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Item n° 14 on the agenda : *Uniform Law Review / Revue de droit uniforme* and other publications

(prepared by the Secretariat)

<i>Summary</i>	<i>Information on the Review and other publications</i>
<i>Related Documents</i>	<i>Unif. L. Rev. / Rev. dr. unif. 2005 – 2006-1</i> <i>Unif. L. Rev. / Rev. dr. unif. Online Collection</i> <i>Other Publications</i>

PRINCIPAL PARAMETERS FOR DISCUSSION PROPOSED BY THE SECRETARIAT

Priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	high	medium	Low

I. Strategic Plan

Strategic Objective 2 : Pro-active use of outreach resources (in particular paras. 21, 22, 23(b));

II. 2006-2008 Work Programme

Yes

III. Current assessment

Schedule	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	slightly delayed	No

Objectives

- Quality of content (choice of subjects, relevance to UNIDROIT work) and form (editorial, punctuality);
- Balance between institutional (promotion) and commercial (product) imperatives;
- Increased circulation and on-line access

Staff Implications	<ul style="list-style-type: none"> • One research officer (in charge of the publications and editor of <i>Uniform Law Review</i>) – this officer is also responsible for legal co-operation, <i>cf.</i> C.D. (85)12); • One editorial secretary (editing, lay-out, subscriptions) • <i>Ad hoc</i> participation (depending on the publication) of other Secretariat officials
Budgetary Implications	<ul style="list-style-type: none"> • 2005 Accounts – Credit balance between Receipts Chap 2(3) (74,148.02) and Expenditure Chap. 5 (36,123.10) = € 38.000 • 2006 Budget – Forecast Credit balance between Receipts (57.445) and Expenditure (36.500) = € 21.000
Recommendations/ Decisions to be taken	Priority to be confirmed

Cf. the document prepared by the Secretariat in view of the 83rd session of the Governing Council (G.C. (83) 15) for an in-depth overview of all publications, in particular as regards proposals for a publications development strategy. The publications page (full list with links to each title and an order form) may be accessed on Internet page <http://www.unidroit.org/english/publications/list.pdf>.

I – UNIFORM LAW REVIEW

1. 10 years of the New Series 1996-2005: The publication of volume X marked the tenth anniversary of the “new” Review, launched in 1996 (total 10,076 pages). It has over the years grown into an instrument of:

- **reflection and information:** with in-depth contributions on legal harmonisation in general or on specific subjects regarding which uniform rules are under preparation, the Review has gained a scholarly reputation amply borne out by the many citations referring to it. It is a key vehicle for publicising UNIDROIT’s own work, but also provides extensive coverage of the activities of other international organisations. It reports on recently adopted international instruments, scholarly events, bibliographical news and recent case law. It aims at a broad readership: academics, researchers and a growing number of legal practitioners.
- **scientific and institutional dissemination and promotion:** the Review is supplied free of charge to depository libraries, to governmental bodies in member and non member States of the Institute and to partner organisations, thus helping to achieve the Institute’s legal cooperation objectives by means of donations to institutions in developing countries and countries in economic transition. A large number of complimentary copies are also distributed to persons associated with the Institute’s work.
The Review has a part to play in all the Institute’s activities and resources : the Library (for which it is an instrument of exchange with other legal publications worldwide), the Internet website, UNILAW (which uses relevant case law references and summaries).

2. Volume X, 2005 contained a total of 962 pages. Issue 2005-4 featured the annual general index (reproduced in Annex I, attached), as well as the consolidated case law index (40 case law summaries covering six uniform law instruments). The double issue 2005-1/2 devoted to UNIDROIT’s work in the field of intermediated securities was of special interest and was put

together in anticipation of the intergovernmental negotiations on the subject in May 2005; the other two issues published in 2005 were in the usual format with its regular sections, focusing, in particular, on the harmonisation work underway at UNIDROIT and in other organisations.

Budgetary implications: in 2005, receipts were higher than in previous years (€ 44.000) thanks to an increase in direct sales (in particular of the special issue on intermediated securities which sold well in specialised circles, and also of several past issues of the Review). These takings were well in excess of printing costs (€ 29.000). The credit balance is expected to grow further in 2006 when UNIDROIT will start distributing the review directly ¹, its contract with *Giuffrè Editore* (Milan) having now expired.

3. Development

In 2006: among the various subjects due to be discussed in the Review, a special focus is planned for issue 2006-1 on the International Registry for aircraft equipment (including articles by Mr J. Standell and Professor R. Cuming). This will form part of the campaign to explain and promote the Registry, with the support of ICAO; that same issue also features two articles reproducing the papers presented (by Professor P. Lagarde and Mr G. Carducci) at the UNESCO Colloquium to commemorate the first ten years of the UNIDROIT Convention on Stolen or Illicitly Exported Cultural Objects, an event to which the Review also pays tribute in that issue. In addition, the Review will publish the Acts of the Symposium organised by IDIT and IRU at Deauville in May 2006 to commemorate 50 years of CMR.

Distribution of the Review in electronic format

- External distribution: under a contract with Hein-on-Line (www.heinonline.org) (an on-line legal publisher), the Review was placed on-line in November 2005 – featuring all issues up to two years preceding the current issue – and may now be consulted there by subscription. It is too soon to assess the income likely to be generated under this arrangement.
- Direct distribution: technological progress and market-related constraints (storage, cost, ease of consultation) have now made on-line access to the Review a must (bearing in mind also that this was one of the objectives listed in the Strategic Plan).

1 – Full-text access to the entire collection of the Review from the first issue (1948) onwards. Initial programming was completed in 2004, and work on the system has continued apace. 20 years' worth of issues have now been processed, ten of which with full-text links. Roughly, this material encompasses 400 articles, 900 case law decisions (summaries and/or full text covering 22 conventions), 536 international instruments, 250 bibliographical notices and a range of news and other items in the other sections of the Review. An index offers a general as well as an advanced search facility.

This database includes a substantial mass of material for use in the framework of the future UNIDROIT Information Centre. Public access is scheduled pending the requisite checks both of content and performance and the establishment of appropriate access and marketing conditions.

2 – Access (by subscription, whether or not as a supplement to the paper-based version) to the current issue: in addition to decisions regarding distribution policy, appropriate software and payment conditions are now under consideration.

¹ A total of 350 copies are distributed free of charge (gifts and exchanges); paying subscriptions now stand at around 300. The annual subscription rate was adjusted starting in 2006, as follows: North America, Australia, Japan: € 150; all other countries, including the European Union: € 115. Special rates are applicable to academics (teaching staff and students), and of course to booksellers.

II – UNIDROIT PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS 2004

The *Principles 2004* were published in English in June and in French in September 2004. As of 13 March 2006, the English version had sold 968 copies and the French version 100. These sales generated substantial income for the UNIDROIT publications chapter in the 2005 budget (€ 20.000).

It should be noted that, as of the end of March 2006, the integral version of the UNIDROIT Principles 2004 was available in Italian (distributed by Giuffrè, Milan), Chinese (edition and translation by the Department of Treaties and Legislation of the Ministry of Commerce (MOFCOM), Beijing, Law Press – China, 2004. ISBN 7-5036-5166-0; edition and translation by Mr Zhang Yuqing, member of the UNIDROIT Governing Council – Beijing, China Commerce and Trade Press, 2005. ISBN 7-80181-324-3), as well as Korean (edition and translation by Professor Won-Suk Oh, 2005. ISBN 89-18-15090-3). Translations into the Persian, Romanian, Russian, Slovak, Thai, Turkish and Vietnamese languages have now been undertaken by persons with whom the Institute has concluded an agreement covering the translation, printing and distribution of these different language versions. The Spanish-language version is scheduled to be printed and marketed by UNIDROIT in 2006, while the preparation of an Arabic version will be entrusted to a team of Egyptian academics and will probably be published by UNIDROIT.

III – PUBLICATIONS CONNECTED WITH THE CAPE TOWN CONVENTION AND PROTOCOL

- **Official Commentary** by Sir Roy Goode (*ad honorem* member of the Governing Council), published by UNIDROIT (in the original English version and its French translation) in September 2002. Since the announcement of the entry into force of these instruments, sales of the English-language version have soared. The author has most generously donated the proceeds to the Uniform Law Foundation.
- **Acts of the Cape Town Diplomatic Conference:** the preparation of these Acts has now been completed and printing has commenced. The Acts will appear as a single volume totalling almost 950 pages, and will be distributed at the conclusion of a comprehensive publicity campaign aimed at potential buyers. Printing of this publication will have considerably budgetary implications which should, however, be offset by sales. It is difficult at this time to gauge the commercial impact of this volume which will be of predominantly institutional use.

IV – OTHER PUBLICATIONS

The following comments are in order in connection with three publications:

- The English-language version of the ***Guide to International Master Franchise Arrangements*** which appeared in 1998 is now sold out. A reprint is scheduled for 2007, including an updated Annex (Laws and regulations in the field of franchising).
- ***UNIDROIT Proceedings & Papers:*** this publication, hitherto distributed by Oceana Publications Inc., reproduces, both in electronic format (cd-rom containing the material published since 1997), and on paper (with a new cover page), the documents produced by UNIDROIT (studies and reports of study groups and governmental expert committees as well as institutional papers) each year. As the electronic storage of this material progresses, it may be possible to offer study-by-study collections soon. However, since all these documents are freely accessible at no cost on the UNIDROIT Internet website, this publication cannot be expected to yield

any income of note; however, it is extremely cheap to produce (the paper-based version is, moreover, only printed on request).

- **ALI/UNIDROIT Principles of Transnational Civil Procedure:** this joint project of the American Law Institute and UNIDROIT formed the subject of a volume published by the *Cambridge University Press* in March 2006. As agreed between the two organisations, the joint copyright to these *Principles* will not involve any remuneration for UNIDROIT.

V – CONCLUDING REMARKS

The following brief comments are in order:

– Given the current technological word processing facilities at our disposal (encompassing graphics, layout, presentation, paper and on-screen reproduction, and distribution), there can be no doubt that the concept of “publication” now potentially extends to the full range of electronic documentation.

– It should be noted that it has always been assumed that the on-line information on the UNIDROIT Internet website would, by its very nature, be made available free of charge, reflecting political choices dictating broad-ranging, free access to even the more elaborate, scholarly papers so as to achieve the widest possible dissemination of the Organisation’s work and to ensure that it carries out its institutional functions. This policy, one that the Institute has in common with its sister organisations, contrasts with the view held by some that there is a case for some of the Organisation’s activities to produce income (this is actually put into practice by several intergovernmental organisations). The Institute has adopted a case-by-case approach which has generally enabled it to strike a balance between these two positions.

– The foregoing considerations take on particular significance in light of the use that may be made by third parties of freely accessible material and which it is not possible to check, let alone penalize. It would, however, be wise to protect the UNIDROIT fund of publications – include those freely accessible on site – from commercial use by third parties.

– Another subject for reflection is paying, on-line access to all publications currently distributed commercially in paper-based form, with copyright protection in mind. In this connection, *cf.* the comments on the *Uniform Law Review*, above.

- Steps have been taken – means permitting – to improve the brand image of UNIDROIT publications and to improve their distribution, both direct and by specialised booksellers. Work on this will continue in 2006.

– As to the financial implications (sales revenue vs production/printing costs): for the reasons set out in the foregoing, it is difficult to make reliable annual forecasts for the publications chapter as a whole. Some publications do generate income (usually several years after they were first published), others, less widely distributed, do not (some even show a loss) – for example the French-language versions of the *Franchising Guide*, the *Official Commentary on the Cape Town instruments*, and indeed the *Principles*.

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