Rowe Cohen as a compliance and risk management service for Data Controllers. There are fact sheets, a handbook, and the ability to submit questions to the solicitors of the firm. There are sample fact sheets available on the site.

[www.lawyers-media.com](http://www.lawyers-media.com) is a site set up by London firm David Price Solicitors & Advocates. This is a Guide to Media Law covering Defamation, Breach of confidence and privacy, Malicious falsehood, Contempt of court and Copyright. They provide a newsletter on the site (or you can sign up to receive it by email) containing reports and comment on media law. They aim to cover all cases in the High Court and Court of Appeal as well as decisions of the European Court of Human Rights on freedom of expression and relevant adjudications of the Press Complaints Commission and the Broadcasting Standards Commission.

[www.webbimmigration.com](http://www.webbimmigration.com) is a site set up by London firm D J Webb & Co. This provides a series of information sheets on many aspects of immigration including an overview of UK residence and citizenship, an overview of visa and immigration, tourist and short term visas, business and study visas, work permits, residence for investors, retirement to the UK, gay immigration, family related visas and residence, training permits, political asylum and refugees.

[www.propertylawuk.net](http://www.propertylawuk.net) is a site set up by barrister Gary Webber and continues to provide up to date information on legal developments in the property area. There is an "update" each month and it is also possible to register for an email version.

Monday, December 29, 2003

**Doglaw.co.uk**  
a service of  
Cooper & Co. Solicitors

Welcome to Doglaw.co.uk  
Specialising in Canine Law in the UK

Doglaw Home  
Legal Info  
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**Doglaw.co.uk - a service of Cooper & Co.**

If you are a dog owner, it is surprising how easy it can be for your dog to cause you legal problems. We are a specialist Solicitor's firm, as we defend cases involving dogs. Although we are based in Kent, we take on cases throughout England and Wales.

In the pages on this site, we give you brief details of the areas where you may need assistance. However, this is not intended to be a complete listing of all the kinds of cases where we may be able to help you. If the particular problem that you have is not mentioned, please contact us.

You can contact us for a free initial telephone consultation, or if you prefer, you can e-mail us, fax us, or write by post.

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[www.doglaw.co.uk](http://www.doglaw.co.uk) is all about, er, dog law. The site opens with a quick bark, there are a couple of (small) dogs running around the site and menu items are shown as paw marks. This is the site of sole practitioner Trevor Cooper, of Ash, near Canterbury, Kent. The site contains extracts of legislation relating to pets, a section of FAQ's (dangerous dogs, barking dogs, number of dogs allowed in planning law, damages, custody/access, sheep worrying, insurance, wills... and so on). There is also a good set of doggie-related links. There is a quote from the Telegraph about Trevor "He is the pets' saviour, St Francis of Assisi of the law courts, defender of dogs". *I love this site! It's my favourite.*

[www.irishsurvivors.org.uk](http://www.irishsurvivors.org.uk) is a site created by Cheadle firm Abney Garsden McDonald for the victims of child abuse who wish to submit claims to the Irish Redress Board. The site is intended to be a source of information for all survivors, support groups, legal representatives and other persons connected with the Redress Board, particularly for victims of abuse now living in the UK. The Irish Redress Board (see [www.rirb.ie](http://www.rirb.ie)) was set up under the Residential Institutions Redress Act, 2002 to make fair and reasonable awards to persons who, as children, were abused while resident in industrial schools, reformatories and other institutions subject to state regulation or inspection. The claims are open to anyone who was abused in an Irish Institution at any time although time runs out in December 2005.

[www.earthrights.org.uk](http://www.earthrights.org.uk) is a specialised firm which seeks to protect the environment by working with individuals and groups, ranging from local campaigns to non-governmental organizations (NGOs) and green businesses - where appropriate for free or at low cost. The site includes information on current news and cases as well as a comprehensive list of resources and links in the environmental groups and campaigning/legal area.

[www.criminal-solicitors.com](http://www.criminal-solicitors.com) is a site now owned by JMW Solicitors (the site was originally set up by Interactive Law). There is information on Motoring Offences, Arrest, Aiding & Abetting, Assault, Keeping the Peace, Burglary, Taking vehicles without consent, Deception, Drugs, Criminal Damage and Serious Fraud and there is also a major section on Prison Law.

*If you have a really good specialised site which I have not mentioned recently, please let me know!*

## Internet Resources Relating to the Law on Financial Crime

by *Khawar Qureshi*

Recent developments at the domestic level and also internationally are likely to require lawyers to be extra vigilant when advising on commercial or financial issues from now on. Resources available freely on the internet can be of enormous assistance in keeping up to date with this topic. I cover here two key areas which have been the focus of particular attention recently, namely money laundering and corruption.

### Money Laundering

At the beginning of 2003, key provisions of the Proceeds of Crime Act 2002 were brought into effect in England and Wales. The provisions dealing with money laundering (Sections 327 to 340) ([www.hmso.gov.uk/acts.htm](http://www.hmso.gov.uk/acts.htm)) will have considerable significance for financial advisers, as well as lawyers. In essence, anyone who is subject to the statutory regime will not be able to excuse a failure to report a transaction which may be tainted by criminality, if a person in their position who had exercised reasonable care and skill (by virtue of their professional KYC/KYB (know your customer/know your business requirements)) would have reported the same (see Section 330). The test for potential criminal liability by virtue of failing to report a suspicious transaction is arguably now akin to a negligence standard.

The National Criminal Intelligence Service (NCIS) is the body which is responsible for dealing with suspicious transaction reports ("STR's") submitted by those who fall within the statutory framework. In July 2003, the accounting firm KPMG produced a report which provides a very detailed analysis of the practical operation of anti-money laundering legislation ([www.ncis.gov.uk/kpmgsarreport.asp](http://www.ncis.gov.uk/kpmgsarreport.asp) or locate the report via the main site [www.ncis.gov.uk](http://www.ncis.gov.uk)). The NCIS web site also contains very useful information and guides as to the operation of the legislation and the workings of NCIS. Some of the guides are particularly directed towards legal professionals to take account of very recent case law (such as the family law case of P v. P, October 2003)

There are various initiatives taking place at the international level to deal with money laundering, especially in the aftermath of the events in the USA on 11th September 2001. The lead agency is the Financial Action Task Force ("FATF") set up by the OECD. This has produced 44 recommendations for States to incorporate into their domestic legal frameworks, so as to tackle money laundering and terrorist finance more effectively (you can find these on the main OECD site, at [www.oecd.org](http://www.oecd.org)).

There is also a very comprehensive web site, the International Money Laundering Information Network ([www.imolin.org](http://www.imolin.org)) which provides extensive international resources in this area as well as links to other key sources of information.

### Corruption

In March 2003, the UK Government introduced the draft Corruption Bill with the stated intention of undertaking comprehensive reform of the UK Law relating to corruption, so as to bring it up to date and in tune with international standards ([www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)).

A Joint Parliamentary Committee published a report in July 2003 which provides an excellent analysis of the present

and proposed UK law relating to corruption, together with suggested amendments to the Bill ([www.parliament.uk](http://www.parliament.uk)).

### The Present UK Position

Four Statutes are relevant in this area (see [www.hmso.gov.uk/acts.htm](http://www.hmso.gov.uk/acts.htm) for the more recent ones) namely:

- \* Public Bodies Corruption Act 1889
- \* Prevention of Corrupt Transaction with Agents Act 1906
- \* Prevention of Corruption Act 1916
- \* Anti-Terrorism, Crime and Security Act 2001 (Sections 108 and 109 of which sought to give effect to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions)

The core rationale for the law is clear, namely to prevent corruption from enabling a public official to abuse his or her position, and to prevent a party from using corruption to obtain an advantage.

The law in this area is aimed at essentially two types of activities which are engaged in intentionally:

- \* Conferring a benefit on a public official (here or abroad) in return for a benefit (such as a contract) or some act or omission to the detriment of a third party
- \* Conferring a benefit on an individual who is acting as the agent of a third party (such as a company director) in return for a benefit (such as a contract) or some act or omission to the detriment of the third party or some other party (for example a competitor).

Some of the difficulties with the existing legislation include the absence of any statutory definition of corruption, as well as the fact that the existing legislation is in certain respects obscure and complex. Given that corruption is difficult to prove in most cases (because the parties tend to cover their tracks) clarity in the legal framework is vital. The draft Corruption Bill is intended to comply with existing international conventions produced by the Council of Europe in 1999 (see the Report).

In December 2003, the UN Draft Convention on Corruption was made available to all UN member states for signature (this can be found in pdf form on the United Nations Office on Drugs and Crime site at [www.unodc.org](http://www.unodc.org)). The Convention is intended to provide a comprehensive legal framework to harmonise the domestic laws of UN member states, and to fill some of the gaps that have been found to hamper the fight against corruption.

Indeed, in the context of corruption, State laws and practice vary enormously. Some of the key anomalies include;

- \* The absence of any uniform definition of corruption, or in some cases, no law prohibiting corruption
- \* Statutory immunity from prosecution to officials which might also extend to corruption
- \* The absence of anti-corruption strategies or transparency in procurement policies
- \* The absence of any anti-money laundering legal regime
- \* The absence of any laws and procedures to enable the confiscation of assets
- \* The absence of any laws and procedures to provide for international legal co-operation with regard to extradition, and collection of evidence for criminal investigations or proceedings, and/or measures to assist in the freezing of assets.

The Convention (comprising 85 very detailed clauses at

present) seeks to address all of the above issues. If it is widely adopted by UN member states (many of whom have stated an intention to sign up to the Convention) it will provide the first ever comprehensive and uniform minimum standards to tackle the scourge of corruption.

The Convention itself recognises that some States will not have the infrastructure or technical expertise to properly give effect to the Convention. The UN intends to provide them with focussed technical expertise to help them in the implementation process.

## Concluding Remarks

The area of financial crime is subject of rapid developments. Not so long ago, a UK lawyer would probably have considered money laundering and corruption to be areas which could be ignored in terms of their own practice. That would be a grave mistake now.

*Khawar Qureshi practices mainly in Commercial and International Law at Serle Court Chambers. He is an "A" Panel Treasury Counsel and was Counsel for the Home Secretary in the "Abacha" corruption/MLA case. He was appointed a Special Adviser to the UNODC on financial crime matters in August 2003, and gave an expert legal opinion to the Joint Parliamentary Committee considering the UK Draft Corruption Bill. Email: [kmqureshi@aol.com](mailto:kmqureshi@aol.com).*

## New Directions... by Delia Venables

### Free CPD from CrimeLine

CrimeLine, (see [www.crimeline.info](http://www.crimeline.info)), the information and training site run by criminal lawyers Andrew Keogh and Paul Lewis, is now offering free CPD. The lawyer receives a weekly email "Updater" on criminal law covering new cases, legislation and criminal law news. At the end of the month, the lawyer can answer 12 multiple-choice questions online and if they get at least 9 of these right (with the questions being marked automatically and the result being available straight away) they can print out a certificate allowing 1 hours CPD. This allows 12 hours CPD to be obtained in the year - and all free. You can register on the site and also view past issues. There is also a sample test available (no legal questions - more a sort of general knowledge quiz)

where you can test out the way it works. I got 10 out of 12 - doubtless others can do better! An earlier version of this scheme has been in operation for some months and the email Updater is already read by 3,000 lawyers each week.

## New Directory of Barristers and Chambers

Bardirectory.org ([www.bardirectory.org](http://www.bardirectory.org)) is a new directory providing a free online register for chambers with a list of all members, information about chambers, and contact information. This is intended to become a resource for solicitors searching for particular skills and experience. The basic entry is free but for a cost of £2 per barrister per month, chambers can add full profiles of all members, including cases and articles and a link to a chamber's own website. This can be updated by chambers using a content management system. A further level of service provides a total website for chambers who do not yet have their own site or are unhappy with their present one. Individual barristers for whom their chambers does not already use the service can obtain their own entry - effectively a website of their own - for £99 plus VAT a year. The service is run by Nasstar, an Internet Services Provider set up in 1998 by Charles Black, a qualified barrister. Nasstar has already set up sites for several chambers.

## Legal Information Exchange - Linex

Linex ([www.linex.co.uk](http://www.linex.co.uk)) is a subscription service which monitors the web sites of UK and international law firms, government and EU organisations and major legal news agencies. The Linex editors also monitor legal news from online legal publishers, seminars and courses, and provide transcripts and reports from a selection of latest cases. Users can set up a profile to determine the work areas they are interested in and the sources from which they wish the content to be selected. There are already in-house counsel from 800 companies using the service and 1,000 law firms, including many major firms. Some of these firms are adding their content directly to the Linex database, seeing the service as a way to reach in-house counsel for marketing purposes. Previously operating as "Legalwebwatch", the company is now registered as Linex to reflect the information exchange (and therefore marketing) aspects of the service rather than "just" the monitoring function.

## Two birds, one stone - bardirectory.org

One content management system. One monthly fee. Two web sites.

Bardirectory.org is the new online directory of barristers, used by solicitors to search for counsel.

Register your Chambers and you can update full profiles of all members, as well as publish unlimited numbers of cases, articles and news stories - all through a single easy to use Content Management System.

You also get a brand new chambers web site. You only need to update once and your content is automatically updated on both [bardirectory.org](http://bardirectory.org) and your Chambers web site, saving you time and maximising the effectiveness of your marketing strategy. Register Now - visit [www.bardirectory.org/getListed](http://www.bardirectory.org/getListed) for registration details.

**Free chambers** listing includes description, contact information, online enquiry form and a full list of members.

**Individual barristers** can register and update their full profile with cases and articles.

**Chambers registration** includes your own Chambers web site using your own domain name with customised graphics and a Content Management System for adding news, barrister profiles, cases, articles and areas of work.

For further information, visit [bardirectory.org](http://bardirectory.org), or contact Charles Black. *bardirectory.org is operated by Nasstar, a business ISP.*

## *Gathering together a law firm's know-how the Open Source way*

### **What is Wiki? (part 1)**

*by Paul Robertson*

Electronic databases remove the burden of collating cases and statutes. Online commentaries provide up to the minute digests of the state of the law, but where can law firms keep all the know-how generated within a firm?

In part 1 of his article, I describe the investigations leading to the decision to adopt 'open-source' software for the firm, whilst in part 2 (to appear in the next issue) I will document the progress made in setting up the software within the firm.

### **Lawyers are Spoilt**

Lawyers are spoilt when it comes to electronic databases. Publishers vie with each other to provide ever more comprehensive collections of cases and statutes. Works such as Butterworths Laws of New Zealand provide authoritative, pithy summaries of what the law is on particular subjects.

But databases and books don't have all the answers, and aren't always the first place people look. Law firms generate their own 'know how'; previous legal opinions, precedent pleadings, copies of unreported cases, tricks and tactics that you get from asking a colleague rather than opening a book. Increasingly the information is in email messages between authors.

Many firms start up their own database(s) to keep track of these treasures, albeit only as a filing cabinet of unreported cases. But if the information there is so valuable, it deserves to be easily accessible, preferably 'online', indexed, searchable and easily updated. In fact, it would be most helpful if all this information were presented like, say, Laws of New Zealand with short extracts of the really useful information and 'hyperlinks' where necessary to the full text of any cases or other sources quoted.

### **Heaney & Co**

Ours is a niche firm: we focus on the liability of local authorities. We subscribe to many electronic databases and use a 'bespoke' Access database to index the unreported cases, articles and opinions that we generate and collect.

The Access database has its shortcomings, for instance it provides an index only. Thus, you need to recover the paper document if the summary in the database suggests the document is useful. It also does not capture those useful snippets of information that are so elusive; we started looking for another way of capturing our in-house knowledge.

What we needed was software that could act as a container for web pages, Word documents, PDF files and other snippets of information that will automatically index everything, provide a search facility, and be able to be accessed from any desktop in the office. The software should also be easy to use, particularly when adding content or making changes.

I investigated the software available for this task. The nearest commercial product is Microsoft Sharepoint Portal Server. However, the licensing and hardware requirements of that product were prohibitive.

I looked to the open source software movement for ideas.

I struck pay dirt with a programme written by Ward Cunningham to solve a similar problem, how to enable programmers working collaboratively on large software projects to document the project. This technical documentation changes over time and needs to be updated by many people. Mr. Cunningham wanted to overcome the constraints of using word processing documents to capture this information, such as the difficulty in tracking changes or embedding hyperlinks to other resources. He also wanted to get away from the delays inherent in updating and approving changes to the documentation.

Mr. Cunningham wrote the first example of this software in 1994. It was a small programme that ran on a server and allowed any member of the development team to make instant updates to the online documents. All changes were logged and could be reviewed and compared to previous versions. The documentation was viewed and edited using a standard web browser, no special software was required. Mr Cunningham called his software 'Wikiwiki', apparently Hawaiian for quick.

Since then, the Wiki concept has been taken up by the open-source community as a means of collaborating. It has moved from its single project origins to become a way of recording information on more general themes, e.g. a particular programming language at [fox.wikis.com](http://fox.wikis.com) or, even more ambitiously, at [en.wikipedia.org](http://en.wikipedia.org), a project to build a comprehensive free encyclopaedia relying on contributions from the public. University lecturers have adopted Wiki's as a way of holding a discourse with their students while activists use the programme to marshal their arguments, i.e. the Trident Ploughshares legal Wiki at [www.andrewgray.uklinux.net/tpwiki/wiki.pl?FrontPage](http://www.andrewgray.uklinux.net/tpwiki/wiki.pl?FrontPage).

### **How a Wiki Works**

There are versions of the Wiki concept available for most operating systems written in most computer languages. There are also 'hosted' versions available where users can start their own Wiki with nothing more than a web browser and an idea.

A Wiki consists of separate pages, each with a (unique) name describing the subject matter of the page. The page itself is 'plain text', usually stored in a database, but when viewed in a web browser, it is translated into web friendly HTML. In addition to the plain text, the page contains navigation links and a menu with options. The most important says 'Edit this page'. Anyone clicking this link is lead to the text of the page and can make additions and changes to the text of the page, which when saved, replaces the original text.

Hyperlinks are the essence of the web and the use of hyperlinks is one of the reasons that the Wiki concept works so well. A web address is translated into a hyperlink to that page. A link to another page in the Wiki is generated automatically when the name of the page is entered in a special format, usually by having the words squished together with the initial letter capitalized, this is known as *CamelCase*. If the page doesn't exist, the Wiki software puts a question mark after the CamelCased phrase; clicking on this opens a blank page of the same name ready for new text to be entered. Links can also be made to any other resource, be that a Word document or a PDF file.

### **Which Wiki?**

Our preference was to use host a Wiki on an existing server running Windows 2000 with the Microsoft web server (IIS) installed, so I reviewed Windows based Wiki programs, eventually settling on OpenWiki ([www.openwiki.com](http://www.openwiki.com)).

This Wiki is released under an open source license allowing free use of the code. Features include:

- \* Straightforward to set up, it works 'out of the box' with a supplied Access database but will work with any database.
- \* Easy customization, the 'look' of the Wiki can be configured.
- \* Customizable templates for new pages
- \* Simple editing, double clicking on a page will open it for editing
- \* Wiki style formatting to make the web view of the plain text prettier, e.g. *//italics// = italics*
- \* A sophisticated 'difference engine' that can highlight changes between versions of a page
- \* The ability to retain previous versions of a page indefinitely
- \* Built in macro's, e.g. typing <TableOfContents> will produce a tidy table of contents based on the headings on a page, and <Include(PageFooter)> will insert text in the PageFooter page into the current page
- \* It is possible to set up links to external databases, e.g. dictionary:bird, NZLawReports:Brown
- \* RSS support, so you can automatically generate a brief summary of recent changes to your Wiki that can be inserted into another page, such as the front page of an office Intranet
- \* HTML support, so fragments of other web pages can be embedded in a page.

In Part II (in the next issue) I will cover:

- \* Installing the Wiki code and customization
- \* A trial run, replacing the Office Manual
- \* That pesky paper, adventures in scanning to PDF
- \* Full text searching?
- \* The Heaney Wiki
  - \* Templates.
  - \* Formatting.
  - \* InterWiki links
  - \* Organising everything
- \* Getting the team on board
- \* What next?

In the meantime, readers are invited to visit the official OpenWiki site ([www.openwiki.com](http://www.openwiki.com)), to browse and perhaps even to test the concept out in the sandbox ([www.openwiki.com/ow.asp?SandBoxForLawyers](http://www.openwiki.com/ow.asp?SandBoxForLawyers)) or to add comments on the Wiki page that I have started at [www.openwiki.com/ow.asp?WikisForLawyers](http://www.openwiki.com/ow.asp?WikisForLawyers).

Other references:

*Operation of a Large Scale, General Purpose Wiki Website*, a paper by Lars Aronsson as presented on November 7, 2002, at the ELPUB 2002 conference in Karlovy Vary, [aronsson.se/wikipaper.html](http://aronsson.se/wikipaper.html).

'Wiki Tools' from PC Magazine, 30 December 2003 edition, [www.pcmag.com/article2/0,4149,1402872,00.asp](http://www.pcmag.com/article2/0,4149,1402872,00.asp).

The original publicly accessible Wiki by Mr. Cunningham at [c2.com/cgi/wiki](http://c2.com/cgi/wiki). This site serves, in part, as a repository for all things Wiki, i.e. the following page lists known Wiki software programmes - [c2.com/cgi/wiki?WikiEngines](http://c2.com/cgi/wiki?WikiEngines).

*Paul Robertson is Associate at Heaney & Co, Auckland New Zealand ([www.heaneyco.com](http://www.heaneyco.com)). Paul has a general litigation practice with the emphasis on professional indemnity claims involving local authorities. He also keeps an eye on the firms IT needs. Email [par@heaneyco.com](mailto:par@heaneyco.com).*

## Lawyers Like BlackBerries

A BlackBerry is a handheld device for sending and receiving emails on the move. It can also be used as a mobile phone and general "personal digital assistant" (PDA) with calendar, contact list and text facilities via a small keyboard. The key point about it, and the one which is starting to interest lawyers in the USA and now in the UK and Ireland, is that as a wireless device, it allows access to email whilst on the move and (typically) on the train or in other situations where you cannot usually work. This makes "wasted" time into "useful" time and also improves the speed of response and level of service to clients generally.



The BlackBerry, which includes a built-in wireless modem, can be used on most mobile phone networks including Vodafone, O2 and T-Mobile. To integrate with the main firm's system, a "BlackBerry Enterprise Service" (BES) is run on the network and this enables emails received whilst people are "on the move" to be integrated and synchronised with the office system.

A Blackberry typically costs around £200 although there are also additional costs in the software and server needed on the network. In many cases, a Blackberry can replace a user's laptop computer (which is much larger, heavier and more expensive) as well as a mobile phone.

Firms already using Blackberry devices in a serious way include Clifford Chance, Kennedys, Mishcon De Reya and Thorntons WS. The devices are also used by a number of local authorities, for their professional staff who are "out and about" a lot of their time (and thus away from their normal email) including Cambridge and Westminster.

The key provider of BlackBerry devices in the UK and the infrastructure to go with them is a company called Isis Telecommunications, ([www.isistelecom.com](http://www.isistelecom.com)), 0845 277 1000. Isis are marketing BlackBerry devices very strongly at the moment and there is a free business user trial available. Software is also available (called MoBill) to manage the billing of mobile phone costs, a major problem for many firms.

**Calling all BlackBerry users.....** I would like to include a case study in the next issue, about how a firm or chambers has implemented BlackBerry devices. I would like to know who is being given the devices, whether they like them, whether the devices have caused any problems in the overall management of the firm's network and the costs involved. Are they actually replacing laptops and mobile phones or are they just being seen as another piece of electronic equipment to be carried around?

Will anyone volunteer for this?

## LexisNexis Professional for Ireland by Nuala Byrne

LexisNexis Professional is often considered to be the largest business database in the world. It is a powerful online research tool offering a wealth of news, company, legal, market research and directory sources. Read Nuala Byrne's review online at [www.venables.co.uk/n0401jen.htm](http://www.venables.co.uk/n0401jen.htm).

This article completes the series of reviews which Nuala has carried out for the Internet Newsletter for Lawyers - Westlaw IE, FirstLaw, Electronic Irish Reports and Digests on Justis.com, and now LexisNexis Professional. These can all be read online and also downloaded in pdf format.

*Nuala Byrne has been the Law Librarian of the Director of Public Prosecutions in Dublin since 2001. She has recently been appointed Librarian in the Law Library, Dublin.*

## BAILII Extends its Coverage

British and Irish Legal Information Institute (BAILII) has recently extended its coverage ([www.bailii.org](http://www.bailii.org)).

They are now publishing all the substantive judgments of the Civil Division of the Court of Appeal and the Administrative Court as soon as they are handed down in court or (if delivered orally) made available in an approved transcript. They will soon be publishing a larger selection of the judgments of the Criminal Division of the Court of Appeal as soon as they become available. There are plans also to increase the availability of High Court Judgments and to make a start in publishing the decisions of the leading appeal tribunals.

Executive Director Joe Ury adds "We now also have the recent Employment Appeal Tribunal Decisions and we are working on the back set of them. Also we are working on the reported decisions and stated decisions from the Immigration Appeal Tribunal."

### Why not become a sponsor of BAILII?

*Donations of any size are welcomed by BAILII - if you think that access to the law should be free, please consider a donation. I myself contribute £1 for every subscription I receive to the Internet Newsletter for Lawyers - I have just sent off £1,000 for the second year running.*

Other News...

**Property Standardisation Group** ([www.psglegal.co.uk](http://www.psglegal.co.uk)) provides an interesting example of the internet being used to further general legal practice and procedure. The PSG is made up of representatives from a number of prominent Scottish firms, including McGrigor Donald, Dundas & Wilson, Maclay Murray & Spens and Shepherd+Wedderburn. The Group also has various consultees in firms like DLA, Semple Fraser and Brodies. The aim of the group is to standardise documents and procedures which Scottish lawyers use on a day to day basis which basically do the same thing but which are often produced in different forms since the detailed styles have been developed separately in each firm.

**The UK Central Government Web Archive** is a selective collection of UK Government websites, archived from August 2003 ([www.pro.gov.uk/webarchive](http://www.pro.gov.uk/webarchive)). Sites already being "harvested" once a week include The Hutton Inquiry, the Prime Minister's Office, the Office of the Deputy Prime Minister, the Foreign and Commonwealth Office, the

Department for International Development and the forces. Another 40 will shortly be harvested every 6 months.


Meanwhile the Legal Deposit Libraries Act 2003 will eventually mean that major online publications will need to be put "on deposit" in the same way as printed publications have already been, since 1911. Minor practical details as to exactly what should be included, how it should be done, and who should pay are still to be worked out, however! (See [www.hmso.gov.uk/acts/acts2003/20030028.htm](http://www.hmso.gov.uk/acts/acts2003/20030028.htm)).

## Two sites relating to our series on spam...

**Spamotomy** ([www.spamotomy.com](http://www.spamotomy.com)) compares spam busting software and also provides news on the latest legal developments in the field. For choosing software, the site has broken down the solutions into home or office user, system administrator etc, operating system and price - although there are still far too many to choose from.

**Spam Laws** ([www.spamlaws.com](http://www.spamlaws.com)) is a site set up by US Law Professor David E. Sorkin. The site groups laws by USA (Federal and State), Europe (EU and by country) and other Countries, and provides links to legislation or proposed legislation in these countries.

## New Chambers Initiatives

ARTICLES	RECENT CHAMBERS CASES
	<b>Burford UK Properties Ltd v Forte Hotels (UK) Ltd</b> [2003] EWCA Civ 1800 Court of Appeal
<b>Can I keep my ill-gotten gains?</b> JOHN MCGHEE QC The common law measure of damages is ordinarily designed to compensate the claimant for loss suffered by it. However where a property right is infringed, damages are not restricted to such loss and have often been awarded on the basis of loss of bargaining opportunity calculated as a % of the profit earned by the wrongdoer.	<b>Shirayama Shokusan Company Ltd v Danovo Ltd</b> [2003] EWHC (TBC) Chancery Division
<b>Injunction against Persons Unknown and the Role of Harry Potter</b> KATHARINE HOLLAND Harry's indirect involvement in helping to achieve a remarkable change for the better in the law relating to protest demonstrations and trespass.	<b>First Penthouse Ltd -v- Channel Hotels &amp; Properties (UK) Ltd</b> [2003] PLSCS 259 Chancery Division
<b>Leasehold Enfranchisement: determination of price</b> EDWIN JOHNSON The recent decision of the House of Lords in (Shalson) 2003	Search our case database Search by keyword <input type="text"/> <input type="button" value="Search"/>
	Click to see full list of cases <a href="#">Go to advanced search</a>
	<b>RECRUITMENT</b> To enquire about tenancy and pupillage, click here

**9 Old Square** ([www.9oldsquare.co.uk](http://www.9oldsquare.co.uk)) have recently relaunched their website. This is a good example of an informative chambers site with full information on barristers with objective assessments of their work and linked to articles and reviews of cases in which chambers has been involved. There is also news, information on seminars and recruitment, a set of useful legal links and an updating site for Snell's Equity.

**Doughty Street Chambers** ([www.doughtystreet.co.uk](http://www.doughtystreet.co.uk)) are displaying a series of video commercials on their website as part of a new marketing initiative. The videos each feature a client or clients of three specialist teams in the areas of housing and social welfare, employment and discrimination, and public law. Doughty Street is best known for important human rights cases but these videos are intended to illustrate chambers' commitment to "every day" cases which do not generally make the headlines but which can have major consequences for the people involved.

## **EGi's Legal Service - fully briefed on property law**

EGi's Legal Service at [www.egi.co.uk](http://www.egi.co.uk) is the UK's leading online news, research and information service for property law professionals. Offering fast and easy access, their extensive databases provide:

- \* Case Summaries
- \* Estates Gazette Law Reports & Planning law Reports
- \* Property Law News
- \* Property Legislation
- \* Estates Gazette Legal Articles
- \* Claims
- \* Lands Tribunal
- \* Practice Points - Expert commentary on recent property issues

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