

**U.**

U3C

U3C.abbr.UNIFORM CONSUMER CREDIT CODE.

UAA

UAA.abbr.UNIFORM ADOPTION ACT.

UAGA

UAGA.abbr.UNIFORM ANATOMICAL GIFT ACT.

U.B.

U.B.abbr.Upper Bench. See bancus superior under BANCUS.

UBERIOR TITULUS

uberior titulus (yoo-beer-ee-or tich-<<schwa>>-l<<schwa>>s). [Latin] Hist. The fuller title.

UBERRIMAE FIDEI

uberrimae fidei (yoo-ber-<<schwa>>-mee fi-dee-I). [Latin] Of the utmost good faith. See contract uberrimae fidei under CONTRACT. [Cases: Insurance 1867, 2996. C.J.S. Insurance § 377.]

UBERRIMA FIDES

uberrima fides (yoo-ber-<<schwa>>-m<<schwa>> fi-deez), n.[Latin] Utmost good faith <a contract requiring uberrima fides>.

UBI

ubi (yoo-bIoroo-bee). [Latin] Where.

UBI ABERAT ANIMUS FOENERANDI

ubi aberat animus foenerandi (yoo-bI <<schwa>>-ber-at an-<<schwa>>-m<<schwa>>s fee-n<<schwa>>-ran-dI). [Latin] Hist. Where the intention of taking of a usurious interest was wanting. • A lender was not liable for usurious provisions in a contract unless the lender had the requisite intention of exacting the money. Cf. USURA VELATA.

UBI DEFUNCTUS HABUIT DOMICILIUM

ubi defunctus habuit domicilium (yoo-bI di-f<<schwa>>ngk-t<<schwa>>s hay-byoo-it dom-<<schwa>>-sil-ee-<<schwa>>m). [Law Latin] Scots law. Where the decedent had his domicile.

UBI DIES CESSIT, LICET NONDUM VENERIT

ubi dies cessit, licet nondum venerit (yoo-bIdI-eez ses-it, II-set non-d<< schwa>>m v<<schwa>>-neer-it). [Latin] Hist. In the case where the time has arrived at which money is due, although that time has not arrived at which it may be exacted. See DEBITUM IN DIEM.

#### UBI DOLUS DEDIT CAUSAM CONTRACTUI

ubi dolus dedit causam contractui (yoo-bIdoh-l<<schwa>>s dee-dit kaw-z<< schwa>>m k<<schwa>>n-trak-choo-I). [Latin] Hist. Where fraud gave rise to the contract.

#### UBI RE VERA

ubi re vera (yoo-bI ree veer-<<schwa>>). [Latin] Where in reality; when in truth or in point of fact.

#### UBI SUPRA

ubi supra (yoo-bIs[y]oo-pr<<schwa>>). [Latin] Where stated above.

#### UCC

UCC.abbr.1.UNIFORM COMMERCIAL CODE. 2.UNIVERSAL COPYRIGHT CONVENTION.

#### UCC BATTLE OF THE FORMS

UCC battle of the forms.See BATTLE OF THE FORMS.

#### UCCC

UCCC.abbr.UNIFORM CONSUMER CREDIT CODE.

#### UCCJA

UCCJA.abbr.UNIFORM CHILD CUSTODY JURISDICTION ACT.

#### UCCJEA

UCCJEA.abbr.UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT.

#### UCE

UCE.abbr. Unsolicited commercial e-mail. — Also termed spam. See SPAM.

#### UCITA

UCITA.abbr. UNIFORM COMPUTER INFORMATION TRANSACTIONS ACT.

#### UCMJ

UCMJ.abbr.UNIFORM CODE OF MILITARY JUSTICE.

#### UCP

UCP.abbr.UNIFORM CUSTOMS AND PRACTICE FOR COMMERCIAL

## DOCUMENTARY CREDITS.

UCR

UCR.abbr.UNIFORM CRIME REPORTS.

UDITPA

UDITPA.abbr.UNIFORM DIVISION OF INCOME FOR TAX PURPOSES ACT.

UDRA

UDRA.abbr.UNIFORM DIVORCE RECOGNITION ACT.

UDTPA

UDTPA.abbr. UNIFORM DECEPTIVE TRADE PRACTICES ACT.

UETA

UETA.abbr. UNIFORM ELECTRONIC TRANSACTIONS ACT.

UFCA

UFCA.abbr.UNIFORM FRAUDULENT CONVEYANCES ACT.

UFTA

UFTA.abbr.UNIFORM FRAUDULENT TRANSFER ACT.

UGMA

UGMA.abbr.Uniform Gifts to Minors Act. See UNIFORM TRANSFERS TO MINORS ACT.

UHCDA

UHCDA.abbr.UNIFORM HEALTH-CARE DECISION ACT.

UIFSA

UIFSA.abbr.UNIFORM INTERSTATE FAMILY SUPPORT ACT.

UIJC

UIJC.abbr.UNIFORM INTERSTATE JUVENILE COMPACT.

UJCA

UJCA.abbr.UNIFORM JUVENILE COURT ACT.

U.K.

U.K.abbr.UNITED KINGDOM.

UKASE

ukase (yoo-kaysoryoo-kays). A proclamation or decree, esp. of a final or arbitrary nature. •

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This term originally referred to a decree issued by a Russian czar.

**ULLAGE**

ullage (<<schwa>>l-ij). The amount that a cask of liquid lacks from being full.

**ULNA FERREA**

ulna ferrea (<<schwa>>l-n<<schwa>> fer-ee-<<schwa>>). [Law Latin "iron ell"] Hist. An iron measuring device, approximately a yard in length, kept in the Exchequer as a standard measure.

**ULNAGE**

ulnage (<<schwa>>l-nij). Alnage. See ALNAGER.

**ULPA**

ULPA.abbr.UNIFORM LIMITED PARTNERSHIP ACT.

**ULTERIOR INTENT**

ulterior intent.See INTENT(1).

**ULTERIOR REMAINDERMAN**

ulterior remainderman.See REMAINDERMAN.

**ULTIMA RATIO**

ultima ratio (<<schwa>>l-ti-m<<schwa>> ray-shee-oh). [Latin] The final argument; the last resort; the means last to be resorted to.

**ULTIMATE FACT**

ultimate fact.See FACT.

**ULTIMATE ISSUE**

ultimate issue.See ISSUE(1).

**ULTIMATE QUESTION**

ultimate question.See ultimate issue under ISSUE(1).

**ULTIMATE SPECIES**

ultimate species.See SPECIES(2).

**ULTIMATUM**

ultimatum (<<schwa>>l-t<<schwa>>-may-t<<schwa>>m), n. The final and categorical proposal made in negotiating a treaty, contract, or the like. • An ultimatum implies that a rejection might lead to a break-off in negotiations or, in international law, to a cessation of diplomatic relations or even to war. Pl. ultimatus.

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**ULTIMATUM SUPPLICUM**

ultimatum supplicum.[Law Latin “final or extreme punishment”] Capital punishment.

**ULTIMOGENITURE**

ultimogeniture. See BOROUGH ENGLISH.

**ULTIMO LOCO**

ultimo loco (<<schwa>>l-ti-moh loh-koh). [Latin] Hist. In the last place. • The phrase usu. referred to the position of a claimant who takes only after all other claims have been satisfied.

**ULTIMUM TEMPUS PARIENDI**

ultimum tempus pariendi (<<schwa>>l-ti-m<<schwa>>m tem-p<<schwa>>s par-ee-en-d I). [Law Latin “last date for giving birth”] Hist. A time beyond or after which a child may not be born. • The phrase was used, for example, in determinations of legitimacy or paternity.

**ULTIMUS HERES**

ultimus heres (<<schwa>>l-ti-m<<schwa>>s heer-eez). See HERES.

**ULTRA FINES COMPROMISSI**

ultra fines compromissi (<<schwa>>l-tr<<schwa>> fl-nee-z kom-pr<<schwa>>-mis-I). [Law Latin] Hist. Beyond the limits of the submission to arbitration. See ULTRA VIRES COMPROMISSI.

**ULTRA FINES DECRETI**

ultra fines decreti (<<schwa>>l-tr<<schwa>> fl-nee-z di-kree-tI). [Law Latin] Hist. Beyond the limits of the decree.

**ULTRA FINES MANDATI**

ultra fines mandati (<<schwa>>l-tr<<schwa>> fl-nee-z man-day-tI). [Law Latin] Hist. Beyond the limits of the mandate.

**ULTRAHAZARDOUS**

ultrahazardous. See EXTRAHAZARDOUS.

**ULTRAHAZARDOUS ACTIVITY**

ultrahazardous activity.See ABNORMALLY DANGEROUS ACTIVITY.

**ULTRA LICITUM**

ultra licitum (<<schwa>>l-tr<<schwa>> lis-i-t<<schwa>>m). [Law Latin] Hist. Beyond what is permissible or legal.

**ULTRA MARE**

ultra mare (<<schwa>>l-tr<<schwa>> mair-ee ormahr-ee). [Latin] See BEYOND SEAS .

#### ULTRA PETITA

ultra petita (<<schwa>>l-tr<<schwa>> p<<schwa>>-tI-t<<schwa>>). [Law Latin] Hist. Beyond that which was sought.

“A judgment or decision is said to be ultra petita when it awards more than was sought or sued for in the petition or summons; and the same thing is said of a sentence when it [does] not conform to its grounds and warrants. This affords a good ground for the reversal or reduction of such a decree.” John Trayner, *Trayner's Latin Maxims* 609–10 (4th ed. 1894).

#### ULTRA REPRISES

ultra reprises (<<schwa>>l-tr<<schwa>> ri-prIz-iz). After deduction of expenses; net.

#### ULTRA VALOREM

ultra valorem (<<schwa>>l-tr<<schwa>> v<<schwa>>-lor-<<schwa>>m). [Law Latin] Hist. Beyond the value.

#### ULTRA VIRES

ultra vires (<<schwa>>l-tr<<schwa>> vI-reez alsoveer-eez), adj. Unauthorized; beyond the scope of power allowed or granted by a corporate charter or by law <the officer was liable for the firm's ultra vires actions>. — Also termed extra vires. Cf. INTRA VIRES. [Cases: Corporations 370(1), 385. C.J.S. Corporations §§ 554, 567, 573, 576.] — ultra vires,adv.

#### ULTRA VIRES COMPROMISSI

ultra vires compromissi (<<schwa>>l-tr<<schwa>> vI-reez [alsoveer-eez] kom-pr<<schwa>>-mis-I). [Law Latin] Hist. Beyond the force of the submission to arbitration; beyond the authority of the submission. • An arbitration award, for example, could be reduced if the award was greater than the submission warranted.

#### ULTRA VIRES INVENTARII

ultra vires inventarii (<<schwa>>l-tr<<schwa>> vI-reez [alsoveer-eez] in-ven-tair-ee-I). [Law Latin] Hist. Beyond the value of the inventory. • An executor was not liable for the decedent's debts ultra vires inventarii.

#### ULTRONEOUS WITNESS

ultroneous witness.See WITNESS.

#### UMBRELLA INSURANCE

umbrella insurance.See INSURANCE.

#### UMBRELLA LIMITED PARTNERSHIP

umbrella limited partnership.See PARTNERSHIP.

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**UMBRELLA-PARTNERSHIP REAL-ESTATE INVESTMENT TRUST**

umbrella-partnership real-estate investment trust. See REAL-ESTATE INVESTMENT TRUST .

**UMBRELLA POLICY**

umbrella policy. See INSURANCE POLICY.

**UMDA**

UMDA. abbr. UNIFORM MARRIAGE AND DIVORCE ACT.

**UMPIRAGE**

umpirage (<<schwa>>m-p|r-ij). 1. The office or authority of an umpire. 2. The decision (such as an arbitral award) of an umpire.

**UMPIRE**

umpire. An impartial person appointed to make an award or a final decision, usu. when a matter has been submitted to arbitrators who have failed to agree. • An arbitral submission may provide for the appointment of an umpire. — Also termed (in Scots law) oversman. [Cases: Arbitration 36. C.J.S. Arbitration §§ 59, 61–62.]

**UMTA**

UMTA. abbr. URBAN MASS TRANSIT ADMINISTRATION.

**UN-**

un-, prefix. 1. Not <unassignable>. 2. Contrary to; against <unconstitutional>.

**U.N.**

U.N. abbr. UNITED NATIONS.

**UNACCRUED**

unaccrued, adj. Not due, as rent on a lease.

**UNA CUM**

una cum. [Latin] Together with.

**UNALIENABLE**

unalienable, adj. See INALIENABLE.

**UNANIMOUS**

unanimous (yoo-nan-<<schwa>>-m<<schwa>>s), adj. 1. Agreeing in opinion; being in complete accord <the judges were unanimous in their approval of the recommendation>. 2. Arrived at by the consent of all <a unanimous verdict>. See unanimous consent under

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CONSENT(2); unanimous vote under VOTE(3).

UNANIMOUS CONSENT

unanimous consent. See CONSENT(2).

UNANIMOUS-CONSENT AGENDA

unanimous-consent agenda. See consent calendar under CALENDAR(4).

UNANIMOUS-CONSENT AGREEMENT

unanimous-consent agreement. Parliamentary law. An agreement, negotiated between opposing sides debating a motion, regarding the procedure under which the assembly will consider the motion. • The unanimous-consent agreement is a common practice in the U.S. Senate. — Also termed time agreement. See unanimous consent under CONSENT(2).

UNANIMOUS-CONSENT CALENDAR

unanimous-consent calendar. See consent calendar under CALENDAR(4).

UNANIMOUS VOTE

unanimous vote. See VOTE(3).

UNASCERTAINED DUTY

unascertained duty. See DUTY(4).

UNAUTHORIZED

unauthorized, adj. Done without authority; specif. (of a signature or indorsement), made without actual, implied, or apparent authority. UCC § 1-201(b)(41). [Cases: Principal and Agent 147–162. C.J.S. Agency §§ 110, 122, 166–173, 361–362, 372–377, 379–384, 389, 392, 395–404, 407, 410, 420, 422–431, 452–456, 458.]

UNAUTHORIZED COMPLETION

unauthorized completion. Commercial law. The act of filling in missing information in a negotiable instrument either without any authority to do so or beyond the authority granted. • Unauthorized completion is a personal defense, so it can be raised against any later holder of the instrument who does not have the rights of a holder in due course. See personal defense under DEFENSE(4). [Cases: Bills and Notes 60, 378, 452(1). C.J.S. Bills and Notes; Letters of Credit §§ 32–33, 36, 65, 74, 102, 197, 244–248, 260–261.]

UNAUTHORIZED INDORSEMENT

unauthorized indorsement. See INDORSEMENT.

UNAUTHORIZED PRACTICE OF LAW

unauthorized practice of law. See PRACTICE OF LAW.



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**UNAUTHORIZED SIGNATURE**

unauthorized signature. See SIGNATURE.

**UNAUTHORIZED USE OF A VEHICLE**

unauthorized use of a vehicle. See JOYRIDING.

**UNAVAILABILITY**

unavailability, n. The status or condition of not being available, as when a witness is exempted by court order from testifying. • Unavailability is recognized under the Federal Rules of Evidence as an exclusion to the hearsay rule. Fed. R. Evid. 804. [Cases: Criminal Law 419(5); Evidence 317(17). C.J.S. Criminal Law § 860; Evidence §§ 259–260.]

**UNA VOCE**

una voce (yoo-n<<schwa>> voh-see). [Latin] With one voice; unanimously; without dissent.

**UNAVOIDABLE ACCIDENT**

unavoidable accident. See ACCIDENT.

**UNAVOIDABLE-ACCIDENT DOCTRINE**

unavoidable-accident doctrine. Torts. The rule holding no party liable for an accident that was not foreseeable and that could not have been prevented by the exercise of reasonable care. • The modern trend is for courts to ignore this doctrine, relying instead on the basic concepts of duty, negligence, and proximate cause. — Also termed inevitable-accident doctrine. [Cases: Automobiles 201(10); Negligence 440. C.J.S. Motor Vehicles § 517; Negligence §§ 66–68, 209.]

**UNAVOIDABLE CASUALTY**

unavoidable casualty. See unavoidable accident under ACCIDENT.

**UNAVOIDABLE CAUSE**

unavoidable cause. See CAUSE(1).

**UNAVOIDABLE DANGER**

unavoidable danger. See DANGER.

**UNBANKED**

unbanked, adj. Lacking a formal relationship with a bank or other financial institution. • Unbanked consumers are the most frequent users of money-services businesses.

**UNBORN BENEFICIARY**

unborn beneficiary. See BENEFICIARY.

**UNBORN CHILD**

unborn child. See CHILD.

#### UNBORN-WIDOW RULE

unborn-widow rule. The legal fiction, assumed under the rule against perpetuities, that a beneficiary's widow is not yet born at the testator's death, and thus a succeeding life estate to her voids any remainders because the interest would not vest within the perpetuities period. See RULE AGAINST PERPETUITIES .

#### UNBROKEN

unbroken, adj. Not interrupted; continuous <unbroken possession by the adverse possessor>.

#### UNBUNDLING RULES

unbundling rules. Telecommunications. Regulations passed by the Federal Communications Commission to effectuate the local-competition requirements of the Telecommunications Act of 1996, which requires local-exchange carriers to provide access to elements of local-exchange networks on an unbundled (i.e., separated) basis. 47 USCA § 251; 47 CFR pt. 51. See NETWORK ELEMENT. [Cases: Telecommunications 267. C.J.S. Telegraphs, Telephones, Radio, and Television §§ 31–32.]

#### UNCERTAIN DAMAGES

uncertain damages. See DAMAGES.

#### UNCERTIFICATED SECURITY

uncertificated security. See SECURITY.

#### UNCERTIFIED SECURITY

uncertified security. See uncertificated security under SECURITY.

#### UNCIA

uncia (<<schwa>>n-shee-<<schwa>>), n. [Latin] 1. Roman law. One-twelfth of the as (a pound or, by analogy, an estate or inheritance). • The English word ounce is derived from this term. Cf. AS; BES. 2. Hist. A measure of land used in a royal charter. • The size of an uncia is unclear, but it may have measured 1,200 square feet (i.e., 12 modii). 3. Generally, the proportion of one-twelfth.

#### UNCIARIUS HERES

unciarius heres (<<schwa>>n-shee-air-ee-<<schwa>>s heer-eez). [Latin] Roman law. An heir to one-twelfth of an estate or inheritance.

#### UNCITABLE

uncitable. See NONCITABLE.

#### UNCITRAL RULES

UNCITRAL Rules. The Arbitration Rules of the United Nations Commission on International Trade Law, applicable to all international commercial arbitrations except as prohibited by the local law where the arbitration takes place.

#### UNCLEAN BILL OF LADING

unclean bill of lading. See BILL OF LADING.

#### UNCLEAN-HANDS DOCTRINE

unclean-hands doctrine. See CLEAN-HANDS DOCTRINE.

#### UNCOLLECTED FUNDS

uncollected funds. A credit, such as an increase in the balance of a checking or other deposit account in a bank, given on the basis of a check or other right to payment that has not yet been received from the drawee or other payor. [Cases: Banks and Banking 122, 133, 137. C.J.S. Banks and Banking §§ 326, 328–335, 342, 347–348, 383, 399.]

#### UNCONDITIONAL

unconditional, adj. Not limited by a condition; not depending on an uncertain event or contingency.

#### UNCONDITIONAL DELIVERY

unconditional delivery. See DELIVERY.

#### UNCONDITIONAL DISCHARGE

unconditional discharge. See DISCHARGE(5).

#### UNCONDITIONAL HEIR

unconditional heir. See HEIR.

#### UNCONDITIONAL PARDON

unconditional pardon. See absolute pardon under PARDON.

#### UNCONDITIONAL PROMISE

unconditional promise. See PROMISE.

#### UNCONDITIONAL RELEASE

unconditional release. See RELEASE.

#### UNCONSCIONABILITY

unconscionability (n-kon-sh-n-bil-tee). 1. Extreme unfairness. • Unconscionability is normally assessed by an objective standard: (1) one party's lack of meaningful choice, and (2) contractual terms that unreasonably favor the other party. 2. The principle that a court may refuse to enforce a contract that is unfair or oppressive because

of procedural abuses during contract formation or because of overreaching contractual terms, esp. terms that are unreasonably favorable to one party while precluding meaningful choice for the other party. • Because unconscionability depends on circumstances at the time the contract is formed, a later rise in market price is irrelevant. [Cases: Contracts 1. C.J.S. Contracts §§ 2–3, 9, 12.]

“Traditionally, a bargain was said to be unconscionable in an action at law if it was ‘such as no man in his senses and not under delusion would make on the one hand, and as no honest and fair man would accept on the other;’ damages were then limited to those to which the aggrieved party was ‘equitably’ entitled. Even though a contract was fully enforceable in an action for damages, equitable remedies such as specific performance were refused where ‘the sum total of its provisions drives too hard a bargain for a court of conscience to assist.’ Modern procedural reforms have blurred the distinction between remedies at law and in equity. For contracts for the sale of goods, Uniform Commercial Code § 2-302 states the rule of this Section without distinction between law and equity. Comment 1 to that section adds, ‘The principle is one of the prevention of oppression and unfair surprise ... and not of disturbance of allocation of risks because of superior bargaining power.’ ” Restatement (Second) of Contracts § 208 cmt. b (1979) (citations omitted).

“Nowhere among the [Uniform Commercial] Code's many definitions is there one of unconscionability. That the term is incapable of precise definition is a source of both strength and weakness.” E. Allan Farnsworth, Contracts § 4.28, at 310 (3d ed. 1999).

procedural unconscionability.Unconscionability resulting from improprieties in contract formation (such as oral misrepresentations or disparities in bargaining position) rather than from the terms of the contract itself. [Cases: Contracts 1. C.J.S. Contracts §§ 2–3, 9, 12.]

“Most cases of unconscionability involve a combination of procedural and substantive unconscionability, as it is generally agreed that if more of one is present, then less of the other is required.” E. Allan Farnsworth, Contracts § 4.28, at 312 (3d ed. 1999).

substantive unconscionability.Unconscionability resulting from actual contract terms that are unduly harsh, commercially unreasonable, and grossly unfair given the existing circumstances. [Cases: Contracts 1. C.J.S. Contracts §§ 2–3, 9, 12.]

#### UNCONSCIONABLE

unconscionable (<<schwa>>n-kon-sh<<schwa>>-n<<schwa>>-b<<schwa>>l), adj.1. (Of a person) having no conscience; unscrupulous <an unconscionable used-car salesman>.2. (Of an act or transaction) showing no regard for conscience; affronting the sense of justice, decency, or reasonableness <the contract is void as unconscionable>. Cf. CONSCIONABLE. [Cases: Contracts 1.C.J.S. Contracts §§ 2–3, 9, 12.]

#### UNCONSCIONABLE AGREEMENT

unconscionable agreement.See AGREEMENT.

#### UNCONSCIONABLE BARGAIN

unconscionable bargain.See unconscionable agreement under AGREEMENT.

#### UNCONSCIONABLE CONTRACT

unconscionable contract.See unconscionable agreement under AGREEMENT.

#### UNCONSCIOUS

unconscious,adj. Without awareness; not conscious. • A person who commits a criminal act while unconscious may be relieved from liability for the act.

#### UNCONSCIOUSNESS DEFENSE

unconsciousness defense.See AUTOMATISM.

#### UNCONSTITUTIONAL

unconstitutional,adj. Contrary to or in conflict with a constitution, esp. the U.S. Constitution <the law is unconstitutional because it violates the First Amendment's free-speech guarantee>. Cf. NONCONSTITUTIONAL.

#### UNCONSTITUTIONAL-CONDITIONS DOCTRINE

unconstitutional-conditions doctrine.Constitutional law. 1. The rule that the government cannot condition a person's receipt of a governmental benefit on the waiver of a constitutionally protected right (esp. a right under the First Amendment). • For example, a television station that receives public funds cannot be forced to refrain from endorsing political candidates. [Cases: Constitutional Law 82(1). C.J.S. Constitutional Law §§ 445, 447–454, 460, 471.] 2. The rule that the government cannot force a defendant to choose between two constitutionally protected rights. [Cases: Criminal Law 36.6.] — Also termed doctrine of unconstitutional conditions.

#### UNCONSTITUTIONALLY VAGUE

unconstitutionally vague.See VAGUE.

#### UNCONTESTABLE CLAUSE

uncontestable clause.See INCONTESTABILITY CLAUSE.

#### UNCONTESTED DIVORCE

uncontested divorce.See DIVORCE.

#### UNCONTESTED HEARING

uncontested hearing.See HEARING.

#### UNCONTROLLABLE

uncontrollable,adj. Incapable of being controlled.

#### UNCONTROLLABLE IMPULSE

uncontrollable impulse.See IMPULSE.

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**UNCONTROLLED-SECURITIES-OFFERING DISTRIBUTION**

uncontrolled-securities-offering distribution. See securities-offering distribution (2) under DISTRIBUTION.

**UNCOPYRIGHTABLE**

uncopyrightable, adj. (Of a work) ineligible for copyright protection either because the work lacks originality or because it is an idea, concept, process, or other abstraction that is not included in one of the eight covered classifications of copyrightable works. 17 USCA §§ 101–106. [Cases: Copyrights and Intellectual Property 4. C.J.S. Copyrights and Intellectual Property §§ 9–10, 16.]

**UNCORE PRIST**

uncore prist (<<schwa>>n[g]-kor prist). [Law French “still ready”] Hist. A plea by which a party alleges readiness to pay or perform what is justly demanded.

“Yet sometimes, after tender and refusal of a debt, if the creditor harasses his debtor with an action, it then becomes necessary for the defendant to acknowledge the debt, and plead the tender; adding, that ... he is still ready, uncore prist, to discharge it ....” 3 William Blackstone, Commentaries on the Laws of England 303 (1768).

**UNCORRECTABILITY DEFENSE**

uncorrectability defense. Patents. An affirmative defense in an infringement suit, established by showing (1) that a coinventor's name was omitted from a patent, and (2) that the patent cannot be corrected because the named coinventor acted with deceptive intent. [Cases: Patents 283(1). C.J.S. Patents §§ 436–439.]

**UNCOUNSELED**

uncounseled, adj. Without the benefit or participation of legal counsel <an uncounseled conviction> <an uncounseled defendant>.

**UNCOVERED OPTION**

uncovered option. See naked option under OPTION.

**UNCRC**

UNCRC. abbr. UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD.

**UNDE NIHIL HABET**

unde nihil habet (<<schwa>>n-dee nI-hil hay-b<<schwa>>t). [Law Latin “whereof she has nothing”] Hist. A writ of dower for a widow where no dower had been assigned to her within the time allowed by law.

**UNDERCAPITALIZATION**

undercapitalization. See CAPITALIZATION.

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**UNDERCOVER AGENT**

undercover agent. See AGENT.

**UNDERCURRENT OF SURFACE STREAM**

undercurrent of surface stream. Water that moves slowly through the bed of a stream or the lands under or immediately adjacent to the stream. • This water is considered part of the surface stream. — Also termed underflow of surface stream.

**UNDERDEVELOPED COUNTRY**

underdeveloped country. See DEVELOPING COUNTRY.

**UNDERFLOW OF SURFACE STREAM**

underflow of surface stream. See UNDERCURRENT OF SURFACE STREAM.

**UNDERGROUND ECONOMY**

underground economy. See SHADOW ECONOMY.

**UNDERGROUND RECORDING**

underground recording. See BOOTLEG RECORDING(1).

**UNDERINSURANCE**

underinsurance. An agreement to indemnify against property damage up to a certain amount but for less than the property's full value.

**UNDERINSURED-MOTORIST COVERAGE**

underinsured-motorist coverage. Insurance that pays for losses caused by a driver who negligently damages the insured but does not have enough liability insurance to cover the damages. Cf. UNINSURED-MOTORIST COVERAGE. [Cases: Insurance 2772, 2787. C.J.S. Insurance §§ 1647, 1650, 1653, 1657.]

**UNDERLEASE**

underlease. See SUBLEASE.

**UNDERLESSOR**

underlessor. See SUBLESSOR.

**UNDER ONE'S HAND**

under one's hand. (Of a person's signature) affixed manually, as opposed to printed or stamped.

**UNDER PROTEST**

under protest. See PROTEST(3).

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**UNDERSECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY**

Undersecretary of Commerce for Intellectual Property. See **DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE** .

**UNDERSHERIFF**

undersheriff. See deputy sheriff under **SHERIFF**.

**UNDERSIGNED**

undersigned, n. A person whose name is signed at the end of a document <the undersigned agrees to the aforementioned terms and conditions>.

**UNDER-65 TRUST**

under-65 trust. See **TRUST**.

**UNDERSTAND**

understand, vb. To apprehend the meaning of; to know <the testator did not understand what he was signing>.

**UNDERSTANDING**

understanding, n. 1. The process of comprehending; the act of a person who understands something. 2. One's personal interpretation of an event or occurrence. 3. An agreement, esp. of an implied or tacit nature.

**UNDER SUBMISSION**

under submission. Being considered by the court; under advisement <the case was under submission in the court of appeals for more than two years>.

**UNDERTAKE**

undertake, vb. 1. To take on an obligation or task <he has undertaken to chair the committee on legal aid for the homeless>. 2. To give a formal promise; guarantee <the merchant undertook that the goods were waterproof>. 3. To act as surety for (another); to make oneself responsible for (a person, fact, or the like) <her husband undertook for her appearance in court>. [Cases: Undertakings 1. C.J.S. Undertakings § 1.]

**UNDERTAKING**

undertaking, n. 1. A promise, pledge, or engagement. [Cases: Undertakings 1. C.J.S. Undertakings § 1.] 2. A bail bond. [Cases: Bail 54. C.J.S. Bail; Release and Detention Pending Proceedings §§ 93, 106.]

**UNDERTENANT**

undertenant. See **SUBLESSEE**.

**UNDER THE INFLUENCE**



under the influence.(Of a driver, pilot, etc.) deprived of clearness of mind and self-control because of drugs or alcohol. See DRIVING UNDER THE INFLUENCE . [Cases: Automobiles 332. C.J.S. Motor Vehicles §§ 1382–1394.]

#### UNDERTREASURER OF ENGLAND

Undertreasurer of England.Hist. An officer immediately subordinate to the Lord High Treasurer.

#### UNDERTUTOR

undertutor. See TUTOR.

#### UNDERWRITER

underwriter. 1.INSURER. 2. One who buys stock from the issuer with an intent to resell it to the public; a person or entity, esp. an investment banker, who guarantees the sale of newly issued securities by purchasing all or part of the shares for resale to the public. [Cases: Securities Regulation 11.18, 60.31. C.J.S. Securities Regulation §§ 69, 71, 199.]

“The term ‘underwriter’ derives its meaning from former British insurance practices. When insuring their cargo shippers would seek out investors to insure their property. The insurers would add their signatures and would write their names under those of the shipper; hence the term ‘underwriters.’ Both in terms of the insurance industry and the securities markets, the concept of underwriting has expanded significantly since its inception.” Thomas Lee Hazen, *The Law of Securities Regulation* § 2.1, at 57 (2d ed. 1994).

chartered life underwriter.An underwriter who has satisfied the requirements set forth by The American College (formerly The American College of Life Underwriters) to be designated a life insurance underwriter. — Abbr. CLU.

insurance underwriter. 1.INSURER. — Also termed writer. 2. An insurance-company employee who is responsible for determining whether to issue a policy and the amount to charge for the coverage provided. [Cases: Insurance 1515.]

#### UNDERWRITING

underwriting,n.1. The act of assuming a risk by insuring it; the insurance of life or property. See INSURANCE. [Cases: Insurance 1515.] 2. The act of agreeing to buy all or part of a new issue of securities to be offered for public sale. [Cases: Securities Regulation 11.18, 60.31. C.J.S. Securities Regulation §§ 69, 71, 199.] — underwrite,vb.

best-efforts underwriting.Underwriting in which an investment banker agrees to direct, but not guarantee, the public sale of the issuer's securities. • The underwriter, or selling group, sells the securities as agent for the issuer, and any unsold securities are never issued.

firm-commitment underwriting.Underwriting in which the underwriter agrees to buy all the shares to be issued and remain financially responsible for any securities not purchased. • The underwriter, or underwriting group, buys the securities from the issuer and resells them as

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principal. In this type of underwriting, securities that cannot be sold to the public are owned by the underwriter, and the issuer is paid for those securities as well as the others.

standby underwriting. Underwriting in which the underwriter agrees, for a fee, to buy from the issuer any unsold shares remaining after the public offering. — Also termed strict underwriting.

**UNDERWRITING AGREEMENT**

underwriting agreement. See AGREEMENT.

**UNDERWRITING SPREAD**

underwriting spread. See SPREAD(4).

**UNDESIRABLE DISCHARGE**

undesirable discharge. See DISCHARGE(8).

**UNDE VI**

unde vi (<<schwa>>n-dee vI). [Latin] Roman law. A praetorian interdict allowing one who was violently dispossessed of a thing to recover it.

**UNDIGESTED OFFERING**

undigested offering. See OFFERING.

**UNDISCLOSED AGENCY**

undisclosed agency. See AGENCY(1).

**UNDISCLOSED PRINCIPAL**

undisclosed principal. See PRINCIPAL(1).

**UNDISPUTED**

undisputed, adj. Not questioned or challenged; uncontested.

**UNDISPUTED FACT**

undisputed fact. See FACT.

**UNDISTRIBUTED-EARNINGS TAX**

undistributed-earnings tax. See accumulated-earnings tax under TAX.

**UNDISTRIBUTED PROFIT**

undistributed profit. See retained earnings under EARNINGS.

**UNDIVIDED INTEREST**

undivided interest. See INTEREST(2).

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**UNDIVIDED PROFIT**

undivided profit. See accumulated profit under PROFIT(1).

**UNDIVIDED RIGHT**

undivided right. See undivided interest under INTEREST(2).

**UNDIVIDED TITLE**

undivided title. See undivided interest under INTEREST(2).

**UNDOCUMENTED ALIEN**

undocumented alien. See illegal alien under ALIEN.

**UNDUE**

undue, adj. 1. Archaic. Not yet owed; not currently payable <an undue debt>. 2. Excessive or unwarranted <undue burden> <undue influence>. — unduly, adv.

**UNDUE-BREADTH REJECTION**

undue-breadth rejection. See REJECTION.

**UNDUE BURDEN**

undue burden, n. See BURDEN.

**UNDUE-BURDEN TEST**

undue-burden test. Constitutional law. The Supreme Court test stating that a law regulating abortion will be struck down if it places a substantial obstacle in the path of a woman's right to obtain an abortion. • This test replaced the “trimester analysis,” set forth in *Roe v. Wade*, in which the state's ability to restrict abortion increased after each trimester of pregnancy. *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, 112 S.Ct. 2791 (1992). [Cases: Abortion and Birth Control 0.5, 1.30. C.J.S. Abortion and Birth Control; Family Planning § 9.]

**UNDUE EXPERIMENTATION**

undue experimentation. Patents. An unreasonable amount of research and testing that would be required for a person skilled in the appropriate art to make and work an invention from the specification in the patent application. • If undue experimentation would be required, the application fails the embodiment requirement of 35 USCA § 112. See WANDS TEST. [Cases: Patents 99. C.J.S. Patents § 139.]

**UNDUE HARDSHIP**

undue hardship. See HARDSHIP.

**UNDUE INFLUENCE**

undue influence. 1. The improper use of power or trust in a way that deprives a person of free

will and substitutes another's objective. • Consent to a contract, transaction, or relationship or to conduct is voidable if the consent is obtained through undue influence. — Also termed implied coercion; moral coercion. [Cases: Contracts 96. C.J.S. Contracts §§ 4, 136, 139–140, 187, 189–194.]

“Undue influence is unfair persuasion of a party who is under the domination of the person exercising the persuasion or who by virtue of the relation between them is justified in assuming that the person will not act in a manner inconsistent with his welfare.” Restatement (Second) of Contracts § 177(1) (1979).

“When at the turn of the twentieth century, the common law doctrine of duress was expanded to provide relief for coercion irrespective of the means of coercion, much of the work of undue influence became unnecessary. The doctrine has a much more specialized role today, although often enough the precedents decided when the more general doctrine prevailed are cited and quoted to the general confusion of the profession. Today the gist of the doctrine is unfair persuasion rather than coercion. Euphoria rather than fear is often, but certainly not always, the state of mind of the party unduly influenced.” John D. Calamari & Joseph M. Perillo, *The Law of Contracts* § 9-9, at 351–52 (3d ed. 1987).

2. Wills & estates. Coercion that destroys a testator's free will and substitutes another's objectives in its place. • When a beneficiary actively procures the execution of a will, a presumption of undue influence may be raised, based on the confidential relationship between the influencer and the person influenced. — Also termed improper influence; (formerly, in both senses) suggestion. See COERCION; DURESS. [Cases: Wills 154. C.J.S. Wills § 345.]

#### UNDUE MULTIPLICITY OF CLAIMS

undue multiplicity of claims. See AGGREGATION OF CLAIMS.

#### UNDUE-MULTIPLICITY-OF-CLAIMS REJECTION

undue-multiplicity-of-claims rejection. See REJECTION.

#### UNDUE PREJUDICE

undue prejudice. See PREJUDICE.

#### UNDULY DANGEROUS CONDUCT

unduly dangerous conduct. See unreasonably dangerous conduct under CONDUCT.

#### UNDUTIFUL WILL

undutiful will. See unnatural will under WILL.

#### UNEARNED INCOME

unearned income. See INCOME.

#### UNEARNED INCREMENT

unearned increment. See INCREMENT.

#### UNEARNED INTEREST

unearned interest. See INTEREST(3).

#### UNEARNED PREMIUM

unearned premium. See PREMIUM(1).

#### UNEARNED-PREMIUM RESERVE

unearned-premium reserve. See RESERVE.

#### UNEARNED SURPLUS

unearned surplus. See SURPLUS.

#### UNEMPLOYMENT

unemployment. The state or condition of being unemployed.

structural unemployment. Unemployment resulting from a shift in the demand for a particular product or service.

#### UNEMPLOYMENT COMPENSATION

unemployment compensation. See unemployment insurance under INSURANCE; COMPENSATION.

#### UNEMPLOYMENT INSURANCE

unemployment insurance. See INSURANCE.

#### UNEMPLOYMENT TAX

unemployment tax. See TAX.

#### UNENACTED LAW

unenacted law. See LAW.

#### UNENCUMBERED

unencumbered (<<schwa>>n-in-k<<schwa>>m-b<<schwa>>rd), adj. Without any burdens or impediments <unencumbered title to property>.

#### UNENFORCEABLE

unenforceable, adj. (Of a contract) valid but incapable of being enforced. Cf. VOID; VOIDABLE. [Cases: Contracts 138(1). C.J.S. Contracts §§ 280–281, 283–284, 290, 292, 300.]

#### UNENFORCEABLE CONTRACT

unenforceable contract. See CONTRACT.

## UNEP

UNEP.abbr.UNITED NATIONS ENVIRONMENT PROGRAMME.

## UNEQUAL

unequal,adj. Not equal in some respect; uneven <unequal treatment under the law>.

## UNEQUIVOCAL

unequivocal (<<schwa>>n-i-kwiv-<<schwa>>-k<<schwa>>l), adj. Unambiguous; clear; free from uncertainty.

## UNERRING

unerring (<<schwa>>n-<<schwa>>r-ing also <<schwa>>n-er-ing), adj. Incapable of error; infallible.

## UNESCO

UNESCO.abbr. UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION .

## UNESSENTIAL MISTAKE

unesessential mistake.See MISTAKE.

## UNETHICAL

unethical,adj. Not in conformity with moral norms or standards of professional conduct. See LEGAL ETHICS.

## UNEXPECTED

unexpected,adj. Happening without warning; not expected.

## UNFAIR COMPETITION

unfair competition. 1. Dishonest or fraudulent rivalry in trade and commerce; esp., the practice of endeavoring to pass off one's own goods or products in the market for those of another by means of imitating or counterfeiting the name, brand, size, shape, or other distinctive characteristic of the article or its packaging. [Cases: Trade Regulation 403. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 98.] 2. The body of law encompassing various business and privacy torts, all generally based on deceitful trade practices, including passing off, false advertising, commercial disparagement, and misappropriation.

“The legal doctrine of unfair competition is a development of the fundamental idea that dealings based on deceit are legally wrong.” Harry D. Nims, *The Law of Unfair Competition and Trade-Marks* 6 (1929).

## UNFAIR HEARING

unfair hearing.See HEARING.

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**UNFAIR LABOR PRACTICE**

unfair labor practice. Any conduct prohibited by state or federal law governing the relations among employers, employees, and labor organizations. • Examples of unfair labor practices by an employer include (1) interfering with protected employee rights, such as the right to self-organization, (2) discriminating against employees for union-related activities, (3) retaliating against employees who have invoked their rights, and (4) refusing to engage in collective bargaining. Examples of unfair labor practices by a labor organization include causing an employer to discriminate against an employee, engaging in an illegal strike or boycott, causing an employer to pay for work not to be performed (i.e., featherbedding), and refusing to engage in collective bargaining. 29 USCA §§ 151–169. [Cases: Labor Relations 361–396. C.J.S. Labor Relations §§ 153–154, 159–160, 318, 328–401, 521.]

**UNFAIR PERSUASION**

unfair persuasion. Contracts. A type of undue influence in which a stronger party achieves a result by means that seriously impair the weaker party's free and competent exercise of judgment. • Unfair persuasion is a lesser form of undue influence than duress and misrepresentation. The two primary factors to be considered are the unavailability of independent advice and the susceptibility of the person persuaded. See UNDUE INFLUENCE(1). [Cases: Contracts 96. C.J.S. Contracts §§ 4, 136, 139–140, 187, 189–194.]

**UNFAIR SURPRISE**

unfair surprise. A situation in which a party, having had no notice of some action or proffered evidence, is unprepared to answer or refute it.

**UNFAIR TRADE**

unfair trade. An inequitable business practice; esp., the act or an instance of a competitor's repeating of words in a way that conveys a misrepresentation that materially injures the person who first used the words, by appropriating credit of some kind earned by the first user. [Cases: Trade Regulation 862.1.]

**UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW**

Unfair Trade Practices and Consumer Protection Law. A model statute patterned on the Federal Trade Commission Act and proposed by the FTC in 1967 for adoption by the states; a state law providing consumer-protection remedies, including private causes of action, for deceptive trade practices and false advertising. • The Act gives the state attorney general power to regulate unfair and deceptive trade practices. It also gives consumers a right to sue offenders directly. — Also termed Little FTC Act. — Abbr. UTPCPL.

**UNFINISHED BUSINESS**

unfinished business. See BUSINESS.

**UNFINISHED BUSINESS AND GENERAL ORDERS**

unfinished business and general orders. See BUSINESS.

#### UNFIT

unfit, adj. 1. Unsuitable; not adapted or qualified for a particular use or service <the buyer returned the unfit goods to the seller and asked for a refund>. [Cases: Contracts 312(5); Sales 284(1). C.J.S. Contracts § 562; Sales §§ 251, 253, 257.] 2. Family law. Morally unqualified; incompetent <the judge found the mother unfit and so found that awarding custody of the child to the father was in the child's best interests>. [Cases: Child Custody 32; Infants 154.1–159. C.J.S. Infants §§ 31, 36–40, 43–44, 51–52, 55, 62.]

#### UNFITNESS OF A PARENT

unfitness of a parent. Family law. A parent's failure to exhibit a reasonable concern for, interest in, or responsibility for a child's welfare. • Regardless of the specific ground for an allegation of unfitness, a court considers the parent's actions and the circumstances surrounding the conduct in deciding whether unfitness has been demonstrated.

#### UNFORESEEN

unforeseen, adj. Not foreseen; not expected <unforeseen circumstances>.

#### UNFRIENDLY SUITOR

unfriendly suitor. See CORPORATE RAIDER.

#### UNHANDSOME DEALING

unhandsome dealing. Archaic. See SHARP PRACTICE.

#### UNHARMED

unharmmed, adj. Not injured or damaged.

#### UNICA TAXATIO

unica taxatio (yoo-n<<schwa>>-k<<schwa>> tak-say-shee-oh). [Law Latin “a single taxation”] Hist. The practice of having the jury assess damages against a defaulting defendant as well as a defendant who contests the case.

#### UNICO CONTEXTU

unico contextu (yoo-ni-koh k<<schwa>>n-teks-t[y]oo). [Law Latin] Hist. In one connection. • The phrase appeared in reference to that which was accomplished by the same act or by different acts performed at the same time.

“When there are more parties than one to a deed, it is not essential to the validity of its execution that they should subscribe unico contextu — i.e., it is not necessary for them to subscribe at the same time and place. But where (as was formerly required) two notaries subscribed for a person who could not write, it was necessary that they should subscribe unico contextu at the same time and place, and before the same witnesses.” John Trayner, Trayner's



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Latin Maxims 611 (4th ed. 1894).

**UNIFACTORAL OBLIGATION**

unifactoral obligation. See OBLIGATION.

**UNIFIED BAR**

unified bar. See integrated bar under BAR.

**UNIFIED CREDIT**

unified credit. See unified estate-and-gift tax credit under TAX CREDIT.

**UNIFIED ESTATE-AND-GIFT TAX**

unified estate-and-gift tax. See unified transfer tax under TAX.

**UNIFIED ESTATE-AND-GIFT TAX CREDIT**

unified estate-and-gift tax credit. See TAX CREDIT.

**UNIFIED FAMILY COURT**

unified family court. See COURT.

**UNIFIED TRANSFER TAX**

unified transfer tax. See TAX.

**UNIFORM**

uniform, adj. Characterized by a lack of variation; identical or consistent.

**UNIFORM ADOPTION ACT**

Uniform Adoption Act. A 1994 model statute aimed at achieving uniformity in adoption laws.

- The current version of the UAA was promulgated in 1994 by the National Conference of Commissioners on Uniform State Laws. State adoption of the Uniform Adoption Act has been largely unsuccessful. Earlier versions, in 1953 and 1971, were amended many times but were enacted in only a few states. — Abbr. UAA.

**UNIFORM ANATOMICAL GIFT ACT**

Uniform Anatomical Gift Act. A 1968 model statute that created protocols that govern the giving and receiving of anatomical gifts.

- Under the Act, a person may donate all or part of one's own body for purposes of transplantation, therapy, research, or education. The original Act has been adopted in some form in all 50 states. It was revised in 1987, and the revised version has been adopted in some form in at least 22 states. — Abbr. UAGA.

**UNIFORM CHILD CUSTODY JURISDICTION ACT**

Uniform Child Custody Jurisdiction Act. A 1968 model statute that sets out a standard (based on the child's residence in and connections with the state) by which a state court determines

whether it has jurisdiction over a particular child-custody matter or whether it must recognize a custody decree issued by another state's court. • The Uniform Child Custody Jurisdiction Act was replaced in 1997 by the Uniform Child Custody Jurisdiction and Enforcement Act. — Abbr. UCCJA. See HOME STATE. Cf. PARENTAL KIDNAPPING PREVENTION ACT ; UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT. [Cases: Child Custody 730–753.]

#### UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT

Uniform Child Custody Jurisdiction and Enforcement Act. A 1997 model statute that provides uniform methods of expedited interstate custody and visitation orders. • This Act was promulgated as a successor to the Uniform Child Custody Jurisdiction Act. The UCCJEA brings the Uniform Child Custody Jurisdiction Act into conformity with the Parental Kidnapping Prevention Act and the Violence Against Women Act. The Act revises child-custody jurisdiction, giving clearer standards for original jurisdiction and a standard for continuing jurisdiction. The Act also provides a remedial process for enforcing interstate child custody and visitation. — Abbr. UCCJEA. Cf. UNIFORM CHILD CUSTODY JURISDICTION ACT.

#### UNIFORM CODE OF MILITARY JUSTICE

Uniform Code of Military Justice. 1. CODE OF MILITARY JUSTICE. 2. A model code promulgated by the National Conference of Commissioners on Uniform State Laws to govern state military forces when not in federal service. 11 U.L.A. 335 et seq. (1974). — Abbr. UCMJ. [Cases: Military Justice 502. C.J.S. Military Justice § 3.]

#### UNIFORM COMMERCIAL CODE

Uniform Commercial Code. A uniform law that governs commercial transactions, including sales of goods, secured transactions, and negotiable instruments. • The Code has been adopted in some form by every state. — Abbr. UCC. [Cases: Bills and Notes 2; Sales 3.1; Secured Transactions 3. C.J.S. Bills and Notes; Letters of Credit § 4; Sales §§ 3–4; Secured Transactions §§ 2, 6.]

#### UNIFORM COMPUTER INFORMATION TRANSACTIONS ACT

Uniform Computer Information Transactions Act. A model law that regulates software licensing and computer-information transactions. • The Act draws on contract law and the Uniform Commercial Code to create a regulatory scheme for licensing, rather than sales or lease, transactions. Among other things, UCITA applies to contracts for the licensing or purchase of software, contracts for software development, and contracts for access to databases through the Internet. It does not cover goods or services contracts within the scope of the UCC. — Abbr. UCITA.

#### UNIFORM CONSUMER CREDIT CODE

Uniform Consumer Credit Code. A uniform law designed to simplify and modernize the consumer credit and usury laws, to improve consumer understanding of the terms of credit transactions, to protect consumers against unfair practices, and the like. • This Code has been

adopted by only a few states. — Abbr. UCCC; U3C. — Also termed Consumer Credit Code. See CONSUMER CREDIT PROTECTION ACT . [Cases: Consumer Credit 1. C.J.S. Interest and Usury; Consumer Credit § 274.]

#### UNIFORM CONTROLLED SUBSTANCES ACT

Uniform Controlled Substances Act.A uniform act, adopted by many states and the federal government, governing the sale, use, and distribution of drugs.21 USCA §§ 801 et seq. [Cases: Controlled Substances 4, 20.]

#### UNIFORM CRIME REPORTS

Uniform Crime Reports.A series of annual criminological studies (each entitled Crime in the United States) prepared by the FBI. • The reports include data on eight index offenses, statistics on arrests, and information on offenders, crime rates, and the like. — Abbr. UCR.

#### UNIFORM CUSTOMS AND PRACTICE FOR COMMERCIAL DOCUMENTARY CREDITS

Uniform Customs and Practice for Commercial Documentary Credits.A publication of the International Chamber of Commerce that codifies widespread customs of bankers and merchants relating to the mechanics and operation of letters of credit. • Courts look to this publication to supplement and help interpret primary sources of credit law, such as UCC Article 5. — Abbr. UCP. [Cases: Banks and Banking 191. C.J.S. Bills and Notes; Letters of Credit §§ 341–366, 368–370, 372–376.]

#### UNIFORM DECEPTIVE TRADE PRACTICES ACT

Uniform Deceptive Trade Practices Act.A 1964 model state statute that codified many common-law intellectual-property torts, such as trademark infringement, passing off, trade disparagement, and false advertising, and that provided additional consumer protection against other forms of commercial deception. • The Act provides a laundry list of prohibited practices, all involving misrepresentation. — Abbr. UDTPA. See BABY FTC ACT. [Cases: Consumer Protection 6. C.J.S. Credit Reporting Agencies; Consumer Protection §§ 29–31, 33–39, 60–65.]

#### UNIFORM DETERMINATION OF DEATH ACT

Uniform Determination of Death Act.A 1978 model statute that provides a comprehensive basis for determining death. • This is a technical act that merely defines death clinically and does not deal with suicide, assisted suicide, or the right to die. The Act was revised in 1980. It has been adopted in almost all states.

#### UNIFORM DISPOSITION OF COMMUNITY PROPERTY AT DEATH ACT

Uniform Disposition of Community Property at Death Act.A 1971 model statute designed for non-community-property states to preserve the rights of each spouse in property that was community property before the spouses moved to non-community-property states, unless they have severed or altered their community-property rights.

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**UNIFORM DIVISION OF INCOME FOR TAX PURPOSES ACT**

Uniform Division of Income for Tax Purposes Act. A uniform law, adopted by some states, that provides criteria to assist in assigning the total taxable income of a multistate corporation among the various states. — Abbr. UDITPA. [Cases: Taxation 1005. C.J.S. Taxation § 1719.]

**UNIFORM DIVORCE RECOGNITION ACT**

Uniform Divorce Recognition Act. A 1947 model code adopted by some states regarding full-faith-and-credit issues that arise in divorces. — Abbr. UDRA. [Cases: Divorce 351. C.J.S. Divorce §§ 769, 772.]

**UNIFORM DURABLE POWER OF ATTORNEY ACT**

Uniform Durable Power of Attorney Act. A 1979 model statute that provides a simple way for a person to deal with his or her property by providing a power of attorney that will survive after the incompetence of the principal. • The Act was revised in 1987 and has been adopted in almost every state.

**UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT**

Uniformed Services Former Spouses' Protection Act. A federal statute that governs the disposition of military pension benefits to former spouses of persons in the armed services. 10 USCA §§ 1401 et seq. • The Act permits state courts to treat military-retirement pay as marital property and to order payment of up to 50% of the retirement pay directly to the former spouse if the spouses were married for at least ten years while the employee served in the military. — Abbr. USFSPA.

**UNIFORM ELECTRONIC TRANSACTIONS ACT**

Uniform Electronic Transactions Act. A 1999 model law designed to support electronic commerce by providing means for legally recognizing and retaining electronic records, establishing how parties can bind themselves in an electronic transaction, and providing for the use of electronic records by governmental agencies. • UETA covers electronic records and digital signatures but applies only if all parties agree to do business electronically. — Abbr. UETA.

**UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT**

Uniform Enforcement of Foreign Judgments Act. A uniform state law giving the holder of a foreign judgment the right to levy and execute as if it were a domestic judgment. [Cases: Judgment 814–830. C.J.S. Judgments §§ 965–1033.]

**UNIFORM FRAUDULENT CONVEYANCES ACT**

Uniform Fraudulent Conveyances Act. A model act adopted in 1918 to deal with issues arising from fraudulent conveyances by insolvent persons. • This act differentiated between conduct that was presumed fraudulent and conduct that required an actual intent to commit fraud. — Abbr. UFCA. [Cases: Fraudulent Conveyances 2.]

**UNIFORM FRAUDULENT TRANSFER ACT**

Uniform Fraudulent Transfer Act.A model act designed to bring uniformity among the states regarding the definition of, and penalties for, fraudulent transfers. • This act was adopted in 1984 to replace the Uniform Fraudulent Conveyances Act. — Abbr. UFTA. [Cases: Fraudulent Conveyances 2.]

#### UNIFORM GIFTS TO MINORS ACT

Uniform Gifts to Minors Act. — Abbr. UGMA. See UNIFORM TRANSFERS TO MINORS ACT.

#### UNIFORM HEALTH-CARE DECISION ACT

Uniform Health-Care Decision Act.A 1993 model statute that facilitates and encourages the making of advance directives. — Abbr. UHCDA. See ADVANCE DIRECTIVE ; LIVING WILL.

#### UNIFORM INTERSTATE FAMILY SUPPORT ACT

Uniform Interstate Family Support Act.A 1992 model statute establishing a one-order system by which an alimony or child-support decree issued by one state can be enforced against a former spouse who resides in another state. • This statute has been adopted in every state and is the basis of jurisdiction in child-support suits. The purpose of the Act is to make the pursuit of interstate child support and paternity more effective, consistent, and efficient by requiring all states to consistently recognize and enforce support orders issued in other states. Before its enactment, there was considerable disparity among the states in the way they handled interstate child-support proceedings, since each state had differing versions of the earlier uniform law, the Uniform Reciprocal Enforcement of Support Act. The Act was revised in 1996. — Abbr. UIFSA.

#### UNIFORM INTERSTATE JUVENILE COMPACT

Uniform Interstate Juvenile Compact.An agreement that regulates the treatment of juveniles who are not under proper supervision or control, or who have run away or escaped, and who are likely to endanger their own or others' health, morals, or welfare. • The Compact is relied on by the state to transport juvenile runaways back to their home states. It has now been universally adopted in the United States, but not always in its entirety. — Abbr. UIJC.

#### UNIFORMITY CLAUSE

Uniformity Clause.The clause of the U.S. Constitution requiring the uniform collection of federal taxes. U.S. Const. art. I, § 8, cl. 1. [Cases: Internal Revenue 3022.]

#### UNIFORM JUVENILE COURT ACT

Uniform Juvenile Court Act.A 1968 model statute designed to (1) provide for the care, protection, and moral, mental, and physical development of the children who come under its provisions, (2) provide juvenile delinquents with treatment, training, and rehabilitation rather than criminal punishment, (3) attempt to keep families together unless separation of parents and children is necessary for the children's welfare or is in the public interest, (4) provide a judicial procedure for a fair hearing and protection of juvenile delinquents' constitutional and other legal rights, and (5) provide simple interstate procedures to carry out cooperative measures among the

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juvenile courts of different states. — Abbr. UJCA.

#### UNIFORM LAW

uniform law. An unofficial law proposed as legislation for all the states to adopt exactly as written, the purpose being to promote greater consistency among the states. • All the uniform laws are promulgated by the National Conference of Commissioners on Uniform State Laws. For a complete collection, see *Uniform Laws Annotated*. See uniform statute under STATUTE. [Cases: Statutes 226. C.J.S. Statutes §§ 358–361.]

#### UNIFORM LAW COMMISSIONERS

Uniform Law Commissioners. See NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS .

#### UNIFORM LIMITED PARTNERSHIP ACT

Uniform Limited Partnership Act. A model law promulgated in 1916 for adoption by state legislatures to govern the relationship between the partners of a limited partnership. • At one time it was adopted in all states except Louisiana. The National Conference of Commissioners on Uniform State Laws promulgated the Revised Uniform Limited Partnership Act (RULPA) in 1976, and made substantial amendments to it in 1985. The amended RULPA has been adopted by most states. — Abbr. ULPA.

#### UNIFORM MANDATORY DISPOSITION OF DETAINERS ACT

Uniform Mandatory Disposition of Detainers Act. A 1958 model statute requiring a state to timely dispose of any untried charges against a prisoner in that state, on the prisoner's written request. • The Act has been adopted by several states. See INTERSTATE AGREEMENT ON DETAINERS ACT.

#### UNIFORM MARRIAGE AND DIVORCE ACT

Uniform Marriage and Divorce Act. A 1970 model statute that defines marriage and divorce. • Extensively amended in 1973, the Act was an attempt by the National Conference of Commissioners on Uniform State Laws to make marriage and divorce laws more uniform. The Act's greatest significance is that it introduced, as the sole ground for divorce, irreconcilable differences. Although the UMDA has been enacted in part in only a handful of states, it has had an enormous impact on marriage and divorce laws in all states. — Abbr. UMDA. — Also termed Model Marriage and Divorce Act. See IRRECONCILABLE DIFFERENCES .

#### UNIFORM PARENTAGE ACT

Uniform Parentage Act. A 1973 model statute that provides a means for determining parenthood for the general welfare of the child and for assigning child support. • The Act abolishes distinctions between legitimate and illegitimate status for children. Instead, it directs courts to determine rights and responsibilities based on the existence of a parent–child relationship. The Act has been adopted in all states.

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**UNIFORM PARTNERSHIP ACT**

Uniform Partnership Act. A 1914 model statute intended to bring uniformity to state laws governing general and limited partnerships. • The Act was adopted by almost all the states, but has been superseded in several of them by the Revised Uniform Partnership Act (1994). — Abbr. UPA. [Cases: Partnership 351. C.J.S. Partnership § 404.]

**UNIFORM PREMARITAL AGREEMENTS ACT**

Uniform Premarital Agreements Act. A 1983 model statute that governs the drafting of prenuptial contracts and provides a more certain framework for drafting complete and enforceable agreements. • Under the UPAA, a premarital agreement must be in writing and signed by the parties. It becomes effective only upon marriage. The agreement may govern the parties' assets, support, and obligations during the marriage, at death, and upon divorce. The UPAA has been adopted in some form in about one-third of the states. — Abbr. UPAA.

**UNIFORM PRINCIPAL AND INCOME ACT**

Uniform Principal and Income Act. A uniform code adopted by some states governing allocation of principal and income in trusts and estates. [Cases: Executors and Administrators 502; Trusts 272. C.J.S. Executors and Administrators § 847; Trover and Conversion § 551.]

**UNIFORM PROBATE CODE**

Uniform Probate Code. A 1969 model statute that modernizes the rules and doctrines governing intestate succession, probate, and the administration of estates. • It has been extensively amended many times since 1969 and has been enacted in a majority of states. — Abbr. UPC.

**UNIFORM PRUDENT INVESTOR ACT**

Uniform Prudent Investor Act. A 1994 model statute that sets a standard for the acts of a trustee, adopts a prudent-investor standard, and prefers a modern portfolio approach to investing. • Under the Uniform Prudent Investor Act, the trustee is given significant power to delegate the selection of investments. The prudent-investor standard replaces the prudent-person standard of investing. The portfolio approach provides that no investment will be viewed in isolation; rather, it will be viewed as part of the entire portfolio. Under this theory, even though an investor loses trust assets on an investment, if there is an overall positive return, the investor will not be liable to the beneficiaries. — Abbr. UPIA. See PRUDENT-INVESTOR RULE.

**UNIFORM PUTATIVE AND UNKNOWN FATHERS ACT**

Uniform Putative and Unknown Fathers Act. A 1988 model statute aimed at codifying Supreme Court decisions on the rights of an unwed father in relation to his child. • The Act deals primarily with an unwed father's right to notice of a termination and adoption proceeding, to adjudication of paternity, to visitation, and to custody. — Abbr. UPUFA. — Also termed Model Putative Fathers Act; Putative Fathers Act.

**UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT**

Uniform Reciprocal Enforcement of Support Act. A 1950 model statute (now superseded) that sought to unify the way in which interstate support matters were processed and the way in which one jurisdiction's orders were given full faith and credit in another jurisdiction. • This Act, which was amended in 1958 and 1960, was replaced in 1997 with the Uniform Interstate Family Support Act. — Abbr. URESA. See UNIFORM INTERSTATE FAMILY SUPPORT ACT. [Cases: Child Support 500–510. C.J.S. Parent and Child §§ 175, 204–206, 246–255.]

#### UNIFORM SIMULTANEOUS DEATH ACT

Uniform Simultaneous Death Act. A 1940 model statute creating a rule that a person must survive a decedent by at least 120 hours in order to avoid disputes caused by simultaneous deaths (as in a common disaster) or by quickly successive deaths of persons between whom property or death benefits pass on the death of one survived by the other. • In the absence of the 120-hour period of survival, each person is presumed to have survived the other for purposes of distributing their respective estates. The Act was revised in 1993 and has been adopted in some form by almost every state. See COMMORIENTES. [Cases: Death 5–6. C.J.S. Death §§ 6–7, 15–16.]

#### UNIFORM STATUS OF CHILDREN OF ASSISTED CONCEPTION ACT

Uniform Status of Children of Assisted Conception Act. A 1988 model statute aimed at ensuring certainty of legal parentage when assisted conception has been used. • The adopting state has the option of regulating or prohibiting contracts with surrogate mothers.

#### UNIFORM STATUTE

uniform statute. See STATUTE.

#### UNIFORM TRADE SECRETS ACT

Uniform Trade Secrets Act. A 1979 model statute, now enacted by most states, defining trade secret differently from the common law by being at once broader (because there is no continuous-use requirement) and narrower (because information “readily ascertainable by proper means” cannot qualify). • The Act has three elements: (1) the information must qualify as a trade secret; (2) it must be misappropriated, either through wrongful means or by breaching a duty of confidentiality; and (3) the owner must have taken reasonable precautions to keep the information secret. — Also termed Uniform Trade Secrets Protection Act. — Abbr. UTSA.

#### UNIFORM TRANSFERS TO MINORS ACT

Uniform Transfers to Minors Act. A 1983 model statute providing for the transfer of property to a minor and permitting a custodian who acts in a fiduciary capacity to manage investments and apply the income from the property to the minor's support. • The Act has been adopted in most states. It was revised in 1986. — Abbr. UTMA. — Also termed Transfers to Minors Act. — Formerly also termed Uniform Gifts to Minors Act; Gifts to Minors Act. [Cases: Infants 28. C.J.S. Infants §§ 135, 143.]

#### UNIFY

unify, vb. To cause to become one; to form into a single unit.



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**UNIGENITURE**

unigeniture (yoo-n<<schwa>>-jen-<<schwa>>-ch<<schwa>>r). Archaic. The fact of being an only child.

**UNILATERAL**

unilateral (yoo-n<<schwa>>-lat-<<schwa>>r-<<schwa>>l), adj. One-sided; relating to only one of two or more persons or things <unilateral mistake>.

**UNILATERAL ACT**

unilateral act. See ACT(2).

**UNILATERAL ADVANCE PRICING AGREEMENT**

unilateral advance pricing agreement. See ADVANCE PRICING AGREEMENT.

**UNILATERAL CONTRACT**

unilateral contract. See CONTRACT.

**UNILATERAL MISTAKE**

unilateral mistake. See MISTAKE.

**UNIMPROVED LAND**

unimproved land. 1. Land that has never been improved. 2. Land that was once improved but has now been cleared of all buildings and structures.

**UNINCORPORATED ASSOCIATION**

unincorporated association. See ASSOCIATION(3).

**UNINDICTED COCONSPIRATOR**

unindicted coconspirator. See COCONSPIRATOR.

**UNINDICTED CONSPIRATOR**

unindicted conspirator. See unindicted coconspirator under COCONSPIRATOR.

**UNINSTRUCTED DELEGATE**

uninstructed delegate. See DELEGATE.

**UNINSURED-MOTORIST COVERAGE**

uninsured-motorist coverage. Insurance that pays for the insured's injuries and losses negligently caused by a driver who has no liability insurance. Cf. UNDERINSURED-MOTORIST COVERAGE. [Cases: Insurance 2772. C.J.S. Insurance §§ 1647, 1650, 1653.]

**UNINTELLIGIBLE VOTE**

unintelligible vote. See VOTE(1).

#### UNINTENTIONAL ACT

unintentional act. See ACT(2).

#### UNINTERRUPTED-ADVERSE-USE PRINCIPLE

uninterrupted-adverse-use principle. See CONTINUOUS-ADVERSE-USE PRINCIPLE.

#### UNIO

unio (yoo-nee-oh). Eccles. law. A consolidation of two churches into one.

#### UNION

union, n. An organization formed to negotiate with employers, on behalf of workers collectively, about job-related issues such as salary, benefits, hours, and working conditions. • Unions generally represent skilled workers in trades and crafts. — Also termed labor union; labor organization; organization. See TRADE COUNCIL. [Cases: Labor Relations 81. C.J.S. Labor Relations §§ 43–45.] — unionize, vb. — unionist, n.

closed union. A union with restrictive membership requirements, such as high dues and long apprenticeship periods. Cf. closed shop under SHOP.

company union. 1. A union whose membership is limited to the employees of a single company. 2. A union under company domination.

craft union. A union composed of workers in the same trade or craft, such as carpentry or plumbing, regardless of the industry in which they work. — Also termed horizontal union.

federal labor union. A local union directly chartered by the AFL-CIO.

horizontal union. See craft union.

independent union. A union that is not affiliated with a national or international union.

industrial union. A union composed of workers in the same industry, such as shipbuilding or automobile manufacturing, regardless of their particular trade or craft. — Also termed vertical union.

international union. A parent union with affiliates in other countries.

local union. A union that serves as the local bargaining unit for a national or international union.

multicraft union. A union composed of workers in different industries.

national union. A parent union with locals in various parts of the United States.

open union. A union with minimal membership requirements. Cf. open shop under SHOP.

trade union. A union composed of workers of the same or of several allied trades; a craft

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union.

vertical union. See industrial union.

#### UNION CERTIFICATION

union certification. A determination by the National Labor Relations Board or a state agency that a particular union qualifies as the bargaining representative for a segment of a company's workers — a bargaining unit — because it has the support of a majority of the workers in the unit. — Also termed certification of bargaining agent; certification of labor union.

#### UNION CONTRACT

union contract. See COLLECTIVE-BARGAINING AGREEMENT.

#### UNION GIVEBACKS

union givebacks. See CONCESSION BARGAINING.

#### UNION JACK

Union Jack. The common name of the national flag of the United Kingdom, combining the national flags of England, Scotland, and Ireland. • The Union Jack was originally a small union flag flown from the jack-staff at the bow of a vessel. It is different from the Royal Standard, which bears the royal arms and is the Queen's personal flag.

#### UNION-LOSS CLAUSE

union-loss clause. See MORTGAGE-LOSS CLAUSE.

#### UNION MORTGAGE CLAUSE

union mortgage clause. See standard mortgage clause under MORTGAGE CLAUSE.

#### UNION RATE

union rate. See RATE.

#### UNION-SECURITY CLAUSE

union-security clause. A provision in a union contract intended to protect the union against employers, nonunion employees, and competing unions. [Cases: Labor Relations 251. C.J.S. Labor Relations §§ 10, 230–231, 233, 235–238.]

#### UNION SHOP

union shop. See SHOP.

#### UNION STEWARD

union steward. See STEWARD(2).

#### UNIQUE CHATTEL

unique chattel. See CHATTEL.

#### UNISSUED STOCK

unissued stock. See STOCK.

#### UNIT

unit. The number of shares, often 100, that a given stock is normally traded in.

#### UNITAL

unital (yoo-n<<schwa>>-t<<schwa>>l), adj. Of or relating to legal relations that exist between only two persons. Cf. MULTITAL.

“The relations of the cestui que trust with the trustee are in personam or ‘unital,’ and the same is true of a contract beneficiary and the promisor ....” William R. Anson, *Principles of the Law of Contract* 326 n.1 (Arthur L. Corbin ed., 3d Am. ed. 1919).

#### UNITARY BUSINESS

unitary business (yoo-n<<schwa>>-ter-ee). Tax. A business that has subsidiaries in other states or countries and that calculates its state income tax by determining what portion of a subsidiary's income is attributable to activities within the state, and paying taxes on that percentage. [Cases: Taxation 1005. C.J.S. Taxation § 1719.]

#### UNITARY STATE

unitary state. See STATE.

#### UNITARY TAX

unitary tax. See TAX.

#### UNITAS ACTUS

unitas actus (yoo-ni-tas ak-t<<schwa>>s). [Latin] Roman law. Unity of action, esp. in the execution of a will, which must not be interrupted by any intervening act.

#### UNITAS JURIS

unitas juris (yoo-ni-tas joor-is). [Latin] Hist. Unity of right.

#### UNIT COST

unit cost. See COST(1).

#### UNIT DEPRECIATION METHOD

unit depreciation method. See DEPRECIATION METHOD.

#### UNITE

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unite, vb. 1. To combine or join to form a whole. 2. To act in concert or in a common cause.

#### UNITED KINGDOM

United Kingdom. A country in Europe comprising England, Scotland, Wales, and Northern Ireland, but not the Isle of Man or the Channel Islands. — Abbr. U.K.

#### UNITED NATIONS

United Nations. An international organization established in 1945 to promote and ensure international peace and security, to promote friendly relations between nations, and to contribute to resolving international problems related to economic, social, cultural, and humanitarian conditions. — Abbr. U.N. [Cases: International Law 10.45. C.J.S. International Law §§ 59–65.]

#### UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

United Nations Convention on the Rights of the Child. An international instrument covering children's civil, political, economic, social, and cultural rights. • The Convention was adopted by the United Nations General Assembly on November 20, 1989. Only a few nations, including the United States, have not ratified the convention. — Abbr. UNCRC.

#### UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

United Nations Educational, Scientific, and Cultural Organization. The arm of the United Nations charged with promoting the exchange of educational, scientific, and cultural enterprises among nations. • Its Copyright Law Division administers the Universal Copyright Convention. — Abbr. UNESCO.

#### UNITED NATIONS ENVIRONMENT PROGRAMME

United Nations Environment Programme. An organization created in 1972 to encourage education in and employment of environmentally sound practices in all nations. — Abbr. UNEP.

#### UNITED NATIONS TREATY

United Nations Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space. See OUTER SPACE TREATY.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

United States Agency for International Development. The independent federal agency that administers U.S. foreign-aid programs to give economic and humanitarian assistance to developing nations. • The agency became independent by the Foreign Affairs and Restructuring Act of 1998, although its administrator is under the direct authority and foreign-policy guidance of the Secretary of State. — Abbr. AID; USAID.

#### UNITED STATES AIR FORCE

United States Air Force. The aviation branch of the United States armed forces, made up of the Regular Air Force (standing air force), the Air Force Reserve, and the Air National Guard. • The United States Air Force is under the authority of the U.S. Department of the Air Force. —

Abbr. USAF.

#### UNITED STATES ARBITRATION ACT

United States Arbitration Act. See FEDERAL ARBITRATION ACT. — Abbr. USAA.

#### UNITED STATES ARMY

United States Army. The land-combat and land-operations branch of the United States armed forces. • This branch includes supporting air- and water-transport services such as the Army Air Corps. The Army includes the Regular Army (the standing force), the Army Reserve, and the Army National Guard when in active federal service, as in time of war or other national emergency. The United States Army is under the authority of the U.S. Department of the Army. — Also termed land forces. — Abbr. USA.

#### UNITED STATES ATTORNEY

United States Attorney. A lawyer appointed by the President to represent, under the direction of the Attorney General, the federal government in civil and criminal cases in a federal judicial district. — Abbr. USA. — Also termed United States District Attorney. Cf. DISTRICT ATTORNEY. [Cases: District and Prosecuting Attorneys 6. C.J.S. District and Prosecuting Attorneys §§ 46–48.]

Assistant United States Attorney. A lawyer appointed by the Attorney General to act under the direction of the United States Attorney and represent the federal government in civil and criminal cases filed in federal courts. — Abbr. AUSA.

Special Assistant to the United States Attorney. An attorney appointed by the Attorney General for a limited period to assist a United States Attorney in specific cases. 28 USCA § 543. — Abbr. SAUSA.

#### UNITED STATES BANKRUPTCY COURT

United States Bankruptcy Court. See BANKRUPTCY COURT.

#### UNITED STATES BOTANIC GARDEN

United States Botanic Garden. An enclosed garden on the U.S. Capitol grounds where plants are cultivated for ceremonial use, public display, and research. • Many rare botanical specimens are available for study by students and scientists at the Garden.

#### UNITED STATES CLAIMS COURT

United States Claims Court. See UNITED STATES COURT OF FEDERAL CLAIMS.

#### UNITED STATES COAST GUARD

United States Coast Guard. A military service and armed-forces branch that enforces the federal laws applicable to waters subject to U.S. jurisdiction, administers laws and promulgates regulations for the safety of lives and property on waters under U.S. jurisdiction, carries out maritime rescue operations, performs oceanographic research, and at times serves as a specialized

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branch of the Navy. • The Coast Guard was established in 1915. 14 USCA § 1. It has been part of the U.S. Department of the Treasury and the U.S. Department of Transportation. Today it is part of the U.S. Department of Homeland Security during peacetime, and the U.S. Department of Defense during wartime. — Abbr. USCG.

#### UNITED STATES CODE

United States Code.A multivolume published codification of federal statutory law. • In a citation, it is abbreviated as USC, as in 42 USC § 1983.

#### UNITED STATES CODE ANNOTATED

United States Code Annotated.A multivolume publication of the complete text of the United States Code with historical notes, cross-references, and casenotes of federal and state decisions construing specific Code sections. — Abbr. USCA.

#### UNITED STATES COMMISSIONER

United States Commissioner.See COMMISSIONER.

#### UNITED STATES COMMISSION ON CIVIL RIGHTS

United States Commission on Civil Rights.The agency that compiles information about discrimination based on race, color, religion, sex, age, disability, or national origin, and about the denial of equal protection of the laws in voting, education, employment, and housing. • The agency makes findings and recommendations to Congress but has no enforcement power. It was established by the Civil Rights Act of 1957. — Abbr. CCR.

#### UNITED STATES COPYRIGHT OFFICE

United States Copyright Office.A branch of the Library of Congress that is responsible for implementing federal copyright laws. • In addition to processing applications for copyrights, the U.S. Copyright Office stores deposited copyrighted materials and issues opinions (by request) on questions of copyright protection. Materials deposited with this agency are not automatically added to the Library of Congress collection; a separate and direct submission to the Library may be required. The Office also administers various licensing provisions of the statute, including collecting and distributing royalties. [Cases: Copyrights and Intellectual Property 50.30. C.J.S. Copyrights and Intellectual Property §§ 7, 74.]

#### UNITED STATES COURT

United States court.See federal court under COURT.

#### UNITED STATES COURT OF APPEALS

United States Court of Appeals.A federal appellate court having jurisdiction to hear cases in one of the 13 judicial circuits of the United States (the First Circuit through the Eleventh Circuit, plus the District of Columbia Circuit and the Federal Circuit). — Also termed circuit court. [Cases: Federal Courts 521.]

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**UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES**

United States Court of Appeals for the Armed Forces. The primary civilian appellate tribunal responsible for reviewing court-martial convictions from all the military services. 10 USCA §§ 941–950. — Formerly also termed Court of Military Appeals. [Cases: Military Justice 1435. C.J.S. Military Justice §§ 480–481.]

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

United States Court of Appeals for the Federal Circuit. An intermediate-level appellate court with jurisdiction to hear appeals in patent cases, various actions against the United States to recover damages, cases from the U.S. Court of Federal Claims, the U.S. Court of International Trade, the U.S. Court of Appeals for Veterans Claims, the Merit Systems Protection Board, and some administrative agencies. • The Court originated in the 1982 merger of the Court of Customs and Patent Appeals and the U.S. Court of Claims (although the trial jurisdiction of the Court of Claims was given to a new U.S. Claims Court). Among the purposes of its creation were ending forum-shopping in patent suits, settling differences in patent-law doctrines among the circuits, and allowing a single forum to develop the expertise needed to rule on complex technological questions that arise in patent suits. — Often shortened to federal circuit. — Abbr. CAFC; Fed. Cir. [Cases: Federal Courts 521.]

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

United States Court of Appeals for Veterans Claims. An Article I federal appellate court that has exclusive jurisdiction to review decisions of the Board of Veterans Appeals. • The Court was created in 1988 as the United States Court of Veterans Appeals; its name was changed in 1998. Its seven judges are appointed by the President and confirmed by the Senate; they serve 15-year terms. Appeals from its decisions are to the U.S. Court of Appeals for the Federal Circuit. 38 USCA §§ 7251 et seq. — Also termed United States Court of Veterans Appeals. [Cases: Armed Services 154. C.J.S. Armed Services § 264.1.]

**UNITED STATES COURT OF FEDERAL CLAIMS**

United States Court of Federal Claims. A specialized federal court created under Article I of the Constitution in 1982 (with the name United States Claims Court) as the successor to the Court of Claims, and renamed in 1992 as the United States Court of Federal Claims. • It has original, nationwide jurisdiction to render a money judgment on any claim against the United States founded on the Constitution, a federal statute, a federal regulation, an express or implied-in-fact contract with the United States, or any other claim for damages not sounding in tort. — Also termed Court of Claims. — Abbr. Cl. Ct. [Cases: Federal Courts 1071.]

**UNITED STATES COURT OF INTERNATIONAL TRADE**

United States Court of International Trade. A court with jurisdiction over any civil action against the United States arising from federal laws governing import transactions or the eligibility of workers, firms, and communities for adjustment assistance under the Trade Act of 1974 (19 USCA §§ 2101–2495). • Its exclusive jurisdiction also includes actions to recover customs duties,



to recover on a customs bond, and to impose certain civil penalties for fraud or negligence. See 28 USCA §§ 1581–1584. — Also termed International Trade Court; (formerly) U.S. Customs Court.

#### UNITED STATES COURT OF VETERANS APPEALS

United States Court of Veterans Appeals. See UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS .

#### UNITED STATES CURRENCY

United States currency. See CURRENCY.

#### UNITED STATES CUSTOMS COURT

United States Customs Court. A court that formerly heard cases involving customs and duties. • Abolished in 1980, its responsibilities have been taken over by the United States Court of International Trade. See UNITED STATES COURT OF INTERNATIONAL TRADE .

#### UNITED STATES CUSTOMS SERVICE

United States Customs Service. An agency in the U.S. Department of Homeland Security responsible for collecting import duties on goods, wares, and merchandise, and for enforcing customs and related laws. • The Customs Service was created in 1863. 12 Stat. 665. It was transferred from the Department of the Treasury in 2003. — Also termed Bureau of Customs.

#### UNITED STATES DISTRICT ATTORNEY

United States District Attorney. See UNITED STATES ATTORNEY.

#### UNITED STATES DISTRICT COURT

United States District Court. A federal trial court having jurisdiction within its judicial district. — Abbr. U.S.D.C. [Cases: Federal Courts 971, 973.]

#### UNITED STATES FISH AND WILDLIFE SERVICE

United States Fish and Wildlife Service. A unit in the U.S. Department of the Interior responsible for managing more than 93 million acres of land and water consisting of more than 500 national wildlife refuges and thousands of small wetlands. • It also administers or enforces laws relating to migratory birds, endangered species, certain marine mammals, and sports fisheries. — Abbr. FWS; USFWS.

#### UNITED STATES FOREIGN INTELLIGENCE SURVEILLANCE COURT

United States Foreign Intelligence Surveillance Court. An 11-judge court that hears requests from the Attorney General for surveillance warrants under the Foreign Intelligence Surveillance Act. • The Court's proceedings and records are normally closed to the public. Its rulings may be reviewed by the Foreign Intelligence Surveillance Court of Review. — Abbr. FISC.

#### UNITED STATES FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW

United States Foreign Intelligence Surveillance Court of Review. A panel comprising three

federal judges appointed by the Chief Justice to review decisions of the United States Foreign Intelligence Surveillance Court. • The Court was established in 1978 by the Foreign Intelligence Surveillance Act.

#### UNITED STATES GEOLOGICAL SURVEY

United States Geological Survey. A unit in the U.S. Department of the Interior responsible for preparing and publishing maps, technical reports, and fact sheets, and for compiling information about energy and mineral resources and the use and quality of the nation's water resources. — Abbr. USGS.

#### UNITED STATES INSTITUTE OF PEACE

United States Institute of Peace. An independent federal institution created to develop and disseminate knowledge about international peace and conflict resolution. • The Institute was established in 1984.

#### UNITED STATES INTERNATIONAL TRADE COMMISSION

United States International Trade Commission. An independent federal agency that compiles information on international trade and tariffs; reports its findings and recommendations to the President, the U.S. Trade Representative, and Congressional Committees; and conducts investigations into international-trade relief. — Abbr. USITC.

#### UNITED STATES MAGISTRATE JUDGE

United States Magistrate Judge. A federal judicial officer who hears civil and criminal pretrial matters and who may conduct civil trials or criminal misdemeanor trials. 28 USCA §§ 631–639. — Also termed federal magistrate; (before 1990) United States Magistrate. — Sometimes also termed parajudge. [Cases: United States Magistrates 11–12. C.J.S. United States Commissioners §§ 2–7, 13–15.]

#### UNITED STATES MARINE CORPS

United States Marine Corps. The military service within the United States Navy whose forces are trained for land, sea, and air combat. • The United States Marine Corps is a separate service within the United States Navy under the authority of the U.S. Department of the Navy. — Abbr. USMC.

#### UNITED STATES MARSHAL

United States Marshal. See MARSHAL.

#### UNITED STATES MARSHALS SERVICE

United States Marshals Service. The unit in the U.S. Department of Justice responsible for protecting federal courts and ensuring effective operation of the judicial system. • U.S. marshals make arrests, serve court papers, and enforce court orders.

#### UNITED STATES MILITARY ACADEMY

**United States Military Academy.**An institution of higher learning in the U.S. Department of the Army responsible for educating and training officers for service in the U.S. Army. • The academy is located on the Hudson River in West Point, New York. — Abbr. USMA. — Often termed West Point.

#### UNITED STATES MINT

**United States Mint.**A unit in the U.S. Department of the Treasury responsible for producing coins to be used in trade and commerce, numismatic coins, gold and silver coins, and national medals. • It also operates the gold-storage facility at Fort Knox, Kentucky. It was formerly termed the Bureau of the Mint.

#### UNITED STATES NAVY

**United States Navy.**The naval-operations branch of the United States armed forces, including naval aviation and the United States Marine Corps, and the United States Coast Guard when operating as a service in the Navy. • The United States Navy is under the authority of the U.S. Department of the Navy. — Abbr. USN.

#### UNITED STATES OF AMERICA

**United States of America.**A federal republic formed after the War of Independence and made up of 48 conterminous states, plus the state of Alaska and the District of Columbia in North America, plus the state of Hawaii in the Pacific. — Abbr. USA. [Cases: United States 1. C.J.S. United States §§ 2–3.]

#### UNITED STATES OFFICER

**United States officer.**See OFFICER(1).

#### UNITED STATES PATENT AND TRADEMARK OFFICE

**United States Patent and Trademark Office.**The Department of Commerce agency that examines patent and trademark applications, issues patents, registers trademarks, and furnishes patent and trademark information and services to the public. — Abbr. PTO. — Often shortened to Patent Office; Trademark Office. [Cases: Patents 97. C.J.S. Patents §§ 135–138, 145, 178.]

#### UNITED STATES PERSON

**United States person.**A U.S. resident or national (with the exception of one living outside the United States who is employed by someone who is not a United States person), a domestic American concern, and any foreign subsidiary or affiliate of a domestic concern with operations controlled by the domestic concern. • Under antiboycott regulatory controls, no United States person may participate in a secondary boycott or discrimination against Jews and others by members of the League of Arab States. 50 USCA app. § 2415(2).

#### UNITED STATES POSTAL SERVICE

**United States Postal Service.**An independent establishment in the executive branch responsible for operating post offices, safeguarding and delivering mail, and enforcing the laws

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affecting the integrity and security of the mail. • It was created by the Postal Reorganization Act of 1970. 39 USCA §§ 101 et seq. — Abbr. USPS.

#### UNITED STATES REPORTS

United States Reports. The official printed record of U.S. Supreme Court cases. • In a citation, it is abbreviated as U.S., as in 388 U.S. 14 (1967). [Cases: Reports 3. C.J.S. Reports §§ 10–13.]

#### UNITED STATES SECRET SERVICE

United States Secret Service. A law-enforcement agency in the U.S. Department of Homeland Security responsible for providing security for the President, Vice President, certain other government officials, and visiting foreign diplomats, and for protecting U.S. currency by enforcing the laws relating to counterfeiting, forgery, and credit-card fraud. • The Service was transferred from the Department of the Treasury in 2003. — Often shortened to Secret Service. [Cases: United States 34. C.J.S. United States §§ 162–163.]

#### UNITED STATES SENTENCING COMMISSION

United States Sentencing Commission. An independent commission in the judicial branch of the federal government responsible for setting and regulating guidelines for criminal sentencing in federal courts and for issuing policy statements about their application. • The President appoints its members with the advice and consent of the Senate. It was created under the Sentencing Reform Act of 1984. 28 USCA § 991.

#### UNITED STATES SENTENCING GUIDELINES

United States Sentencing Guidelines. A detailed set of instructions for judges to determine appropriate sentences for federal crimes. — Also termed federal sentencing guidelines. — Abbr. USSG.

#### UNITED STATES SUPREME COURT

United States Supreme Court. See SUPREME COURT OF THE UNITED STATES.

#### UNITED STATES TAX COURT

United States Tax Court. See TAX COURT, U.S.

#### UNITED STATES TRADE AND DEVELOPMENT AGENCY

United States Trade and Development Agency. An independent federal agency in the executive branch responsible for promoting trade between the United States and developing countries to create jobs in the United States and to promote economic progress in poorer nations. • It was established in 1961 as the Trade and Development Program and was renamed in 1992. — Abbr. TDA; USTDA.

#### UNITED STATES TRADE REPRESENTATIVE

United States Trade Representative. The top U.S. trade negotiator and adviser to the President on foreign-trade policy. • The Cabinet-level office is responsible for making annual reports on

nations that do not act diligently to stop piracy of copyrighted material. The Trade Representative holds the rank of ambassador. See OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE. — Abbr. USTR.

#### UNITED STATES TRUSTEE

United States trustee. A federal official who is appointed by the Attorney General to perform administrative tasks in the bankruptcy process, such as appointing bankruptcy trustees in Chapter 7 and Chapter 11 cases. See TRUSTEE(2). [Cases: Bankruptcy 3001–3011. C.J.S. Bankruptcy §§ 194–198.]

#### UNITIES DOCTRINE OF MARRIAGE

unities doctrine of marriage. See LEGAL-UNITIES DOCTRINE.

#### UNITING AND STRENGTHENING AMERICA

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism. See USA PATRIOT ACT.

#### UNIT-INVESTMENT TRUST

unit-investment trust. See TRUST.

#### UNITIZATION

unitization. Oil & gas. The collection of producing wells over a reservoir for joint operations such as enhanced-recovery techniques. • Unitization is usu. carried out after primary production has begun to fall off substantially, in order to permit efficient secondary-recovery operations. It is also done to comply with well-spacing requirements established by state law or regulation. Pooling, by contrast, is usu. associated with drilling a single well and operating that well by primary-production techniques. Cf. POOLING. [Cases: Mines and Minerals 92.78. C.J.S. Mines and Minerals §§ 349, 357–359, 361, 384–386.] — unitize (yoo-n<<schwa>>-tIz), vb.

compulsory unitization. Unitization done by order of a regulatory agency. — Also termed forced unitization.

forced unitization. See compulsory unitization.

voluntary unitization. Unitization arranged by agreement of the owners of mineral interests.

#### UNITIZATION CLAUSE

unitization clause. Oil & gas. A provision in an oil-and-gas lease granting the lessee the right to unitize the leased premises, generally for enhanced-recovery operations.

#### UNIT-OWNERSHIP ACT

unit-ownership act. A state law governing condominium ownership. [Cases: Condominium 1. C.J.S. Estates §§ 193–195, 200, 203.]

#### UNIT PRICE

unit price. See PRICE.

#### UNIT PRICING

unit pricing. A system in which contract items are priced per unit rather than on the basis of a flat contract price. [Cases: Contracts 231(1); Sales 77(1). C.J.S. Sales § 26.]

#### UNIT RULE

unit rule. 1. Securities. A method of valuing securities by multiplying the total number of shares held by the sale price of one share sold on a licensed stock exchange, ignoring all other facts about value. 2. Parliamentary law. A convention's rule that lets a delegation's majority cast the entire delegation's votes. Cf. instructed delegate under DELEGATE.

#### UNITRUST

unitrust. See TRUST.

#### UNITS-OF-OUTPUT DEPRECIATION METHOD

units-of-output depreciation method. See DEPRECIATION METHOD.

#### UNITS-OF-PRODUCTION METHOD

units-of-production method. Tax. An accounting method in which the depreciation provision is computed at a fixed rate per product unit, based on an estimate of the total number of units that the property will produce during its service life. • This method is used in the oil-and-gas industry when the total number of units of production (i.e., barrels in a reserve) can be accurately estimated.

#### UNITY

unity, n. 1. The fact or condition of being one in number; oneness. 2. At common law, a requirement for the creation of a joint tenancy. • The four unities are interest, possession, time, and title. See joint tenancy under TENANCY. [Cases: Joint Tenancy 1, 3. C.J.S. Estates § 19; Joint Tenancy §§ 2, 4, 6–15, 38–40.] — unitary, adj.

unity of interest. The requirement that all joint tenants' interests must be identical in nature, extent, and duration. — Also termed interest unity. [Cases: Joint Tenancy 1, 3. C.J.S. Estates § 19; Joint Tenancy §§ 2, 4, 6–15, 38–40.]

unity of possession. The requirement that each joint tenant must be entitled to possession of the whole property. — Also termed possession unity. [Cases: Joint Tenancy 1, 3. C.J.S. Estates § 19; Joint Tenancy §§ 2, 4, 6–15, 38–40.]

unity of time. The requirement that all joint tenants' interests must vest at the same time. — Also termed time unity. [Cases: Joint Tenancy 1, 3. C.J.S. Estates § 19; Joint Tenancy §§ 2, 4, 6–15, 38–40.]

unity of title. The requirement that all joint tenants must acquire their interests under the same instrument. — Also termed title unity. [Cases: Joint Tenancy 1, 3. C.J.S. Estates § 19; Joint

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Tenancy §§ 2, 4, 6–15, 38–40.]

#### UNITY OF ART

unity of art. Copyright. The inseparable nature of utilitarian and functional aspects of applied art. • France uses the unity-of-art approach to applied art and industrial design, but stops short of protecting strictly utilitarian design under copyright. — Also termed cumulative approach. Cf. DUALITY OF ART .

#### UNITY OF SEISIN

unity of seisin (see-zin). The merging of seisin in one person, brought about when the person becomes seised of a tract of land on which he or she already has an easement. [Cases: Easements 27. C.J.S. Easements § 123.]

#### UNIVERSAL AGENCY

universal agency. See general agency under AGENCY(1).

#### UNIVERSAL AGENT

universal agent. See AGENT.

#### UNIVERSAL COPYRIGHT CONVENTION

Universal Copyright Convention. A 1952 treaty binding signatories to give citizens of other member nations the same copyright protection that their own citizens receive. 25 U.S.T. 1341, T.I.A.S. No. 7868. • Administered by the United Nations Educational, Scientific, and Cultural Organization, the Convention does not apply between nations that are also signatories of the Berne Convention. The United States signed the treaty in 1955. — Abbr. UCC. [Cases: Copyrights and Intellectual Property 34. C.J.S. Copyrights and Intellectual Property §§ 21, 92.]

#### UNIVERSAL DECLARATION OF HUMAN RIGHTS

Universal Declaration of Human Rights. An international bill of rights proclaimed by the United Nations in December 1948, being that body's first general enumeration of human rights and fundamental freedoms. • The preamble states that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” The Declaration contains a lengthy list of rights and fundamental freedoms. For the full text of the Declaration, see Appendix D. [Cases: International Law 10.45(1).]

“The Universal Declaration is the first comprehensive human rights instrument to be proclaimed by a universal international organization. Because of its moral status and the legal and political importance it has acquired over the years, the Declaration ranks with the Magna Carta, the French Declaration of the Rights of Man and the American Declaration of Independence as a milestone in mankind's struggle for freedom and human dignity. Its debt to all these great historical documents is unmistakable.” Thomas Buergenthal et al., *International Human Rights in a Nutshell* 35–36 (3d ed. 2002).

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**UNIVERSAL DEFENSE**

universal defense. See real defense under DEFENSE(4).

**UNIVERSAL INHERITANCE**

universal inheritance. See INHERITANCE.

**UNIVERSAL-INHERITANCE RULE**

universal-inheritance rule. Wills & estates. A doctrine holding that an intestate estate escheats to the state only if the decedent leaves no surviving relatives, no matter how distant. • Through the first half of the 20th century, this rule was broadly followed in American jurisdictions. The Uniform Probate Code abandons the universal-inheritance rule and provides that if no member of the third or a nearer parentela survives the decedent, the intestate estate escheats to the state. — Also termed rule of universal inheritance. See PARENTELA. Cf. laughing heir under HEIR; GRADUAL METHOD.

**UNIVERSALIST MOVEMENT**

universalist movement. Copyright. A 19th-century campaign in Europe to recognize a worldwide copyright law based on an author's moral rights.

“The universalist movement evolved both in and out of France, starting with an international Congress of Authors and Artists in Brussels in 1858, attended by delegates of literary societies and universities, as well as by authors, artists, journalists, librarians, and lawyers. The movement gained momentum at an 1878 international literary congress in Paris presided over by Victor Hugo.” Paul Goldstein, *International Copyright: Principles, Law, and Practice* 19 (2001).

**UNIVERSALITY**

universality. 1. Equality of applicability. 2. Copyright. A nation's policy or practice of protecting an artist's rights in his or her their creation irrespective of the creator's nationality or where the work was created. • Universality, the most generous approach to international intellectual-property rights, is generally favored in countries that treat copyright as a moral right. Cf. RECIPROCITY(3); NATIONAL TREATMENT.

**UNIVERSAL LEGACY**

universal legacy. See LEGACY.

**UNIVERSAL LEGATEE**

universal legatee. See LEGATEE.

**UNIVERSAL LIFE INSURANCE**

universal life insurance. See LIFE INSURANCE.

**UNIVERSAL MALICE**

universal malice. See MALICE.



**UNIVERSAL PARTNERSHIP**

universal partnership. See PARTNERSHIP.

**UNIVERSAL SUCCESSION**

universal succession. See SUCCESSION(2).

**UNIVERSAL SUCCESSOR**

universal successor. See SUCCESSOR.

**UNIVERSAL SYNOD**

universal synod. See general synod under SYNOD.

**UNIVERSAL TITLE**

universal title. See TITLE(2).

**UNIVERSITAS**

universitas (yoo-ni-v<<schwa>>r-s<<schwa>>-tas), n. [Latin] Roman law. A union of persons or things considered as a whole; a corporation.

**UNIVERSITAS FACTI**

universitas facti (yoo-ni-v<<schwa>>r-s<<schwa>>-tas fak-ti). [Law Latin] A plurality of corporeal things of the same kind regarded as a whole, such as a herd of cattle.

**UNIVERSITAS JURIS**

universitas juris (yoo-ni-v<<schwa>>r-s<<schwa>>-tas joor-is). [Latin] Roman & civil law. The whole of a person's rights and liabilities; the totality of a person's legal relations.

“A universitas juris is a collection of rights and duties united by the single circumstance of their having belonged at one time to some one person.” Henry S. Maine, *Ancient Law* 148 (17th ed. 1901).

**UNIVERSITAS PERSONARUM**

universitas personarum (yoo-ni-v<<schwa>>r-s<<schwa>>-tas p<<schwa>>r-s<<schwa>>-nay-r<<schwa>>m). [Latin] Roman & civil law. A group of people that are legally considered an entity, such as a college or corporation. Pl. universitates personarum.

**UNIVERSITAS RERUM**

universitas rerum (yoo-ni-v<<schwa>>r-s<<schwa>>-tas reer-<<schwa>>m). [Latin] Roman & civil law. A whole collection of things; a variety of individual things that are together regarded by the law as a whole. See JUS RERUM.

“In the time of Justinian the universitas rerum, or universitas iuris (both expressions are used) is a somewhat abstract conception: it means the sum or whole of a man's legal position so far as it

concerns the *ius rerum*. The conception is important in law only on the occasions, of which death is by far the most important, on which the *universitas* passes from one to another... The expression *universitas rerum* is also used in another sense, to denote any collection of objects considered as a whole." W.W. Buckland, *A Manual of Roman Private Law* 172 (2d ed. 1953).

#### UNIVERSUS

*universus* (yoo-ni-v<<schwa>>r-s<<schwa>>s). [Latin] The whole; all together.

#### UNJUDICIAL

*unjudicial*,adj. Not becoming of or appropriate to a judge. [Cases: Judges 11. C.J.S. Judges §§ 29, 40–41.]

#### UNJUST

*unjust*,adj. Contrary to justice; not just.

#### UNJUST ENRICHMENT

*unjust enrichment*. 1. The retention of a benefit conferred by another, without offering compensation, in circumstances where compensation is reasonably expected. [Cases: Implied and Constructive Contracts 3. C.J.S. Implied and Constructive Contracts § 5.] 2. A benefit obtained from another, not intended as a gift and not legally justifiable, for which the beneficiary must make restitution or recompense. 3. The area of law dealing with unjustifiable benefits of this kind.

#### UNLAW

*unlaw*,n.1. A violation of law; an illegality. 2. Lawlessness.

"But lawlessness is often a superficial phenomenon and whenever the duke was strong enough to keep the peace then law revived. We hear the same of England: times of 'unlaw' alternate with times of law." 1 Frederick Pollock & Frederic W. Maitland, *The History of English Law Before the Time of Edward I* 68–69 (2d ed. 1898).

3.Scots law. An illegal act. 4.Scots law. A fine; a penalty.

#### UNLAWFUL

*unlawful*,adj.1. Not authorized by law; illegal <in some cities, jaywalking is unlawful>.2. Criminally punishable <unlawful entry>.3. Involving moral turpitude <the preacher spoke to the congregation about the unlawful activities of gambling and drinking>. — *unlawfully*,adv.

#### UNLAWFUL ACT

*unlawful act*.Conduct that is not authorized by law; a violation of a civil or criminal law.

#### UNLAWFUL ARREST

*unlawful arrest*.See ARREST.

#### UNLAWFUL ASSEMBLY

unlawful assembly. See ASSEMBLY.

#### UNLAWFUL CONDITION

unlawful condition. See CONDITION(2).

#### UNLAWFUL DETAINER

unlawful detainer. See DETAINER.

#### UNLAWFUL-DETAINDER PROCEEDING

unlawful-detainer proceeding. An action to return a wrongfully held tenancy (as one held by a tenant after the lease has expired) to its owner. See unlawful detainer under DETAINER. [Cases: Landlord and Tenant 287.1.]

#### UNLAWFUL ENTRY

unlawful entry. See ENTRY(1).

#### UNLAWFUL FORCE

unlawful force. See FORCE.

#### UNLAWFUL INTEREST

unlawful interest. See USURY.

#### UNLAWFUL INTERFERENCE WITH CONTRACTUAL RELATIONS

unlawful interference with contractual relations. See TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS .

#### UNLAWFUL PICKETING

unlawful picketing. See PICKETING.

#### UNLAWFUL SEXUAL CONDUCT WITH A MINOR

unlawful sexual conduct with a minor. See IMPAIRING THE MORALS OF A MINOR.

#### UNLAWFUL SEXUAL INTERCOURSE

unlawful sexual intercourse. See RAPE.

#### “ UNLESS” LEASE

“unless” lease. See LEASE.

#### UNLIMITED

unlimited, adj. Without restriction or limitation.

#### UNLIQUIDATED

unliquidated, adj. Not previously specified or determined <unliquidated damages>.

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**UNLIQUIDATED CLAIM**

unliquidated claim. See CLAIM(3).

**UNLIQUIDATED DAMAGES**

unliquidated damages. See DAMAGES.

**UNLIQUIDATED DEBT**

unliquidated debt. See DEBT.

**UNLISTED SECURITY**

unlisted security. See SECURITY.

**UNLISTED STOCK**

unlisted stock. See unlisted security under SECURITY.

**UNLIVERY**

unlivery. Maritime law. The unloading of cargo at its intended destination.

**UNMARKETABLE TITLE**

unmarketable title. See TITLE(2).

**UNMARRIED**

unmarried, adj. Not married; single.

**UNMERCHANTABLE TITLE**

unmerchantable title. See unmarketable title under TITLE(2).

**UNNATURAL OFFENSE**

unnatural offense. See SODOMY.

**UNNATURAL WILL**

unnatural will. See WILL.

**UNNAVIGABLE**

unnavigable, adj. See INNAVIGABLE.

**UNNECESSARY**

unnecessary, adj. Not required under the circumstances; not necessary.

**UNNECESSARY HARDSHIP**

unnecessary hardship. See HARDSHIP(4).

**UNO ACTU**

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uno actu (yoo-noh ak-t[y]oo). [Latin] In a single act; by one and the same act.

**UNOCCUPIED**

unoccupied,adj.1. (Of a building) not occupied; vacant. 2. (Of a person) not busy; esp., unemployed.

**UNOFFICIOUS PAYMENT**

unofficial payment.See PAYMENT.

**UNOFFICIOUS WILL**

unofficial will.See inofficial testament under TESTAMENT.

**UNO FLATU**

uno flatu (yoo-noh flay-t[y]oo). [Latin] In one breath.

**UNPAID DIVIDEND**

unpaid dividend.See DIVIDEND.

**UNPATENTABLE OVER ART**

unpatentable over art,adj. Patents. (Of an invention) ineligible for patent protection because of obviousness or the lack of novelty. [Cases: Patents 16(2). C.J.S. Patents § 69.]

**UNPERFECTED SECURITY INTEREST**

unperfected security interest.See SECURITY INTEREST.

**UNPRECEDENTED**

unprecedented (<<schwa>>n-pres-<<schwa>>-dent-id), adj. Never before known; without any earlier example.

**UNPREMEDITATION**

unpremeditation. The lack of premeditation.

**UNPROFESSIONAL CONDUCT**

unprofessional conduct.See CONDUCT.

**UNPUBLISHED OPINION**

unpublished opinion.See OPINION(1).

**UNQUALIFIED INDORSEMENT**

unqualified indorsement.See INDORSEMENT.

**UNQUALIFIED OPINION**

unqualified opinion.See OPINION(2).

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**UNQUALIFIED OWNERSHIP**

unqualified ownership. See OWNERSHIP.

**UNQUES**

unques (<<schwa>>n[g]-kweez), adv. [Law French] Ever; always.

**UNQUES PRIST**

unques prist (<<schwa>>n[g]-kweez prist). [Law French] Always ready. • This is another form of tout temps prist.

**UNREALIZED LOSS**

unrealized loss. See paper loss under LOSS.

**UNREALIZED PROFIT**

unrealized profit. See paper profit under PROFIT(1).

**UNREALIZED RECEIVABLE**

unrealized receivable. See RECEIVABLE.

**UNREASONABLE**

unreasonable, adj. 1. Not guided by reason; irrational or capricious. 2. Not supported by a valid exception to the warrant requirement <unreasonable search and seizure>. [Cases: Searches and Seizures 24. C.J.S. Searches and Seizures §§ 14, 16, 23, 50, 58.]

**UNREASONABLE COMPENSATION**

unreasonable compensation. See COMPENSATION.

**UNREASONABLE DECISION**

unreasonable decision. See DECISION.

**UNREASONABLE DEVIATION**

unreasonable deviation. See DEVIATION.

**UNREASONABLE REFUSAL TO SUBMIT TO OPERATION**

unreasonable refusal to submit to operation. Workers' compensation. An injured employee's refusal to submit to a necessary surgical procedure. • This refusal is grounds for terminating the employee's workers'-compensation benefits. [Cases: Workers' Compensation 947.]

**UNREASONABLE RESTRAINT OF TRADE**

unreasonable restraint of trade. See RESTRAINT OF TRADE.

**UNREASONABLE RESTRAINT ON ALIENATION**

unreasonable restraint on alienation. See RESTRAINT ON ALIENATION(1).

#### UNREASONABLE SEARCH

unreasonable search. See SEARCH.

#### UNREASONABLY DANGEROUS CONDUCT

unreasonably dangerous conduct. See CONDUCT.

#### UNREBUTTABLE

unrebuttable, adj. Not rebuttable <an unrebuttable presumption>.

#### UNRECORDED

unrecorded, adj. Not recorded; esp., not filed in the public record <unrecorded deed>.

#### UNREGISTERED SECURITY

unregistered security. See restricted security under SECURITY.

#### UNRELATED-BUSINESS INCOME

unrelated-business income. See INCOME.

#### UNRELATED-BUSINESS-INCOME TAX

unrelated-business-income tax. See TAX.

#### UNRELATED-BUSINESS TAXABLE INCOME

unrelated-business taxable income. See unrelated-business income under INCOME.

#### UNRELATED OFFENSE

unrelated offense. See OFFENSE(1).

#### UNRESPONSIVE ANSWER

unresponsive answer. See ANSWER(2).

#### UNRESTRICTED INDORSEMENT

unrestricted indorsement. See unrestrictive indorsement under INDORSEMENT.

#### UNRESTRICTIVE INDORSEMENT

unrestrictive indorsement. See INDORSEMENT.

#### UNRESTRICTIVE INTERPRETATION

unrestrictive interpretation. See INTERPRETATION.

#### UNREVIEWABLE

unreviewable, adj. Incapable of being legally or judicially reviewed <the claim is

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unreviewable on appeal>.

**UNSAFE**

unsafe,adj. (Of a verdict or judgment) likely to be overturned on appeal because of a defect.

**UNSATISFIED-JUDGMENT FUND**

unsatisfied-judgment fund.See FUND(1).

**UNSEATED**

unseated,adj. (Of land) vacant and neither developed nor cultivated.

**UNSEAWORTHY**

unseaworthy,adj. (Of a vessel) unable to withstand the perils of an ordinary voyage. Cf. SEAWORTHY. [Cases: Shipping 80. C.J.S. Shipping §§ 177, 179–180, 195.]

**UNSECURED BAIL BOND**

unsecured bail bond.See BOND(2).

**UNSECURED BOND**

unsecured bond.See DEBENTURE(3).

**UNSECURED CLAIM**

unsecured claim.See CLAIM(5).

**UNSECURED CREDITOR**

unsecured creditor.See CREDITOR.

**UNSECURED DEBT**

unsecured debt.See DEBT.

**UNSECURED NOTE**

unsecured note.See NOTE(1).

**UNSKILLED WORK**

unskilled work.See WORK(1).

**UNSOLEMN WILL**

unsolemn will.See WILL.

**UNSOLICITED COMMERCIAL E-MAIL**

unsolicited commercial e-mail.See SPAM.

**UNSOUND**



unsound,adj.1. Not healthy; esp., not mentally well <unsound mind>. [Cases: Mental Health 3. C.J.S. Insane Persons§§ 2, 6.] 2. Not firmly made; impaired <unsound foundation>.3. Not valid or well founded <unsound argument>.

#### UNSPEAKABLE CRIME

unspeakable crime.See SODOMY.

#### UNSWORN

unsworn,adj. Not sworn <an unsworn statement>.

#### UNSWORN DECLARATION UNDER PENALTY OF PERJURY

unsworn declaration under penalty of perjury.See DECLARATION(8).

#### UNTENANTABLE

untenantable (<<schwa>>n-ten-<<schwa>>n-t<<schwa>>-b<<schwa>>l), adj. Not capable of being occupied or lived in; not fit for occupancy <the city closed the untenantable housing project>. [Cases: Landlord and Tenant 125(1).]

#### UNTHRIFT

unthrift.Archaic. A prodigal; a spendthrift.

#### UNTIMELY

untimely,adj. Not timely <an untimely answer>; at an inappropriate time, either too soon or too late.

#### UNTRUE

untrue,adj.1. (Of something said) not correct; inaccurate. 2. (Of a person) not faithful or true (to a standard or belief).

#### UNUM QUID

unum quid (yoo-n<<schwa>>m kwid). [Latin] Hist. One thing. • The phrase implied that several items (such as movables) were, for whatever purpose, considered as one (e.g., a set of glasses).

#### UNUS NULLUS RULE

unus nullus rule (yoo-n<<schwa>>s n<<schwa>>l-<<schwa>>s). [Latin “one is nobody” + rule] Civil law. The evidentiary principle that the testimony of only one witness is given no weight. Cf. HALF-PROOF(1).

#### UNUSUAL CHARGE

unusual charge.See special charge under CHARGE.

#### UNVALUED POLICY

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unvalued policy.See INSURANCE POLICY.

#### UNWORTHY

unworthy,adj. Civil law. (Of an heir) not entitled to inherit from a person because of a failure in a duty to that person.

#### UNWRITTEN CONSTITUTION

unwritten constitution.See CONSTITUTION.

#### UNWRITTEN EVIDENCE

unwritten evidence.See EVIDENCE.

#### UNWRITTEN LAW

unwritten law.Law that, although never enacted in the form of a statute or ordinance, has the sanction of custom. • The term traditionally includes caselaw. — Also termed *jus non scriptum*; *jus ex non scripto*; *lex non scripta*; *jus moribus constitutum*.

“[T]he very words of the court promulgating the opinion and making the decision do not determine absolutely the rule of law but ... the rule of law is ascertained by discovering what general proposition was essential to the result reached, and by using the words of the opinion as a mere aid in the ascertaining of that rule, so that, although opinions are written, the authoritative rules derived from them are sometimes not written, but are ascertained by the use of reason, causing case law to be classed as unwritten law — *lex non scripta*, to use the Latin phrase.” William M. Lile et al., *Brief Making and the Use of Law Books* 335 (3d ed. 1914).

“In the common law it is not too much to say that the judges are always ready to look behind the words of a precedent to what the previous court was trying to say, or to what it would have said if it could have foreseen the nature of the cases that were later to arise, or if its perception of the relevant factors in the case before it had been more acute. There is, then, a real sense in which the written words of the reported decisions are merely the gateway to something lying behind them that may be called, without any excess of poetic license, ‘unwritten law.’ ” Lon L. Fuller, *Anatomy of the Law* 145 (1968).

#### UNWRITTEN WILL

unwritten will.See nuncupative will under WILL.

#### UPA

UPA.abbr.UNIFORM PARTNERSHIP ACT.

#### UPAA

UPAA.abbr.UNIFORM PREMARITAL AGREEMENTS ACT.

#### UP BEFORE

up before.Informal. In the presence of (a particular court or judge) <for the bail hearing you'll

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come up before Judge Franklin>.

UPC

UPC.abbr.UNIFORM PROBATE CODE.

UP-FRONT PERFORMANCE BOND

up-front performance bond.See PERFORMANCE BOND.

UPIA

UPIA.abbr.UNIFORM PRUDENT INVESTOR ACT.

UPL

UPL.abbr.Unauthorized practice of law <the state bar's UPL committee>. See unauthorized practice of law under PRACTICE OF LAW. [Cases: Attorney and Client 11. C.J.S. Attorney and Client § 30.]

UPPER BENCH

Upper Bench.See bancus superior under BANCUS.

UPPER CHAMBER

upper chamber.See CHAMBER.

UPPER COURT

upper court.See court above under COURT.

UPPER ESTATE

upper estate.See dominant estate under ESTATE(4).

UPPER MANAGEMENT

upper management.See top management under MANAGEMENT.

UPREIT

UPREIT (<<schwa>>p-rIt). See umbrella-partnership real-estate investment trust under REAL-ESTATE INVESTMENT TRUST.

UPSET BID

upset bid.See BID(1).

UPSET PRICE

upset price.See PRICE.

UPSIDE

upside.Securities. 1. An upward movement in stock prices. 2. The potential of an upward

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movement in stock prices. Cf. DOWNSIDE.

#### UPSTREAMING

upstreaming. A parent corporation's use of a subsidiary's cash flow or assets for purposes unrelated to the subsidiary. [Cases: Corporations 1.5(3). C.J.S. Corporations § 15.]

#### UPSTREAM MERGER

upstream merger. See MERGER.

#### UPUFA

UPUFA. abbr. UNIFORM PUTATIVE AND UNKNOWN FATHERS ACT.

#### UPWARD DEPARTURE

upward departure. See DEPARTURE.

#### U.R.

u.r. abbr. UTI ROGAS.

#### URBAN

urban, adj. Of or relating to a city or town; not rural.

#### URBAN-FEAR SYNDROME

urban-fear syndrome. See URBAN-SURVIVAL SYNDROME.

#### URBAN MASS TRANSIT ADMINISTRATION

Urban Mass Transit Administration. A unit in the U.S. Department of Transportation responsible for making grants to help states, regional and local governmental bodies, and public agencies to acquire or improve capital equipment and facilities for urban mass-transit systems; for providing technical assistance and funds for demonstration projects; for making educational grants for urban mass-transit research and training; and for making training grants to mass-transit systems for training. • The agency also awards grants for transit operations in nonurban areas. — Abbr. UMTA.

#### URBAN PLANNING

urban planning. See LAND-USE PLANNING.

#### URBAN PREFECT

urban prefect, n. Roman law. See PRAEFECTUS URBI.

#### URBAN-PSYCHOSIS DEFENSE

urban-psychosis defense. See URBAN-SURVIVAL SYNDROME.

#### URBAN RENEWAL

urban renewal. The process of redeveloping urban areas by demolishing or repairing existing structures or by building new facilities on areas that have been cleared in accordance with an overall plan. [Cases: Municipal Corporations 267. C.J.S. Municipal Corporations § 957.]

#### URBAN SERVITUDE

urban servitude. See SERVITUDE(2).

#### URBAN-SURVIVAL SYNDROME

urban-survival syndrome. A self-defense theory holding that a defendant who uses unreasonable force may be acquitted if the defendant lives in a dangerous environment that heightens the defendant's fears of injury to life or limb so much that the force used seemed reasonable and necessary to the defendant. — Also termed urban-survival defense; urban-fear syndrome; urban-psychosis defense; inner-city post-traumatic-stress defense.

#### URBS

urbs (<<schwa>>rbz), n. [Latin] Roman law. 1. A city or town. 2. The city of Rome.

#### URE

ure (yoor). [fr. Old French oeuvre] Custom; practice; exercise.

#### URESA

URESA (y<<schwa>>-ree-s<<schwa>>). abbr. UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT .

#### URGENT DEFICIENCY BILL

urgent deficiency bill. See deficiency bill under BILL(3).

#### URHEBERRECHT

Urheberrecht (oo-re-bair-rekt), n. [German] AUTHOR'S RIGHT.

#### URUGUAY ROUND

Uruguay Round. The 1994 negotiations of the General Agreement on Tariffs and Trade. • The negotiations resulted in the TRIPs Agreement that established the World Trade Organization and made member nations' patent laws more uniform. See TRIPs.

#### U.S.

U.S. abbr. 1. United States. 2. UNITED STATES REPORTS.

#### USA

USA. abbr. 1. UNITED STATES OF AMERICA. 2. UNITED STATES ARMY. 3. UNITED STATES ATTORNEY .

#### USAA

USAA.abbr. United States Arbitration Act. See FEDERAL ARBITRATION ACT.

USAF

USAF.abbr.UNITED STATES AIR FORCE.

USAGE

usage. 1. A well-known, customary, and uniform practice, usu. in a specific profession or business. See CUSTOM(1). Cf. CONVENTION(6). [Cases: Customs and Usages 1–22. C.J.S. Customs and Usages §§ 1–48.]

“A ‘usage’ is merely a customary or habitual practice; a ‘convention’ is a practice that is established by general tacit consent. ‘Usage’ denotes something that people are accustomed to do; ‘convention’ indicates that they are accustomed to do it because of a general agreement that it is the proper thing to do.” Herbert W. Horwill, *The Usages of the American Constitution* 22 (1925).

“Although rules of law are often founded on usage, usage is not in itself a legal rule but merely habit or practice in fact. A particular usage may be more or less widespread. It may prevail throughout an area, and the area may be small or large — a city, a state or a larger region. A usage may prevail among all people in the area, or only in a special trade or other group. Usages change over time, and persons in close association often develop temporary usages peculiar to themselves.” Restatement (Second) of Contracts § 219 cmt. a (1979).

custom and usage.See CUSTOM AND USAGE.

general usage.A usage that prevails throughout a country or particular trade or profession; a usage that is not restricted to a local area. [Cases: Customs and Usages 1. C.J.S. Customs and Usages § 1.]

immemorial usage.A usage that has existed for a very long time; long-standing custom. See TIME IMMEMORIAL. [Cases: Customs and Usages 1. C.J.S. Customs and Usages § 1.]

local usage.A practice or method regularly observed in a particular place, sometimes considered by a court in interpreting a document. UCC § 1-205(2). See CUSTOM AND USAGE. [Cases: Customs and Usages 9. C.J.S. Customs and Usages § 15.]

trade usage.A practice or method of dealing having such regularity of observance in a region, vocation, or trade that it justifies an expectation that it will be observed in a given transaction; a customary practice or set of practices relied on by persons conversant in, or connected with, a trade or business. • While a course of performance or a course of dealing can be established by the parties' testimony, a trade usage is usu. established by expert testimony. — Also termed usage of trade; course of trade. Cf. COURSE OF DEALING; COURSE OF PERFORMANCE. [Cases: Customs and Usages 1. C.J.S. Customs and Usages § 1.]

“The existence and scope of a usage of trade are to be determined as questions of fact. If a usage is embodied in a written trade code or similar writing the interpretation of the writing is to be determined by the court as a question of law. Unless otherwise agreed, a usage of trade in the vocation or trade in which the parties are engaged or a usage of trade of which they know or have

reason to know gives meaning to or supplements or qualifies their agreement.” Restatement (Second) of Contracts § 222 (1979).

2. See conventional custom under CUSTOM.

#### USAID

USAID.abbr. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

#### USANCE

usance (yoo-z<<schwa>>nts). The time allowed for the payment of a foreign bill of exchange, sometimes set by custom but now usu. by law.

#### USANCE CREDIT

usance credit.See time letter of credit under LETTER OF CREDIT.

#### USA PATRIOT ACT

USA Patriot Act.A statute enacted in response to the terrorist attacks of September 11, 2001, giving law-enforcement agencies broader authority to collect information on suspected terrorists, to share that information among domestic and foreign intelligence agencies, to make the country's borders more secure, to detain suspects on new types of criminal charges using new criminal procedures, and to give the Treasury Department more authority to investigate and regulate financial institutions that participate in foreign money-laundering. • The title is an acronym of Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism. — Often shortened to Patriot Act.

#### USC

USC.abbr.UNITED STATES CODE.

#### USCA

USCA.abbr.UNITED STATES CODE ANNOTATED.

#### USCG

USCG.abbr.UNITED STATES COAST GUARD.

#### USCIS

USCIS.abbr.U.S. CITIZENSHIP AND IMMIGRATION SERVICE.

#### U.S. CITIZEN

U.S. citizen.See national of the United States under NATIONAL.

#### U.S. CITIZENSHIP AND IMMIGRATION SERVICE

U.S. Citizenship and Immigration Service.A unit in the U.S. Department of Homeland Security responsible for enforcing the nation's immigration laws. • Its functions were transferred

from the former Immigration and Naturalization Service of the U.S. Department of Justice in 2003.  
— Abbr. USCIS.

**USDA**

USDA.abbr. DEPARTMENT OF AGRICULTURE.

**U.S.D.C.**

U.S.D.C.abbr. UNITED STATES DISTRICT COURT.

**USE**

use (yoos), n.1. The application or employment of something; esp., a long-continued possession and employment of a thing for the purpose for which it is adapted, as distinguished from a possession and employment that is merely temporary or occasional <the neighbors complained to the city about the owner's use of the building as a dance club>.

accessory use.Zoning. A use that is dependent on or pertains to a main use. [Cases: Zoning and Planning 301–308. C.J.S. Zoning and Land Planning §§ 148–153.]

adverse use.A use without license or permission. Cf. ADVERSE POSSESSION.

beneficial use.Property. The right to use property and all that makes that property desirable or habitable, such as light, air, and access, even if someone else owns the legal title to the property.

collateral use.Intellectual property. The legal use of a trademark by someone other than the trademark owner, whereby the other party must clearly identify itself, the use of the trademark, and the absence of affiliation with the trademark owner.

conditional use.Zoning. A use of property subject to special controls and conditions. • A conditional use is one that is suitable to a zoning district, but not necessarily to every location within that district. — Also termed special exception. [Cases: Zoning and Planning 382. C.J.S. Zoning and Land Planning §§ 195–197.]

conforming use.Zoning. The use of a structure or of the land in conformity with the uses permitted under the zoning classifications of a particular area, such as the building of a single-family dwelling in a residential zone. [Cases: Zoning and Planning 271. C.J.S. Zoning and Land Planning § 122.]

double use.Patents. An application of a known principle or process to a new use without leading to a new result or product. [Cases: Patents 27. C.J.S. Patents § 82.]

exclusive use. 1.Trademarks. The right to use a specific mark without exception, and to prevent another from using a confusingly similar mark. [Cases: Trade Regulation 61, 331. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 28, 36, 71, 119.] 2.Property. The right of an adverse user to a property, exercised independently of any similar rights held by others; one of the elements of a prescriptive easement. See USER. [Cases: Adverse Possession 36–37; Easements 8(4). C.J.S. Adverse Possession §§ 27, 55, 57; Easements §§ 38, 44.]



**experimental use.** Patents. 1. The use or sale of an invention by the inventor for experimental purposes. 2. A defense to liability for patent infringement when the infringement took place only to satisfy curiosity or to complete an experiment, rather than for profit. [Cases: Patents 260. C.J.S. Patents § 406.]

**highest and best use.** Real estate. In valuing property, the use that will generate the most profit. • This standard is used esp. to determine the fair market value of property subject to eminent domain. — Often shortened to best use. — Also termed most suitable use. [Cases: Taxation 348(3).]

**incidental use.** Zoning. Land use that is dependent on or affiliated with the land's primary use. [Cases: Zoning and Planning 301–308. C.J.S. Zoning and Land Planning §§ 148–153.]

**most suitable use.** See highest and best use.

**nonconforming use.** Zoning. Land use that is impermissible under current zoning restrictions but that is allowed because the use existed lawfully before the restrictions took effect. [Cases: Zoning and Planning 321–338. C.J.S. Zoning and Land Planning §§ 154–176.]

**pious use.** The designation and actual use of property for recognized religious or charitable purposes. Cf. superstitious use.

**popular use.** A person's imperfect right to enjoy public land. • A popular use is not legally enforceable. It is dependent on the government's will to allow access to the land.

**public use.** 1. Property. The public's beneficial right to use property or facilities subject to condemnation. See CONDEMNATION(2). [Cases: Eminent Domain 12–42. C.J.S. Eminent Domain §§ 27, 29–55.] 2. Patents. Any use of or offer to use a completed or operative invention in a nonsecret, natural, and intended manner. • A patent is invalid if the invention was in public use more than one year before the patent's application date. [Cases: Patents 75. C.J.S. Patents §§ 107–109.]

“The term ‘public use’ is misleading, for any use from which the public is not excluded, even though none comes, is held to be public. Similarly, an actual public use of a machine, even though the invention feature be effectively concealed from inspection, is held to be public. It makes no difference whether the patent or other publication is that of the inventor or someone else.” Roger Sherman Hoar, *Patent Tactics and the Law* 48 (3d ed. 1950) (citing *Gillman v. Stern*, 114 F.2d 28, 31 (2d Cir. 1940)).

**reasonable use.** Use of one's property for an appropriate purpose that does not unreasonably interfere with another's use of property. See REASONABLE-USE THEORY.

**regular use.** Insurance. A use that is usual, normal, or customary, as opposed to an occasional, special, or incidental use. • This term often appears in automobile-insurance policies in the definition of a nonowned automobile — that is, an automobile not owned by or furnished for the regular use of the insured. Nonowned automobiles are excluded from coverage under most liability policies. [Cases: Insurance 2657. C.J.S. Insurance § 1040.]

superstitious use. A designation or use of property for religious purposes not legally recognized or tolerated (such as gifts either favoring an unrecognized religion or supporting the saying of prayers for the dead). Cf. pious use.

2. A habitual or common practice <drug use>. 3. A purpose or end served <the tool had several uses>. 4. A benefit or profit; esp., the right to take profits from land owned and possessed by another; the equitable ownership of land to which another person holds the legal title <cestui que use>. See CESTUI QUE USE. — use (yooz), vb.

contingent use. A use that would be a contingent remainder if it had not been limited by way of use. • An example is a transfer “to A, to the use of B for life, with the remainder to the use of C's heirs.” — Also termed future use.

entire use. A use of property that is solely for the benefit of a married woman. • When used in the habendum of a trust deed for the benefit of a married woman, this phrase operates to keep her husband from taking anything under the deed. — Also termed entire benefit; sole use; sole and separate use.

executed use. Hist. A use that results from the combining of the equitable title and legal title of an estate, done to comply with the Statute of Uses' mandate that the holder of an estate be vested with legal title to ensure the holder's liability for feudal dues. See STATUTE OF USES.

executory use. See springing use.

future use. See contingent use.

official use. Hist. A use imposing a duty on a person holding legal title to an estate on behalf of another, such as a requirement that a feoffee to uses sell the estate and apportion the proceeds among several beneficiaries. • The Statute of Uses eliminated this type of use.

permissive use. Hist. A passive use resorted to before passage of the Statute of Uses in 1535 to avoid an oppressive feudal law (such as mortmain) by naming one person as the legal owner of property while allowing another to possess the property and enjoy the benefits arising from it.

present use. Hist. A use that has an immediate existence and that is subject to the Statute of Uses.

resulting use. A use created by implication and remaining with the grantor when the conveyance lacks consideration.

secondary use. See shifting use.

shifting use. A use arising from the occurrence of a certain event that terminates the preceding use. • In the following example, C has a shifting use that arises when D makes the specified payment: “to A for the use of B, but then to C when D pays \$1,000 to E.” This is a type of conditional limitation. — Also termed secondary use. See conditional limitation under LIMITATION. [Cases: Trusts 131; Wills 625. C.J.S. Trover and Conversion § 241; Wills §§ 1314–1317, 1319.]

sole and separate use. See entire use.

springing use. A use that arises on the occurrence of a future event. • In the following example, B has a springing use that vests when B marries: “to A for the use of B when B marries.” — Also termed executory use. [Cases: Trusts 131; Wills 625. C.J.S. Trover and Conversion § 241; Wills §§ 1314–1317, 1319.]

#### USE-BASED LICENSE

use-based license. See LICENSE.

#### USE/DERIVATIVE-USE IMMUNITY

use/derivative-use immunity. See use immunity under IMMUNITY(3).

#### USEE

usee. See USE PLAINTIFF.

#### USEFUL

useful, adj. Patents. (Of an invention) having a practical application. [Cases: Patents 46. C.J.S. Patents § 59.]

“[M]ere curiosities of invention, which do not have any intelligent purpose, are not useful in a patentable sense.” Roger Sherman Hoar, *Patent Tactics and the Law* 37 (3d ed. 1950).

“When applied to a machine, ‘useful’ means that the machine will accomplish its purpose practically when applied in industry. The word is given a practical and not a speculative meaning.” 60 Am. Jur. 2d Patents § 131 (1987).

#### USEFUL-ARTICLE DOCTRINE

useful-article doctrine. See APPLIED-ART DOCTRINE.

#### USEFUL LIFE

useful life. The estimated length of time that depreciable property will generate income. • Useful life is used to calculate depreciation and amortization deductions. — Also termed depreciable life. See DEPRECIATION METHOD .

#### USE IMMUNITY

use immunity. See IMMUNITY(3).

#### USE IN COMMERCE

use in commerce. Trademarks. Actual use of a trademark in the sale of goods or services. • Use of a trademark in commerce is a prerequisite to trademark registration. This type of use fixes the trademark in a way that associates it with marketed goods or services, as contrasted with a token use intended to reserve some right to use the mark in the future. For goods, a mark is used in commerce if it is displayed on or with goods offered for sale, or placed on documents related to

the goods. For services, a mark is used in commerce if it appears in advertising or on documents related to the services. In addition, the goods must be used or the services rendered in more than one state. Use of a trademark in interstate commerce is a prerequisite to federal trademark registration. [Cases: Trade Regulation 65, 153. C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 32–33.]

#### USELESS-GESTURE EXCEPTION

useless-gesture exception. Criminal procedure. An exception to the knock-and-announce rule by which police are excused from having to announce their purpose before entering the premises to execute a warrant when it is evident from the circumstances that the authority and purpose of the police are known to those inside. See KNOCK-AND-ANNOUNCE RULE. [Cases: Searches and Seizures 54, 143.1. C.J.S. Searches and Seizures §§ 64–65, 195–201.]

#### USE PLAINTIFF

use plaintiff. Common-law pleading. A plaintiff for whom an action is brought in another's name. • For example, when the use plaintiff was an assignee (“A”) of a chose in action and had to sue in someone else's name, the assignor (“B”) would appear first on the petition's title: “B for the Use of A against C.” — Also termed usee. [Cases: Parties 4. C.J.S. Parties §§ 7, 17–20.]

#### USER

user (yoʊz-<<schwa>>r). 1. The exercise or employment of a right or property < the neighbor argued that an easement arose by his continuous user over the last 15 years>. Cf. NONUSER.

user de action (yoo-z<<schwa>>r dak-sh<<schwa>>n). [Law French] The pursuing or bringing of an action.

2. Someone who uses a thing <the stapler's last user did not put it away>.

end user. The ultimate consumer for whom a product is designed.

#### USER AGREEMENT

user agreement. See POINT-AND-CLICK AGREEMENT.

#### USER FEE

user fee. A charge assessed for the use of a particular item or facility.

#### USES, STATUTE OF

Uses, Statute of. See STATUTE OF USES.

#### USE TAX

use tax. See TAX.

#### USE VALUE

use value. See VALUE(2).

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**USE VARIANCE**

use variance. See VARIANCE(2).

**USE ZONING**

use zoning. See Euclidean zoning under ZONING.

**USFSPA**

USFSPA. abbr. UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT.

**USFWS**

USFWS. abbr. UNITED STATES FISH AND WILDLIFE SERVICE.

**USGS**

USGS. abbr. UNITED STATES GEOLOGICAL SURVEY.

**USHER**

usher, n. English law. A court officer responsible for maintaining silence and order in some English courts, swearing in jurors and witnesses, and aiding the judge.

**USITC**

USITC. abbr. UNITED STATES INTERNATIONAL TRADE COMMISSION.

**USMA**

USMA. abbr. UNITED STATES MILITARY ACADEMY.

**U.S. MAGISTRATE**

U.S. Magistrate. See UNITED STATES MAGISTRATE JUDGE.

**USMC**

USMC. abbr. UNITED STATES MARINE CORPS.

**USN**

USN. abbr. UNITED STATES NAVY.

**U.S. NATIONAL**

U.S. national. See national of the United States under NATIONAL.

**U.S.-OWNED FOREIGN CORPORATION**

U.S.-owned foreign corporation. See CORPORATION.

**U.S. PATENT AND TRADEMARK OFFICE**

U.S. Patent and Trademark Office. See UNITED STATES PATENT AND TRADEMARK

## OFFICE .

## USPS

USPS.abbr. UNITED STATES POSTAL SERVICE.

## USQUE AD

usque ad (<<schwa>>s-kwee ad). [Law Latin] As far as; up to; until.

## USQUE AD COELUM

usque ad coelum (<<schwa>>s-kwee ad see-l<<schwa>>m). [Latin] Up to the sky < the owner of land also owns the space above the surface usque ad coelum>.

## USQUE AD SENTENTIAM

usque ad sententiam (<<schwa>>s-kwee ad sen-ten-shee-<<schwa>>m). [Law Latin] Hist. Until the pronouncing of judgment. • Executors could be granted certain powers only usque ad sententiam.

## USSG

USSG.abbr. UNITED STATES SENTENCING GUIDELINES.

## USTDA

USTDA.abbr. UNITED STATES TRADE AND DEVELOPMENT AGENCY.

## USTR

USTR.abbr. UNITED STATES TRADE REPRESENTATIVE.

## USUAL

usual,adj.1. Ordinary; customary. 2. Expected based on previous experience.

## USUARY

usuary (yoo-zhoo-er-ee), n. Civil law. A person who has the use (usus) of a thing to satisfy personal and family needs; a beneficiary. — Also termed (in Roman law) usuarius.

## USUCAPIO

usucapio (yoo-z<<schwa>>-kay-pee-oh), n. Roman & civil law. The acquisition of ownership by long possession begun in good faith; esp., the acquisition of ownership by prescription. • In classical law, the periods required were one year for movables and two for land. Under Justinian, the period was three years for movables and a minimum of ten years for land. See PRESCRIPTION (5). — Also termed usus (yoo-zoos); usucaption (yoo-z<<schwa>>-kap-sh<<schwa>>n); usucapion (yoo-z<<schwa>>-kay-pee-on or -<<schwa>>n). [Cases: Adverse Possession 1. C.J.S. Adverse Possession §§ 2–5.] — usucapt,vb.

“There is no principle in all law which the moderns, in spite of its beneficial character, have

been so loath to adopt and to carry to its legitimate consequences as that which was known to the Romans as Usucapion, and which has descended to modern jurisprudence under the name of Prescription.” Henry S. Maine, *Ancient Law* 236 (17th ed. 1901).

### USUFRUCT

usufruct (yoo-z<<schwa>>-fr<<schwa>>kt), n.[fr. Latin usufructus] Roman & civil law. A right to use and enjoy the fruits of another's property for a period without damaging or diminishing it, although the property might naturally deteriorate over time. • In Roman law, the usufruct was considered a personal servitude, giving a real right. In modern civil law, the owner of the usufruct is similar to a life tenant, and the owner of the thing burdened is the naked owner. La. Civ. Code art. 535. Cf. HABITATION(3). — Also termed perfect usufruct; usufructus; (in Scots law) liferent. [Cases: Estates in Property 1. C.J.S. Estates §§ 2–5, 8, 15–21, 116–128, 137, 243.]

“Usufructus is ... the right of using and enjoying property belonging to another provided the substance of the property remained unimpaired. More exactly, a usufruct was the right granted to a man personally to use and enjoy, usually for his life ..., the property of another which, when the usufruct ended, was to revert intact to the dominus or his heir. It might be for a term of years, but even here it was ended by death, and in the case of a corporation (which never dies) Justinian fixed the period at 100 years. A usufruct might be in land or buildings, a slave or beast of burden, and in fact in anything except things which were destroyed by use ..., the reason, of course, being that it was impossible to restore such things at the end of the usufruct intact ....” R.W. Leage, *Roman Private Law* 181–82 (C.H. Ziegler ed., 2d ed. 1930).

legal usufruct. A usufruct established by operation of law, such as the right of a surviving spouse to property owned by the deceased spouse. La. Civ. Code art. 890. [Cases: Dower and Curtesy 1, 29; Executors and Administrators 176; Wills 11. C.J.S. Dower §§ 2, 5–6, 41, 136–138; Executors and Administrators § 353; Wills §§ 76–87, 381.]

quasi-usufruct. 1. A right to consume things that cannot be used without being expended or consumed, such as money or food. • Unlike a perfect usufruct, a quasi-usufruct actually involves alteration and diminution of the property used. — Also termed imperfect usufruct. 2. Louisiana law. A usufruct over consumable things, such as money or harvested crops. La. Civ. Code art. 538. • The usufructuary has the right to consume or alienate the consumables and, at the end of the usufruct, to deliver to the naked owner either the value that the things had when the usufruct began or things of the same quantity and quality. [Cases: Executors and Administrators 176. C.J.S. Executors and Administrators § 353.]

“The Roman jurists, therefore, would not acknowledge a usufruct of money; though, in their desire to carry out the wishes of testators, they came at length to recognize a quasi-usufruct. For testators, being seldom learned in the law, would often set forth as legacies in their wills the usufruct of a designated sum .... In such a case the person named as legatee was allowed to receive the amount ... on giving security that when he died the same amount should be paid out of his own estate to the heres, the heir of the testator. The relation here, though bearing some resemblance to the usufruct, was really quite different; the person who received the money became absolute owner of it; the heir had no ownership, nothing but the assurance of receiving an equal amount at

some future time.” James Hadley, *Introduction to Roman Law* 193 (1881).

### USUFRUCTUARY

usufructuary (yoo-z<<schwa>>-fr<<schwa>>k-choo-er-ee), adj. Roman & civil law. Of or relating to a usufruct; of the nature of a usufruct.

usufructuary, n. Roman & civil law. One having the right to a usufruct; specif., a person who has the right to the benefits of another's property; a life-renter. [Cases: Estates in Property 1. C.J.S. Estates §§ 2–5, 8, 15–21, 116–128, 137, 243.]

### USUFRUCTUS

usufructus. See USUFRUCT.

### USURA

usura (yoo-s[y]oor-<<schwa>> or yoo-z[y]oor-<<schwa>>). [Latin] Civil law. 1. Money paid for the use of money; interest. 2. USURY. Pl. usurae (yoo-s[y]oor-ee).

### USURAE CENTESIMAE

usurae centesimae (yoo-s[y]oor-ee [or yoo-z[y]oor-ee] sen-tes-<<schwa>>-mee). [Latin] Interest at the rate of 12% per year (1% per month), normally the highest rate allowed by law. • The Romans calculated interest rates by dividing the principal sum into one hundred parts, with one part being payable monthly as interest.

### USURA MANIFESTA

usura manifesta (yoo-s[y]oor-<<schwa>> [or yoo-z[y]oor-<<schwa>>] man-<<schwa>>-fes-t<<schwa>>). [Latin] Manifest or open usury.

### USURA MARITIMA

usura maritima (yoo-s[y]oor-<<schwa>> [or yoo-z[y]oor-<<schwa>>] m<<schwa>>-rit-<<schwa>>-m<<schwa>>). [Latin] Interest taken on a bottomry or respondentia bond, proportioned to the risk and so not restricted by a usury law.

### USURARIUS

usurarius (yoo-s[y]<<schwa>>-rair-ee-<<schwa>>s or yoo-z[y]<<schwa>>-). [Law Latin] Hist. A usurer.

### USURA VELATA

usura velata (yoo-s[y]oor-<<schwa>> [or yoo-z[y]oor-<<schwa>>] v<<schwa>>-lay-t<<schwa>>). [Latin] Veiled or concealed usury. • A creditor was guilty of usura velata when the creditor added usurious interest to the principal sum as if it were part of the original loan. Cf. UBI ABERAT ANIMUS FOENERANDI.

### USURIOUS



usurious (yoo-z[y]oor-ee-<<schwa>>s or yoo-zhuu-ree-<<schwa>>s), adj. 1. Practicing usury <a usurious lender>. 2. Characterized by usury <a usurious contract>. [Cases: Usury 1, 10–42. C.J.S. Interest and Usury; Consumer Credit §§ 2, 4, 100, 119–141, 143–144, 146, 152–155, 157.]

#### USURPATIO

usurpatio (yoo-s<<schwa>>r-pay-shee-oh), n. [Latin] Roman law. The interruption of usucapio by loss of possession or a lawsuit by the real owner. Pl. usurpationes (yoo-s<<schwa>>r-pay-shee-oh-nee-z).

#### USURPATION

usurpation (yoo-s<<schwa>>r-pay-sh<<schwa>>n or yoo-z<<schwa>>r-pay-sh<<schwa>>n), n. The unlawful seizure and assumption of another's position, office, or authority. [Cases: Officers and Public Employees 86. C.J.S. Officers and Public Employees § 114.] — usurp (yoo-s<<schwa>>rpor yoo-z<<schwa>>rp), vb.

usurpation of advowson (ad-vow-z<<schwa>>n). Hist. An injury consisting in the absolute ouster or dispossession of the patron from the advowson. • This happens when a stranger, without the right to do so, presents a clerk who is installed in office. See ADVOWSON.

#### USURY

usury (yoo-zh<<schwa>>-ree), n. 1. Historically, the lending of money with interest. 2. Today, the charging of an illegal rate of interest. 3. An illegally high rate of interest. — Also termed illegal interest; unlawful interest. [Cases: Banks and Banking 181; Building and Loan Associations 33; Usury 1. C.J.S. Banks and Banking §§ 470, 680–681; Building and Loan Associations, Savings and Loan Associations, and Credit Unions §§ 87–88, 91–97, 115; Interest and Usury; Consumer Credit §§ 2, 4, 100.] — usurer (yoo-zh<<schwa>>r-<<schwa>>r), n.

#### USURY LAW

usury law. A law that prohibits moneylenders from charging illegally high interest rates. [Cases: Usury 1. C.J.S. Interest and Usury; Consumer Credit §§ 2, 4, 100.]

#### USUS

usus (yoo-s<<schwa>>s or yoo-z<<schwa>>s), n. [Latin “use”] Roman law. 1. The right to use another's property, without the right to the produce (fructus) of the thing. • Usus was a personal servitude; it gave the holder a right in rem. Cf. USUFRUCT.

“It is essentially a fraction of a usufruct, usus without the fructus. In strictness, there was no right to any fruits but this was somewhat relaxed in practice. The usuary of a house might consume the fruits of the gardens in his household, but he might not sell them, as a usufructuary might.” W.W. Buckland, *A Manual of Roman Private Law* 165 (2d ed. 1953).

2. The factual possession required for usucapio. 3. Lapse of time by which a wife was brought into the husband's family and under his marital power. See MANUS(1). Cf. COEMPTIO; CONFARREATIO. “Usus is the acquisition of [power over] a wife by possession and bears the

same relation to coemptio as usucapion to a mancipation. A Roman citizen who bought some object of property and got possession of it, but not ownership, because he neglected to go through the mancipation prescribed by jus civile, might nevertheless become owner by usucapion, i.e. lapse of time; thus if the object was a movable, continuous possession for one year made him dominus. In like manner, if a man lived with a woman whom he treated as his wife, but whom he had not married by coemptio (or confarreatio), and the cohabitation lasted without interruption for a year, then at the end of that period the man acquired [power over] the woman as his wife, she passed to him in manum....” R.W. Leage, Roman Private Law 100 (C.H. Ziegler ed., 2d ed. 1930).

#### USUS BELLICI

usus bellici (yoo-s<<schwa>>s [or -z<<schwa>>s] bel-<<schwa>>-sI). [Latin] Int'l law. Warlike objects or uses. • This phrase refers to items that, though not inherently of a military nature, are considered contraband because they are used by a belligerent to support its war effort.

#### USUS FEUDORUM

Usus Feudorum (yoo-s<<schwa>>s [or -z<<schwa>>s] fyoo-dor-<<schwa>>m). See FEUDORUM LIBRI.

#### UT CURRERE SOLEBAT

ut currere solebat (<<schwa>>t k<<schwa>>r-<<schwa>>r-ee s<<schwa>>-lee-bat). [Latin] As it was wont to run. • This referred to the course of a stream.

#### UT DE FEODO

ut de feodo (<<schwa>>t dee fee-<<schwa>>-doh orfyoo-doh). [Law Latin] As of fee.

#### UTERINE

uterine (yoo-t<<schwa>>r-in), adj. Born of the same mother but having different fathers.

#### UTERINE BROTHER

uterine brother. See BROTHER.

#### UTERINE SISTER

uterine sister. See SISTER.

#### UTERQUE

uterque (yoo-t<<schwa>>r-kwee). [Latin] Each of two; both (considered separately).

#### UTERQUE NOSTRUM

uterque nostrum (yoo-t<<schwa>>r-kwee nos-tr<<schwa>>m). See UTRUMQUE NOSTRUM.

#### UTFANGTHIEF

utfangthief (<<schwa>>t-fang-theef). See OUTFANGTHIEF.

## UT HOSPITES

ut hospites (<<schwa>>t hos-p<<schwa>>-teez). [Latin] As guests.

## UTI

uti (yoo-tI), vb.[Latin] Civil law. To use.

## UTI FRUI

uti frui (yoo-tIfroo-I). [Latin] Civil law. To have the full use and enjoyment of a thing, without damage to its substance.

## UTILIS

utilis (yoo-t<<schwa>>-lis), adj.[Latin] Civil law. Useful; beneficial; equitable. • This word appeared in phrases such as actio utilis (ak-shee-oh yoo-t<<schwa>>-lis), meaning “equitable action.”

## UTILITARIAN-DETERRENCE THEORY

utilitarian-deterrence theory.The legal theory that a person should be punished only if it is for the good of society — that is, only if the punishment would further the prevention of future harmful conduct. See hedonistic utilitarianism under UTILITARIANISM. Cf. RETRIBUTIVISM.

## UTILITARIANISM

utilitarianism. The philosophical and economic doctrine that the best social policy is that which does the most good for the greatest number of people; esp., an ethical theory that judges the rightness or wrongness of actions according to the pleasure they create or the pain they inflict and recommending whatever action creates the greatest good for the greatest number. • This is one type of consequentialism. As a way of analyzing intellectual-property rights, utilitarianism takes the point of view of society rather than the individual inventor, author, or artist, and justifies the rights as an incentive for social and technological progress. See CONSEQUENTIALISM. Cf. LOCKEAN LABOR THEORY; PERSONALITY THEORY. — utilitarian,adj. & n.

hedonistic utilitarianism.The theory that the validity of a law should be measured by determining the extent to which it would promote the greatest happiness to the greatest number of citizens. • This theory is found most prominently in the work of Jeremy Bentham, whose “Benthamite utilitarianism” greatly influenced legal reform in 19th-century Britain. Hedonistic utilitarianism generally maintains that pleasure is intrinsically good and pain intrinsically bad. Therefore, inflicting pain, as by punishing a criminal, is justified only if it results in a net increase of pleasure by deterring future harmful behavior. — Also termed Benthamism. See utilitarian-deterrence theory; BENTHAMITE. Cf. RETRIBUTIVISM.

## UTILITER ET EQUIVALENTER

utiliter et equivalenter (yoo-til-<<schwa>>-t<<schwa>>r et i-kwiv-<<schwa>>-len-t<<schwa>>r). [Law Latin] Hist. Duly and with equal effect.

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**UTILITER IMPENSUM**

utiliter impensum (yoo-til-<<schwa>>-t<<schwa>>r im-pen-s<<schwa>>m). [Latin] Hist. Usefully expended.

**UTILITY**

utility. 1. The quality of serving some function that benefits society; meritoriousness. 2. Patents. Capacity to perform a function or attain a result claimed for protection as intellectual property. • In patent law, utility is one of the three basic requirements of patentability, the others being nonobviousness and novelty. In the calculation of damages for patent infringement, utility is the benefit or advantage of the patented product or process over the products or processes, if any, that had been used to produce similar results in the past. [Cases: Patents 47. C.J.S. Patents §§ 60–62.]

“[T]he utility requirement does not mandate that the invention be superior to existing products and processes in order to qualify for a patent. The utility standard reflects the judgment that society is better served by access to a library of issued patents describing as many inventions as possible, even if many of them do not achieve better results than public domain technology. This liberal view of utility allows subsequent inventors access to a greater variety of previous technologies, some of which may yet be judged the superior solution when employed within a different context.” Roger E. Schechter & John R. Thomas, *Intellectual Property* § 15.1, at 316 (2003).

3. A business enterprise that performs essential public service and that is subject to governmental regulation.

public utility. 1. A company that provides necessary services to the public, such as telephone lines and service, electricity, and water. • Most utilities operate as monopolies but are subject to governmental regulation. [Cases: Public Utilities 101. C.J.S. Public Utilities § 2.] 2. A person, corporation, or other association that carries on an enterprise for the accommodation of the public, the members of which are entitled as a matter of right to use its facilities.

**UTILITY FUND**

utility fund. See MUTUAL FUND.

**UTILITY MODEL**

utility model. Patents. A system of patent registration giving patent-like rights in some countries, usu. for a shorter term than a patent but with little or no search required. • Utility-model patents are not available in the U.S. or Great Britain, but are offered in Japan and many European countries, including Germany and France. Their provisions vary greatly. They are available for machines only, and not for chemicals. — Also termed petty patent; second-tier patent; small invention; (in German) Gebrauchsmuster.

**UTILITY PATENT**

utility patent. See PATENT(3).

**UTI MOS EST IN FEUDIFIRMIS**

uti mos est in feudifirmis (yoo-tImahs est in fyoo-di-f<<schwa>>r-mis). [Law Latin] Scots law. As is the custom in feu-holdings.

**UT INFRA**

ut infra (<<schwa>>t in-fr<<schwa>> also uut). [Latin] Hist. As below.

**UTI POSSIDETIS**

uti possidetis (yoo-tI pah-si-dee-tis). [Latin] 1.Int'l law. The doctrine that colonial administrative boundaries will become international boundaries when a political subdivision or colony achieves independence. 2.Roman law. An interdict ordering the parties to a lawsuit to maintain the possession of real property as it stands pending a decision on who owns it. Cf. UTRUBI.

**UTI ROGAS**

uti rogas (yoo-tIroh-gas or -g<<schwa>>s). [Latin] Roman law. As you ask. • This was inscribed on a ballot to indicate a vote in favor of a bill or candidate. — Abbr. u.r.

**UTITUR JURE AUCTORIS**

utitur jure auctoris (yoo-ti-t<<schwa>>r joor-ee awk-tor-is). [Latin] Hist. He exercises the right of his predecessor in title.

**UTITUR JURE COMMUNI**

utitur jure communi (yoo-ti-t<<schwa>>r joor-ee k<<schwa>>-myoo-nI). [Latin] Hist. He relies on the common law.

**UTITUR JURE PRIVATO**

utitur jure privato (yoo-ti-t<<schwa>>r joor-ee prI-vay-toh). [Latin] Hist. He relies on his own private right.

**UTITUR JURE SUO**

utitur jure suo (yoo-ti-t<<schwa>>r joor-ee s[y]oo-oh). [Latin] Hist. He exercises his own right.

“The exercise of rights of property on the part of a proprietor ... cannot be interfered with, even where they are injurious in their effects to the adjoining property. In such case the proprietor is only doing that which he has a right to do, utitur jure suo.” John Trayner, Trayner's Latin Maxims 618–19 (4th ed. 1894).

**UTLAGARE**

utlagare (<<schwa>>t-lag-<<schwa>>-ree or <<schwa>>t-l<<schwa>>-gair-ee), vb.[Law Latin] Hist. To put (an offender) outside the protection of the law. See OUTLAWRY(2). Cf. INLAGARE.

## UTLAGATION

utlagation (<<schwa>>t-l<<schwa>>-gay-sh<<schwa>>n), n.[Law Latin] Hist. The act of placing an offender outside the protection of the law; outlawry. — Also termed utlagatio. Cf. INLAGATION; OUTLAWRY(2).

## UTLAGATUS

utlagatus (<<schwa>>t-l<<schwa>>-gay-t<<schwa>>s), n. [Latin] Hist. An outlawed person; an outlaw.

## UTLAGE

utlage (<<schwa>>t-lahzh or -lij), n. [Law French] An outlaw.

## UTLAGH

utlagh (<<schwa>>t-law). [Old English] Hist. A person outside the protection of the law; an outlaw. Cf. INLAGH.

## UTLAND

utland (<<schwa>>t-l<<schwa>>nd). [Old English] Hist. The outer portion of a lord's demesne, used to support the lord's tenants. — Also termed delantal (di-lan-t<<schwa>>l). Cf. INLAND(2).

## UTLESSE

utlesse.Hist. A felon's escape from prison.

## UTMA

UTMA.abbr.UNIFORM TRANSFERS TO MINORS ACT.

## UTMOST CARE

utmost care.See great care under CARE.

## UT NIHIL ILLI DESIT

ut nihil illi desit (<<schwa>>t nI-hil il-Idee-sit). [Latin] Hist. That nothing may be wanting to him.

## UTPCPL

UTPCPL.abbr. UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.

## UT PROSINT AD VERITATEM INDAGANDAM

ut prosint ad veritatem indagandam (<<schwa>>t proh-sint ad ver-<<schwa>>-tay-t<<schwa>>m in-d<<schwa>>-gan-d<<schwa>>m). [Law Latin] Hist. That they be of service for investigating the truth.

## UT RES MAGIS VALEAT QUAM PEREAT

ut res magis valeat quam pereat (<<schwa>>t rays [or reez or rez] may-jis vay-lee-at kwam peer-ee-at). [Latin "to give effect to the matter rather than having it fail"] A maxim of construction applied when alternative readings are possible, one of which (usu. the broader reading) would achieve the manifest purpose of the document and one of which (usu. the narrower reading) would reduce it to futility or absurdity, whereby the interpreter chooses the one that gives effect to the document's purpose.

#### UT RES VALEAT POTIUS QUAM PEREAT

ut res valeat potius quam pereat (<<schwa>>t rays [or reez or rez] vay-lee-at poh-shee-<<schwa>>s kwam peer-ee-at). [Latin] Hist. That the thing may avail rather than perish; that the transaction may be valid rather than invalid.

#### UTRUBI

utrubi (<<schwa>>t-r<<schwa>>-bI), n. [Latin] Roman law. An interdict for maintaining the status quo of possession of movable property pending a ruling to determine its rightful owner. • In Roman law, this interdict gave possession of movable property to the party who had held it for the greater part of the previous year. Justinian applied the rule of uti possidetis to movables. Cf. UTI POSSIDETIS(2).

#### UTRUMQUE NOSTRUM

utrumque nostrum (yoo-tr<<schwa>>m-kwee nos-tr<<schwa>>m). [Latin] Each of us. • This phrase usu. appeared in bonds. The accusative form is uterque nostrum.

#### UTSA

UTSA.abbr. UNIFORM TRADE SECRETS ACT.

#### UT SUPRA

ut supra (<<schwa>>t s[y]oo-pr<<schwa>> also uut). [Latin] Hist. As above.

#### UTTER

utter,adj. Complete; absolute; total <an utter denial>.

utter,vb.1. To say, express, or publish <don't utter another word until your attorney is present>.2. To put or send (a document) into circulation; esp., to circulate (a forged note) as if genuine <she uttered a counterfeit \$50 bill at the grocery store>. [Cases: Counterfeiting 9; Forgery 16. C.J.S. Counterfeiting § 5.] — utterance (for sense 1), uttering (for sense 2), n.

#### UTTER BAR

utter bar.See OUTER BAR.

#### UTTER BARRISTER

utter barrister.See outer barrister under BARRISTER.

#### UTTERING

uttering. The crime of presenting a false or worthless instrument with the intent to harm or defraud. — Also termed uttering a forged instrument. See FORGERY. [Cases: False Pretenses 6; Forgery 16.]

#### UT VOLUNTAS TESTATORIS SORTIATUR EFFECTUM

ut voluntas testatoris sortiatur effectum (<<schwa>>t v<<schwa>>-l<<schwa>>n-tas tes-t<<schwa>>-tor-is sor-shee-ay-t<<schwa>>r i-fek-t<<schwa>>m). [Latin] Hist. That the will of the testator may be effectuated.

#### UXOR

uxor (<<schwa>>k-sor), n.[Latin] Wife. — Abbr. ux. See ET UXOR. Cf. VIR.

#### UXORE RAPTA ET ABDUCTA

uxore rapta et abducta (<<schwa>>k-sor-ee [also <<schwa>>g-zor-ee] rap-t<< schwa>> et ab-d<<schwa>>k-t<<schwa>>). See DE UXORE RAPTA ET ABDUCTA.

#### UXORIAL

uxorial (<<schwa>>k-sor-ee-<<schwa>>l or <<schwa>>g-zor-), adj. Of, relating to, or characteristic of a wife <uxorial property>.

#### UXORICIDE

uxoricide (<<schwa>>k-sor-<<schwa>>-sld or <<schwa>>g-zor-), n.1. The murder of one's wife. 2. A man who murders his wife. Cf. MARITICIDE. — uxoricidal,adj.