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Go Back! Wayback! Searching the Internet Archive

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Your client says a competitor made certain claims on its commercial website several years ago. These claims affected sales of your clients' product during that period. Unfortunately, when you connect to the competitor's website, the material is no longer there.

You could try searching the News Archives using Google's Advanced searching tool (<http://news.google.com/archivesearch>), and get lucky enough to pull up the "cached" page (the page as it existed earlier). But Google's efforts to keep earlier versions of web pages are not systematic.

Remember Rocky and Bullwinkle? Then you may remember Mr. Peabody and Sherman who had a segment on the show called *Peabody's Improbable History*. Mr. Peabody was a scholarly dog who, like many scholars, affected a bow tie, large black rimmed glasses, and kept around a "pet boy" as his assistant, mainly as witness to his genius. Mr. Peabody's invention, the WABAC machine, allowed Mr. Peabody and Sherman to go back to a place and time of historical importance. (The name WABAC was a play on computer names of the time such as UNIVAC and ENIAC. Anyone remember HAL?)

The Internet Archive (<http://www.archive.org>) has its own "Wayback Machine" which captures archived versions of web pages. You, too, can go back in time by entering a web address (URL) in the Wayback Machine. You will retrieve a chart listing dates of archived pages available for that web site. Unlike the WABAC machine, the Wayback Machine is not infallible. It does not capture every web page or even every iteration of a particular web page, but when it does work, it can yield valuable antiquities.

Our library was recently asked to find particular studies issued across a span of several years by a certain Internet-based travel company. Contemporaneous articles referring to these earlier studies all gave the same web address. When we went to the address given, the only report available was the most current one. Using the Internet Archive and putting the same web address in the Wayback Machine, we were able to find the earlier studies.

Another situation found us looking for the filing fees associated with certain filings in Los Angeles County Superior Court, back in 2002. Again, the Wayback Machine came through with archived pages from the Los Angeles Superior Court website, which included the filing fees for the year in question.

In yet another request, an attorney wanted particular Annual Reports (the glossy booklet that goes out to shareholders, not a company's 10-K report that is filed with the SEC). The dates the attorney wanted were 1994 and 1997. As far as we could tell, the only online service providing ARS reports is LivEdgar, which, in this instance, either didn't have these two, or listed them as paper filings which would have to be ordered. In the time-honored tradition, the attorney wanted them that day. My colleague was able to find them on the Wayback Machine, and the attorney was duly impressed.

A 2005 article from the Wall Street Journal Online ("Lawyers' Delight: Old Web Material Doesn't Disappear", David Kesmodel, <http://online.wsj.com/article/SB112242983960797010.html>) cites several cases centering around sources found on the "Wayback Machine". For instance, at one point, Dell Computers was trying to shut down DellComputersSuck.com, a website whose purported purpose was as a complaint central for Dell Computer users. Using the Wayback Machine, Dell had determined that DellComputersSuck.com was diverting users to another Web address selling ZMachinez and Jetbook PCs. After an adverse ruling for DellComputersSuck.com, domain owner Edward Ziejka said, referring to the Wayback Machine (in a classic "I almost got away with it" comment), "That's the only thing they had on me".

In a much more lurid case, 3 teenagers were accused of murdering a 12-year old. The case had already gone to the jury, with the teenagers making a good case in their defense. However, a newspaper reporter found the ringleaders' comments on a deleted vampire enthusiast page, listing her "likes" as blood, pain, drugs and knives. The judge declared a mistrial. Maybe your plaintiff, defendant or expert has a personal web site (now removed due to the pending litigation) with information not as heinous as the above example, but nevertheless damning to their assertions.

There are multiple uses for the Wayback Machine: finding old or dead links, retrieving older articles, tracking patent, copyright or trademark violations, defending against plagiarism charges (our client's website with this language is older than your client's), old state codes, rules and cases, and much more.

Now that you know what you can do, how do you actually use the Internet Archive? When you go to <http://www.archive.org>, you will see, in the middle of the page, the Wayback Machine box where you can enter the URL of the web site you are trying to find. The Wayback Machine will retrieve a chart with a list of available dates for your site. If, instead, you click on the "Advanced" button, you will find other available searches such as a specific date, the most recent archived copy of a URL, or a range of dates. There is also a search box at the top of the page where you can search by keyword or for audio, video, texts, and much more. You can even search for various file formats: audio, binary, and video.

Search tip: If your first URL search doesn't bring up the results you need, try using only the main URL for the company, organization or individual you are looking for. Looking for the American Arbitration Association's Commercial Rules for 1996, we first entered the full URL (<http://www.adr.org/sp.asp?id=22440>) for the current Commercial Rules page. The only listings retrieved were for the most current two years. However, when searching just <http://www.adr.org>, we retrieved results back to 1996. From the first 1996 entry, we were able to pull up the full text of the 1996 Commercial Rules. Web pages were much simpler back then!

But don't let the enormous power go to your head. In the words of radio station owner Jimmy James, from the TV show "NewsRadio," (as quoted in Wikipedia): "[D]on't mess with a man with a Wayback Machine. I can make it so you were never born." Alas, you can't change the past, but you just might be able to change the future of your research.