

Glossary of Terms for the course “Law of Computer Technology”  
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NOTE: This glossary is a work in progress and will be developed during the fall of 2013. The purpose of the glossary to help students understand the course material. The definitions given here are not intended to be complete and should not be relied on for legal purposes.

acceptance – One of the two critical steps in forming a contract. There must be an OFFER and an acceptance.

ADR – Abbreviation for ALTERNATIVE DISPUTE RESOLUTION.

alternative dispute resolution – A process for resolving dispute outside of court, including arbitration and mediation. Abbreviated ADR. A benefit of ADR is that it is private and usually faster and cheaper than litigating in the courts.

American Society of Composers, Artists and Performers – A performing rights society that licenses music for performance in public locations and on television.

amici – Latin for “friends.” See AMICUS CURIAE.

amicus curiae – Latin for “friend of the court

answer – A written response to a COMPLAINT in which the party being sued admits or denies allegations of the COMPLAINT.

Anticybersquatting Consumer Protection Act – The federal statute, 15 U.S.C. §1125(d)(2), that prevents registering domain names that violate the rights of trademark owners.

appeal – The process by which a court reviews the actions of another, lower, court.

appellate court – A court that does not hear cases but reviews the decisions of lower courts. (The U.S. Supreme Court is an exception. It can hold trials, but has only done so once since it was established in 1790.)

ASCAP – See AMERICAN SOCIETY OF COMPOSERS, ARTISTS AND PERFORMERS.

authentication – The evidentiary requirement that a person must testify that the evidence being offered is what it purports to be. Example: “Mr. X, is this the license agreement that you signed?”

automated transaction – Under UETA, “a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course [of business].”

best evidence rule – A rule of evidence that, unless an exception applies, the content of a document can only be proved from the original document itself.

beyond a reasonable doubt – The usual STANDARD OF PROOF in criminal cases. For conviction, the trier of fact must find every element of the crime to have been established “beyond a reasonable doubt,” that is, the trier has no plausible reason to believe otherwise.

bluelining – The judicial act of striking unenforceable provisions from a contract but enforcing the provisions that remain. Some states, such as Georgia and Missouri, do not permit bluelining.

browsewrap license – A license whose terms are viewable by following a hyperlink, e.g., a “Terms of Use” link

Buckley Amendment – Synonym of the FAMILY EDUCATIONAL RIGHT TO PRIVACY ACT.

business records – See RECORD KEPT IN THE ORDINARY COURSE OF BUSINESS.

caption – Header information about a court case, including the names of the parties, the court, case number, etc.

cert. – Abbreviation for CERTIORARI.

certiorari – From Latin “to be shown.” An ORDER by an APPELLATE COURT directed to a lower court to deliver the record of a case for review.

circumstantial evidence – Evidence which, even if believed, requires reasoning or inference to resolve an issue in the case. Example: In B’s murder trial, A testifies that he saw B leaving the scene of the crime two minutes after the murder was committed. This does not prove directly that B was the murderer.

civil case – A dispute brought to a court other than one in which a government authority seeks conviction for a crime.

clear and convincing evidence – A STANDARD OF PROOF that applies to some issues tried in civil cases, especially if a party seeks to overturn a decision already rendered by a governmental body, or if one is alleging fraud. For example, invalidity of a patent must be proven by clear and convincing evidence. The standard is sometimes expressed as “substantially more likely than not,” which requires greater proof than PREPONDERANCE OF THE EVIDENCE.

clickwrap license – A license whose terms are displayed on the user’s screen and acceptance is indicated by clicking

commonwealth – A free state, not controlled by a monarchy or dictatorship.

complaint – A document filed in court to begin a lawsuit in which a party states a legal claim against another party

consideration – An exchange of value or promises to exchange value. Consideration is usually required to form a contract. In Pennsylvania, however, a contract can be formed without consideration by using the exact words “intending to be legally bound hereby.”

consumer – A term whose definition varies by statute, but generally an individual who obtains goods or services primarily for personal, family, or household purposes.

copyright – One of a set of rights belonging to the owner of a work of authorship: to make and distribute copies, prepare derivative works, import the work, perform or display the work publicly or transmit the work electronically.

corporate source – Source code made available within a closed community, such as a corporation, achieving many of the advantages of OPEN SOURCE but without general release. Cf. DISCLOSED SOURCE.

court order – See ORDER.

D. – Abbreviation for “District.” Used to designate Federal District Courts. For example, “D. Mass.” means the U.S. District Court for the District of Massachusetts.”

data privacy – The right, not fully recognized in law, to control the collection, use and dissemination of one’s non-public personal information

Daubert challenge – An objection raised to the Court that an expert is either unqualified to give an opinion or has used erroneous methodology in forming his opinions. Named for the U.S. Supreme Court case of [\*Daubert v. Merrell Dow Pharmaceuticals\*](#), 509 U.S. 579 (1993).

de novo – Latin for “anew,” referring to the principle that an appeals court is not bound by decisions of law made by a lower court, but can decide them by itself.

defendant – The party that defends itself against a PLAINTIFF.

demonstrative evidence – Visible items that illustrate some material proposition about the case (e.g. a map, chart, crime scene photo, summary, computer simulation)

deponent – The person who is asked questions at a DEPOSITION.

deposition – A method of DISCOVERY by which a person is asked questions under oath and his words are transcribed by a court reporter. The deposition is often videotaped. A person’s

answers have the same effect as if they were spoken at a trial and may be introduced as evidence at trial.

direct evidence – Evidence which, if believed, automatically resolves an issue in the case. For example, if A testifies that he saw B copying a DVD of computer software, then that (if believed) establishes an element of copyright infringement. Cf. CIRCUMSTANTIAL EVIDENCE.

disclosed source – Source code that is released for viewing so that members of the public can examine it to determine what it does, but without granting any rights to the public to use or modify the code. Cf. CORPORATE SOURCE, OPEN SOURCE.

discovery – The process of learning facts and opinions from each side prior to trial. The methods of discovery are DEPOSITION, REQUEST FOR PRODUCTION, INTERROGATORY and REQUEST FOR ADMISSION.

due process – A right guaranteed by the U.S. Constitution as a protection against arbitrary proceedings. It implies “fundamental fairness and substantial justice.” *Vaughn v. State*, 3 Tenn. Crim. App. 54, 456 S.W.2d 879, 883 (1970) and provides for an “orderly proceeding wherein a person is served with notice, . . . and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case.” *Kazubowski v. Kazubowski*, 45 Ill.2d 405, 259, N.E.2d 282, 290 (1970), cert. den. 400 U.S. 926

due process clause – Provisions of the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution. The 5<sup>th</sup> Amendment states: “[N]or shall any person . . . be deprived of life, liberty, or property, without due process of law.” This applies to the U.S. Government. The 14<sup>th</sup> Amendment provides, “[N]or shall any State deprive any person of life, liberty, or property, without due process of law.” This applies to eth state governments.

E-sign law – The popular name for the Electronic Signatures in Global and National Commerce Act, which became effective on October 1, 2000 and specifies the conditions under which electronic signatures can be used in interstate and foreign commerce.

effects principle – The principle in international law that a nation has jurisdiction to regulate conduct having an effect on the nation.

eiusdem generis – Latin for “of the same kind.” A principle of statutory interpretation holding that when general words follow a list of particular items in a statute, the general words are limited to the same kind of items as the particular ones listed.

electronic signature – Under E-sign, “an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.” A “digital signature” (as used in computer science) may or may not be an “electronic signature.”

et al. – Abbreviation for Latin “et alii,” meaning “and others.” Used in a case citation to indicate that there are more parties to the case than are being named.

evidence. See CIRCUMSTANTIAL EVIDENCE, DEMONSTRATIVE EVIDENCE, DIRECT EVIDENCE, REAL EVIDENCE, TESTIMONIAL EVIDENCE.

ex rel. – Abbreviation for Latin “ex relatione,” meaning “upon relation of.” Usually used to indicate a lawsuit brought by the government based on information of an individual, whi is called the relator. Example: *United States of America ex rel. Digital Healthcare, Inc. v. Affiliated Computer Services, Inc.* was a case brought by the U.S. to determine whether the defendant was facilitating the filing of false medical care claims based on data provided by Digital Healthcare.

expert witness – A witness qualified as an expert by knowledge, skill, experience, training, or education who may offer opinion testimony based on scientific, technical, or other specialized knowledge.

F. – Abbreviation for FEDERAL REPORTER, the series of volumes containing decisions of the United States Courts of Appeals. Also seen in abbreviations such as F.3d, meaning “Federal Reporter, Third Series,” necessary because a new series is started every 1000 volumes.

F.Supp. – Abbreviation for FEDERAL SUPPLEMENT, the series of volumes containing decisions of the United States District Courts.

fact witness – A fact witness is severely limited as to the type of opinions that may be offered and may not base any opinion on scientific, technical, or other specialized knowledge, which requires an EXPERT WITNESS.

Family Educational Right to Privacy Act – A federal statute, 20 U.S.C. §1232g, denying federal funds to any educational institution that allows “release of educational records ... of students without the written consent of their parents.”

Fed. Cir. – Abbreviation for FEDERAL CIRCUIT.

Federal Circuit – A special Court of Appeals in Washington, DC that hears all appeals in certain types of federal cases, particular patent suits.

Federal Reporter – the series of volumes containing decisions of the United States Courts of Appeals. Abbreviated “F.”

Federal Rules of Civil Procedure – The administrative rules, passed by Congress, governing the administration of cases in the UNITED STATES DISTRICT COURTS.

Federal Rules of Evidence – A [statute](#) passed by Congress setting out the rules under which evidence can be admitted in Federal courts. Abbreviated FRE.

FERPA – Abbreviation for FAMILY EDUCATIONAL RIGHT TO PRIVACY ACT.

forum – The place (that is, court) in which a matter is heard.

forum selection clause – A provision in a contract in which a party agrees that it can be used in a particular place and consents to PERSONAL JURISDICTION in that place.

FRCP – Abbreviation for FEDERAL RULES OF CIVIL PROCEDURE.

FRE – See FEDERAL RULES OF EVIDENCE.

hearsay – A statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. For example, if A testifies that he heard B say “I sold my car last week,” that is hearsay if offered to prove that B sold his car. Hearsay is not admissible unless it qualifies under one of the exceptions to the hearsay rule, such as a RECORD KEPT IN THE ORDINARY COURSE OF BUSINESS.

improper means – In TRADE SECRET law, it is legitimate to discover the trade secrets of another by legitimate means, such as reverse engineering. Under the UTSA, improper means includes “theft, bribery, misrepresentation, breach or inducement of a breach of duty to maintain secrecy, or espionage through electronic or other means.” Use of improper means results in trade secret MISAPPROPRIATION.

in rem – Latin for “against the thing.” Used to indicate a lawsuit brought against an object that is neither a NATURAL PERSON nor a juristic person, such as a domain name.

incompetent evidence – Evidence that does not qualify as proof of a fact, e.g., speculation, guessing, testimony by one who did not observe the event in question, testimony based on unscientific principles.

inevitable disclosure doctrine – The notion that certain employees because of the nature of their job and even if they are completely honest, cannot avoid making use of confidential

information in a similar job for a different employer, and thus can be enjoined from taking on similar employment elsewhere for a period of time. The state of California completely rejects the inevitable disclosure doctrine.

injunction – An order to a party to do or not do a particular thing. Orders to refrain from performing an act (prohibitory injunction) are common. Orders to perform an act (mandatory injunction) are rare, but see writ of mandamus.

intellectual property – The branch of law dealing with fruits of the human mind, including PATENT, COPYRIGHT, TRADEMARK and TRADE SECRET.

intellectual property clause – Article I, clause 8, sec. 8 of the U.S. Constitution gives Congress the power to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries..” This serves as the authority for Congress to pass copyright (writings) and patent (discoveries) statutes and removes that power from the states.

interrogatory – A method of discovery by which a party is compelled to answer questions in writing, and the answers are binding on that party in the lawsuit in which they are asked.

Example: “State all the reasons you contend that U.S. Patent 6,460,140 is invalid.”

J. – Abbreviation for JUDGE or JUSTICE.

judgment – a decision by a court determining the rights of the parties, usually that one of them owes a sum of money to the other, or that one of them is the owner of an item of property.

jurisdiction – The power of a court to decide a case. See PERSONAL JURISDICTION, SUBJECT MATTER JURISDICTION.

juristic person – A non-human that has certain rights under the law, such as a corporation, partnership, association, etc. and that can sue and be sued in court.

jury – A panel of citizens empowered to decide facts at a trial and to apply the law to those facts (as instructed by a judge) to arrive at a decision, or verdict, to resolve a dispute.

license – A permission to perform an act that would otherwise be illegal. For example, a movie theatre is private property, so it would be trespassing for you to watch a movie without buying a ticket (license)

licensee – One who obtains a LICENSE from a LICENSOR.

licensor – One who grants a LICENSE.

likelihood of success – A standard of proof used in PRELIMINARY INJUNCTION determinations. It requires a “substantial probability,” but not necessarily greater than 50%.

long-arm statute – A state law specifying the conditions under which the courts of the state can exercise PERSONAL JURISDICTION over non-residents of the state. The power to do this is limited by the DUE PROCESS CLAUSE of the U.S. Constitution.

matching program – Under the Privacy Act of 1974, any computerized comparison of -- (i) two or more automated systems of records.

material evidence – Evidence that is of consequence to the determination of the case.

matter of fact – An issue that requires a factual determination to resolve. For example, “Was Smith speeding at the time of the accident?” The fact is determined by the TRIER OF FACT, which may be a judge or a jury. Cf. MATTER OF LAW.

matter of law – An issue that can be decided without reference to any facts. For example, does copyright infringement require the infringer to know that the material taken was copyrighted? Cf. MATTER OF FACT.

minimum contacts – A requirement for jurisdiction established by *International Shoe v. Washington* in 1945. To be subject to PERSONAL JURISDICTION in a state, a party must have

sufficient minimum contacts with the state so as not to “offend traditional notions of fair play and substantial justice.”

misappropriation – In TRADE SECRET law, acquiring a trade secret by IMPROPER MEANS.

mutuality – Equal treatment of both parties to a contract, e.g. if one party is entitled to an injunction then so is the other. Mutuality is not a requirement in contracts, but it makes them appear fair.

nationality principle – The principle in international law that a nation has jurisdiction over its own citizens, wherever they may happen to be, either inside or outside the nation.

natural person – A human being.

non-competition agreement – A contract typically preventing a person from competing with, or taking a job with a competitor of, his former employer. Such agreements are strictly construed and will only be enforced to the extent necessary to protect the legitimate interests of the employer.

noscitur a sociis – Latin for “it is known from its associates.” A principle of STATUTORY INTERPRETATION holding that a word whose meaning is unclear or disputed can be interpreted based on words that are nearby or “accompany” it.

open source – Source code available to the general public for use and/or modification free of charge, typically for collaborative use in which programmers improve the code and share changes. Cf. CORPORATE SOURCE, DISCLOSED SOURCE.

opinion – An explanation by a court of the reasoning it used in reaching a decision.

order – a command by a court, enforced by the court itself and its officers, known as sheriffs or marshals.

patent – A right to exclude other from making, using or selling a patent invention. Sometimes used to refer to the document describing the invention that is issued by the PATENT AND TRADEMARK OFFICE.

Patent and Trademark Office. Abbreviated PTO. The regulations governing the PTO are found in Title 37 of the CODE OF FEDERAL REGULATIONS.

personal jurisdiction – The power of a court to hear a case involving a particular party. For example, a Pennsylvania court cannot hear disputes between citizens of Florida who have no connection with Pennsylvania. Lack of subject matter jurisdiction can be waived or consented to by the parties.

plaintiff – The party who brings a lawsuit; one who files a COMPLAINT.

precedent – The Anglo-American principle that courts should decide cases having similar facts in the same way to promote predictability and stability in the legal system

preponderance of the evidence – A STANDARD OF PROOF that applies to most issues tried in civil cases. A party must prove that it is “more likely than not” that a particular fact is true.

Compare BEYOND A REASONABLE DOUBT and CLEAR AND CONVINCING EVIDENCE.

preliminary injunction – An INJUNCTION imposed by a court before the merits of the case can be decided, to prevent further injury or damage during litigation. The party seeking an injunction must show that it has a LIKELIHOOD OF SUCCESS on the merits of the case, but of course is not compelled to prove its case in full to be entitled to an injunction. The U.S. Supreme Court stated that “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” Preliminary injunctions are often granted in INTELLECTUAL PROPERTY cases.

Privacy Act of 1974 – A federal statute, 5 U.S.C. §552a, prohibiting data sharing among U.S. government agencies other than for a limited number of enumerated reasons, such a law enforcement. It also prohibits MATCHING PROGRAMS.

protective principle – The principle in international law that a nation has jurisdiction over defendants who threaten the security of the nation.

PTO – Abbreviation for Patent and Trademark Office.

offer – One of the two critical steps in forming a contract. There must be an offer and an ACCEPTANCE.

order – A command from a court. A party must obey a court orders or risk being jailed.

real evidence – An object involved in the underlying event (e.g. a weapon, document, circuit board, or other item)

record kept in the ordinary course of business – Business records, such as a database, are hearsay because they are out of court assertions not subject to cross-examination. However, records kept in the ordinary course of business are admitted as an exception to the hearsay rule, the belief being that businessmen have an interest in keep accurate and trustworthy records of their business activities.

relevant evidence – Evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

request for admission – A method of DISCOVERY by which a party is compelled to admit or deny a fact.

request for production – A method of DISCOVERY by which a party is compelled to deliver copies of documents or things to the other party. Example: “Produce all emails between 2002 and 2007 relating to features of your software product.” These are not really “requests” because compliance can be required by the court.

rulemaking – The process by which administrative agencies impose regulations having the force of law.

search warrant– An ORDER by a court permitting law enforcement authorities (not private persons) to person, location, or vehicle for evidence of a crime and to confiscate evidence if it is found. Search warrants are not issued in CIVIL CASES.

seizure order – An ORDER by a court allowing goods to be taken from someone, usually by the marshal or sheriff. Common in COPYRIGHT and TRADEMARK cases, in which infringing goods are seized.

shrinkwrap license – A license agreement contained within packaged software whose terms cannot be viewed until the software is bought. (The packages is sealed with shrinkwrap plastic to prevent a consumer form opening it.)

standard of proof – See BEYOND A REASONABLE DOUBT, CLEAR AND CONVINCING EVIDENCE, LIKELIHOOD OF SUCCESS, PREPONDERANCE OF THE EVIDENCE.

stare decisis – Latin for “to stand by things decided.” The principle of PRECEDENT. “Stare decisis is usually the wise policy [for statutes], because in most matters it is more important that the applicable rule of law be settled than that it be settled right.” *Burnet v. Coronado Oil & Gas Co.*, 285 U.S. 393, 406 (1932) (Justice Brandeis, dissenting).

statute of frauds – A provision of the UCC requiring that contracts for the sale of goods exceeding a certain dollar value (often \$500) must be in writing and “signed by the party to be charged” or “signed by the party against whom enforcement is sought.”

statute of limitations – A statute requiring claim or prosecution to be brought within a certain time after the event giving rise to the claim occurred. Sometimes the time period does not begin to run until the injured party knew or should have known of the injury. Expiration of the statute of limitations period is an absolute defense to a claim or criminal charge.

statutory interpretation – The process of determining the meaning of a law. Legislatures make laws, but courts determine what the laws mean, sometimes by consulting the debates held in the legislature when the statute was originally passed. Statutory interpretation is not arbitrary, but proceeds from known principles, such as *EJUSDEM GENERIS*. Most states have a “statutory construction act,” which requires the courts to follow certain guidelines in interpreting statutes. There is no federal statutory construction act.

strict construction – The principle of statutory interpretation that criminal statutes must be strictly construed. That is, a statute does not make an act a crime unless the statute clearly defines the prohibited conduct, and a criminal law will not be interpreted to include acts that are not listed as being illegal.

subject matter jurisdiction – The power of a court to hear a particular type of case. For example, patent infringement is purely a matter of federal law, and no state court has the power to decide a patent infringement case. Likewise, a federal court does not have the power to hear cases arising under state criminal law. Lack of subject matter jurisdiction cannot be waived or consented to by the parties.

subpoena – Latin for “under penalty.” An order to a person to appear before a legal body to give testimony.

subpoena duces tecum (or subpoena d.t.) – Latin for “under penalty bring with you.” An order to a person to appear with documents or things, usually at a deposition or trial.

temporary restraining order – A COURT ORDER to preserve the last uncontested status of the parties until a hearing can be held on a PRELIMINARY INJUNCTION. Abbreviated TRO. In Federal courts, a TRO is valid for at most 10 days. A TRO can be issued without notice to the opposing party and are fairly rare but are not uncommon in TRADE SECRET and TRADEMARK cases.

territoriality principle – The principle in international law that a nation has jurisdiction to regulate conduct that occurs within its borders.

testimonial evidence – Statements by a witness under oath.

trade secret – In simplest terms, a secret that relates to trade, that is, a business. The formal definition, from the UNIFORM TRADE SECRETS ACT, is “information, including a formula, pattern, compilation, program device, method, technique, or process, that: (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”

trademark – any word, name, symbol, or device, or any combination thereof (including sounds) used by a person (natural or juristic) to identify and distinguish his or her goods from those manufactured or sold by others and to indicate the source of the goods.

transferable record – Under UETA, an electronic record of which only one authoritative copy can exist at any given time. intended to model that status of a negotiable instrument such as a bank check.



trial – A process for determining facts and applying the law to the facts to resolve a dispute.  
Trials are always supervised by judges or MAGISTRATES sitting as judges and may or may not require a JURY.

trier of fact – The person or person who will decide the facts of a case. Usually this is done by a JURY, but may be done by judge alone.

TRO – Abbreviation for TEMPORARY RESTRAINING ORDER.

universality principle – The principle in international law that a nation has jurisdiction over crimes, such as murder, which are universally condemned.

UCC – Abbreviation for UNIFORM COMMERCIAL CODE.

UCITA – Abbreviation for UNIFORM COMPUTER INFORMATION TRANSACTIONS ACT.

UETA – Abbreviation for UNIFORM ELECTRONIC TRANSACTIONS ACT.

U.S. – Abbreviation for UNITED STATES REPORTS, the series of volumes containing U.S. Supreme Court decisions.

U.S.C. – Abbreviation for UNITED STATES CODE

U.S.D.J. – Abbreviation for “United States District Judge.” that is, a judge of a United States District Court.

U.T.S.A. – Abbreviations for Uniform Trade Secrets Act

Uniform Commercial Code – A statute enacted in all states except Louisiana specifying the conditions under which contracts are formed, the terms of sales agreements, law concerning negotiable instruments such as bank checks, and the granting of security interests.  
Abbreviated UCC.

Uniform Computer Information Transactions Act – Abbreviated UCITA. Adopted only in Maryland and Virginia, which also have adopted UETA.

Uniform Electronic Transactions Act – A statute enacted in some form in 47 states (not NY, IL or WA), which determines the conditions under which electronic signatures and records can be used in state government or business transactions in a state. Abbreviated UETA.

Uniform Trade Secrets Act – An act in force in 47 states (not MA, NY or NC) defining trade secrets and providing penalties for their misappropriation.

United States Code – The compiled federal laws of the United States. These are divided into numbered “titles” each of which contains laws pertaining to a specific subject. For example, Title 35 relates to patents.

United States Reports – The series of volumes containing U.S. Supreme Court decisions.

v. – Abbreviation for “versus,” meaning “against. Used in a case CAPTION to distinguish the PLAINTIFF from the DEFENDANT

warranty – A promise that a statement is true and possibly that it will remain true for a period of time, e.g., “I warrant that for three years this watch will not lose more than one second per day.”

writ – An old word for ORDER, still used.

writ of certiorari – See CERTIORARI.

writ of mandamus – An order to an official to perform an act he is legally required to perform.  
“Mandamus” is Latin for “we order.” Sometimes, in modern language, a “writ of mandate.”