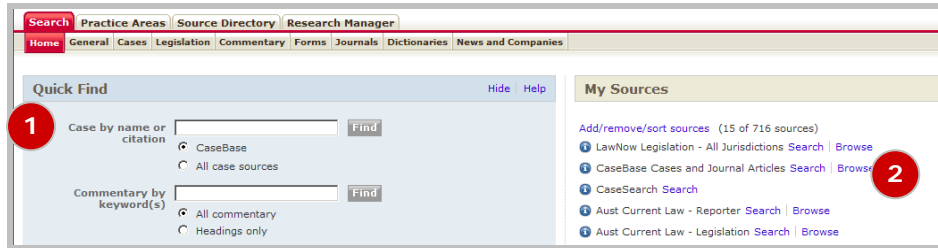


# CaseBase Case Citator

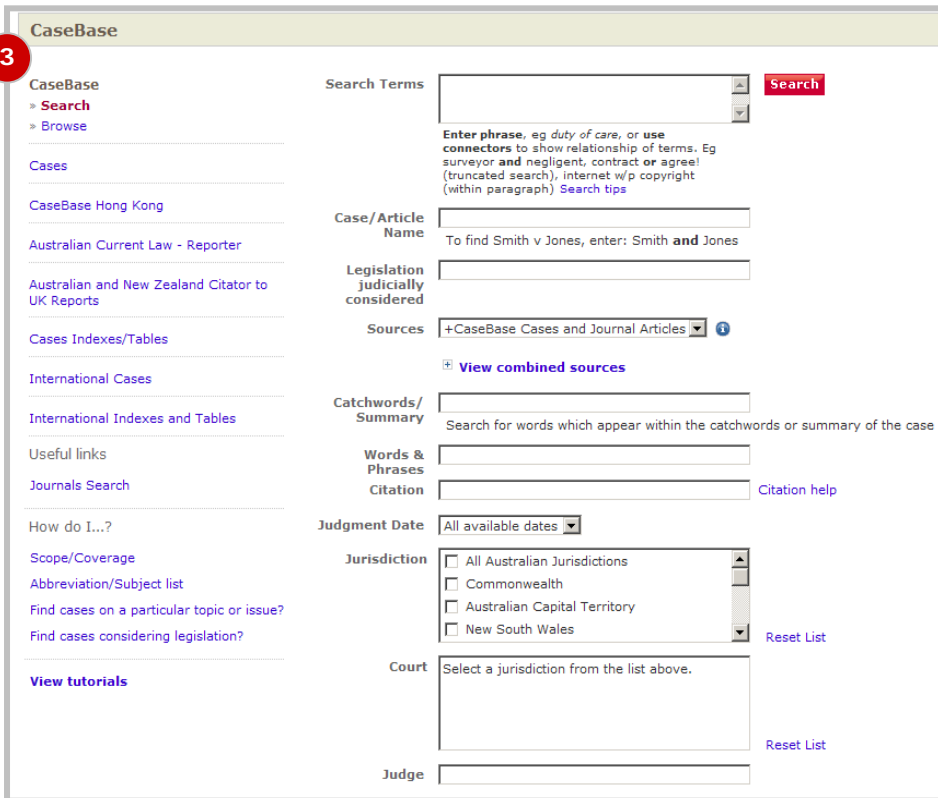
## How do I access CaseBase?

Log on to LexisNexis AU at: [www.lexisnexis.com/au/legal](http://www.lexisnexis.com/au/legal)

1. From the **Quick Find** panel, enter case name or citation details to search *CaseBase*;
2. From the **My Sources** panel, click Search to locate cases or journals in *CaseBase*; or



3. Click on **Cases Tab**, then select the *CaseBase Search Form* (left side of the screen):



## How do I search CaseBase?

Enter your search terms into multiple fields individually or in combination:

- Search Terms** Allows you to specify words or terms you wish to find within any CaseBase entries.
- Case / Article Name** Enter the name of one or both parties or the journal title article, EG Milpurruru **and** Indofurn.
- Legislation judicially considered** Enter the legislation title and provision number to find cases which judicially consider particular legislation EG trade practices **and** 74A.
- Citations** Enter the BC number or all or part of the case, report or journal citation. EG BC9400232 or 1994 130 ALR 659. For help, click on the [Citation help](#) link.
- Judgment Date** Use the drop-down to locate cases handed down within a span of time. Enter part or all of the date EG 13 Dec 1994 or simply 1994.
- Catchwords / Summary** Search the catchwords or digest using the same subjects classification as *Halsbury's*, *Australian Current Law* and *LawNow Legislation*.
- Jurisdiction & Court** Select the jurisdiction, to see the courts within that jurisdiction.

## What's New in CaseBase?

CaseBase now updates twice each day, giving you today's cases, today!

Get CaseBase delivered to your mailbox every morning, with **Total Alerts**.

From October 2009, CaseBase signals will soon be displayed in the hitlist for any search in CaseBase Cases or Journals:

View	List	Narrow search	Go
Sort	Reverse Chronological	1-4 of 4	Next Steps Edit Search Go
View	Tagged	Add to	Create Alert
Case/Article name & citation	Court	Judgment date	Source
1. Commonwealth v Verwayen (Verwayen's/Voyager case) — (1990) 170 CLR 594; (1990) 95 ALR 221; (1990) 64 ALJR 540; [1990] ANZ ConvR 600; (1990) Aust Torts Reports 81-036; [1990] HCA 39; BC9002931	HCA	5/9/1990	CaseBase Cases
2. Verwayen v Commonwealth (No2) — [1989] VR 712; (1988) Aust Torts Reports 80-222; BC800496	VSC	17/11/1988	CaseBase Cases
3. Verwayen v Commonwealth — (1988) Aust Torts Reports 80-173; BC8700430	VSC	4/12/1987	CaseBase Cases
4. Verwayen v Commonwealth — [1988] VR 203	VSC	21/5/1987	CaseBase Cases

Quickly identify **positive**, **cautionary**, **negative** or **neutral** treatment from your search results.

**What's Next?** CaseBase will soon links to LexisNexis newsletters online!

## What information is contained in a CaseBase entry?

**1** CaseBase - CaseBase Cases and Journals > remedies for infringement (14) > Document (14/14)  
 Search Practice Areas Source Directory Research Manager

**2** View Full Narrow search Results

**3** 14 of 14

**4** Milpurrurru, Marika, Payunka & Public Trustee for the Northern Territory v Indofurn Pty Ltd, Bethune, King & Rylands (Aboriginal carpet case)  
 (1994) 54 FCR 240; (1994) 130 ALR 659; (1994) 30 IPR 209; (1995) AIPC 91-116; BC9400232

**5** Courts: FCA  
 Judges: von Doussa J  
 Judgment Date: 13/12/1994

**6** Appeal proceedings | Cases referring to this case | Journal articles referring to this case | Cases considered by this case | Legislation considered by this case | Catchwords & Digest | Words & Phrases

**7** Appeal proceedings Top

Annotation	Case Name	Citations	Court	Date	Signal
Reversed	King & Rylands v Milpurrurru, Marika, Payunka & Public Trustee for the Northern Territory	(1996) 66 FCR 474; (1996) 136 ALR 327; (1996) 34 IPR 11; (1996) AIPC 91-219; BC9601138	FCA	12/4/1996	⊖

**8** Cases referring to this case Top

**7** Filter By: Annotation: All Cases

**8** Sort By: Judgment Date (Latest First)

Annotation	Case Name	Citations	Court	Date	Signal
Cited	Futuretronics.com.au Pty Ltd v Graphix Labels Pty Ltd (No 2)	[2008] FCA 746; BC200803946	FCA	27/5/2008	⊕
Considered	Barrett Property Group Pty Ltd v Metricon Homes Pty Ltd	(2007) 74 IPR 32; [2007] FCA 1509; BC200708447	FCA	28/9/2007	⊕
Cited	Mid-City Skin Cancer & Laser Centre Pty Ltd v Zahedi-Anarak	(2006) 67 NSWLR 569; [2006] NSWSC 844; BC200607190	NSWSC	13/9/2006	⊕

**9** Journal articles referring to this case Top

Article Name	Citations	Signal
"The Ravages of Public Use": Aboriginal Art and Moral Rights	[2002] 7(1) MALR 17	⊕
Aboriginal Art and Copyright - An Overview and Commentary	[1996] 1 MALR 151	⊕
Aboriginal Folklore & Copyright Law	[1995] 23 QLSJ 444	⊕
Australia - Copyright - Infringement	[1997] 1 EIPR D-9	⊕

**10** Cases considered by this case Top

**10** Filter By: Annotation: All Cases

**10** Sort By: Judgment Date (Latest First)

Annotation	Case Name	Citations	Court	Date	Signal
Cited	International Writing Institute Inc v Rimila Pty Ltd & Rodney Banfield Tubbs	(1994) 30 IPR 280; (1994) AIPC 91-115; BC9400202	FCA	25/11/1994	⊕
Cited	Colgate-Palmolive Co v Cussons Pty Ltd	(1993) 46 FCR 225; (1993) 118 ALR 348; (1993) 28 IPR 561	FCA	10/11/1993	⊕
Applied/ Considered	International Writing Institute Inc v Rimila Pty Ltd	(1993) 27 IPR 546; (1993) 68 LJ 666; (1993) AIPC 91-035	FCA	10/11/1993	⊕
Considered	Beach Petroleum NL v Johnson	(1993) 43 FCR 1; (1993) 115 ALR 411; (1993) 11 ACSSR 103; (1993) AIPR (Digest) 48-108	FCA	10/6/1993	⊕

**11** Legislation considered by this case Top

Legislation Name & Jurisdiction	Provisions
Copyright Act 1968 (Cth)	§ 10, § 115, § 115(2), § 115(4), § 116, § 127, § 14, § 31(1)(a), § 31(1)(b), § 36, § 37, § 38
Federal Court of Australia Act 1976 (Cth)	§ 51A
Trade Practices Act 1974 (Cth)	§ 52, § 53, § 53(c), § 53(d), § 55

**12** Catchwords & Digest Top

**12** Intellectual property — Copyright — Infringement — Importation and sale

Importation of carpets with Aboriginal artwork design.  
 Whether imported for trade where importer knew or ought reasonably to have known that the articles would, if they had been made in Australia, have infringed copyright.  
 Whether knowledge of first respondent imported to respondent company.  
 Whether individual respondent directors personally liable for continuing to import after put on notice.  
 Whether directors of company authorised copyright infringement.  
 Whether a director's authorisation of copyright infringement could arise from indifference when he had knowledge of proceedings.  
 Whether carpets, not being exact reproduction of artistic work, infringed copyright by reproducing substantial part of it.  
 Held: Importation of carpets constituted infringement of copyright in artistic works.

**13** Words & Phrases Top

authorises — knowledge — substantial part of the work

Did you know?  
 CaseBase & Halsbury's link directly to LawNow

- Links to full text:** Subscribers can access the full text of each case in various LexisNexis Reports series or *Unreported Judgments* by clicking on one of the linked citations.
- Case details:** Each CaseBase entry includes details of the primary case such as the case name, citations, judges, court, judgment date and popular name.
- Navigation links:** These links assist in navigating through the CaseBase entry. For example, clicking on the *Journal articles referring to this case* link will take you to the list of articles which have considered the primary case.
- Appeal proceedings:** Listed here are subsequent appeal proceedings relating to the primary case. The annotation indicates whether the appeal case affirmed, varied or reversed the primary case.
- CaseBase Signals:** The CaseBase signals indicate the type of judicial treatment each decision has received – whether positive, negative, cautionary or neutral treatment. Click on the signal to go to the CaseBase entry for that case or journal.
- Cases referring to this case:** Decisions which have subsequently considered the primary case are listed here. The annotation indicates how the primary decision was treated in each case.
- Filter by annotation:** The *Filter by annotation* drop-down box allows you to view only certain cases, based on the type of treatment they have given the primary case. Choose from three options: negative cases only, positive cases only, or negative and cautionary cases only.
- Sort by:** The *Sort by* drop-down box allows you to sort the *Cases referring to this case* by judgment date, annotation type, court name or case name.
- Journal articles referring to this case:** Journal articles considering the primary case are listed alphabetically under this heading. Clicking on the CaseBase signal will take you to the CaseBase entry for that article. Subscribers can access the full text of LexisNexis articles by clicking on the linked citation.
- Cases considered by this case:** Cases referred to or considered by the primary case are listed under this heading. Refine the list of cases considered by using the *Filter by annotation* and *Sort by* drop-down boxes.
- NEW! Legislation considered by this case:** Listed here are the legislative provisions referred to in the primary case. Subscribers to *LawNow Legislation* can click on the link to jump directly to the current or historical version of the legislation referenced.
- Catchwords & Digest:** The catchwords provide an index to the key areas of law addressed in a case or article. The digest summarises the legal issues raised, discussed and decided in the judgment or journal article, enabling you to assess the applicability of the case or article to your research.
- Words and phrases:** Key terms considered in a case are listed here.

**NEW! Express Search CaseBase from LawNow Legislation:** Looking for cases which consider a particular piece of legislation? Subscribers to *LawNow Legislation* can now search *CaseBase* for cases considering legislation - with just one click. Simply locate the legislation you need in *LawNow* and click the Express Search icon to automatically search *CaseBase* plus all your subscribed cases and commentary sources. **Call today for a free trial.**