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Item No. 18 on the agenda: The UNILAW Data Base

(prepared by the Secretariat)

<i>Summary</i>	<i>The document illustrates developments in the preparation of the UNILAW data base</i>
<i>Action to be taken</i>	<i>Council members are requested to assist the staff to promote the data base</i>
<i>Mandate</i>	<i>Exploratory mandate by Governing Council at its 65th session (1986); Work Programme 1987-1989 and following; Decision by Governing Council at its 74th session (1995); Work Programme 1996 – 1998 and following</i>
<i>Priority Level</i>	<i>High</i>
<i>Status</i>	<i>On-going</i>
<i>Related documents</i>	<i>Annual Report 2008 (C.D. (88) 2)</i>

1. INTRODUCTION

1. The operative decision to set up a data base on uniform law was taken by the Governing Council of UNIDROIT in 1995, when it decided that the Institute should become a “centre of excellence”, a focal point for uniform law, concentrating information on how uniform law instruments are applied in practice. The intention was thus to promote uniform law by making available information which otherwise is difficult to get and which in any event is not collected in any one place. This is of particular importance to developing countries (but not only), considering the expense of other sources of information, especially books, legal journals and commercial databases.

2. The philosophy behind the database has always been that the product it offered should have considerable value added: the material should be analysed and classified. The original Prospectus issued in 1996 stated that “UNILAW is intended to be an “intelligent” data base. It is in other words intended that the information should be retrievable by legal concept. The instruments will be analysed by experts in the field who will be responsible for the extrapolation of the relevant concepts for the instruments concerned and for their classification as key-words. Each document which is subsequently inserted into UNILAW will be analysed and classified in accordance with this concept-key-word system. The information contained on a specific subject will be accessible through concepts and key-words in addition to being accessible through more simple and obvious classifications such as the date of the decision or the name of the relevant court” (Study LXIX – Doc. 6, p. 17).

3. The same document refers to the categories of information by stating that “The three main categories of information which it is intended that each subject-matter of the data base should contain are the texts of international instruments (conventions, uniform laws, model laws, guidelines, etc.), decisions of courts (national and supra-national) and bibliographical references. / The texts of the international instruments would be made available in full, in English and French. They would be searchable by legal concept as well as by, for example, number of article of the convention and by any other classification that the experts might deem to be appropriate. The instruments would of course need to be analysed to create the key-word-by-concept system, and the appropriate classifications made accordingly. / The decisions of the courts would be available in summary form in English and French, with the original text accessible where possible in full or abridged as deemed necessary by the experts. Also the cases would need to be properly analysed to ensure that they are classified and retrievable by concept as well as by more conventional methods. / The bibliographical references would of course be in the original language, classified by subject-matter and searchable also by author, date of publication, etc.” (Study LXIX – Doc. 6, p. 17-18).

4. Even if not all of the ambitions of the original concept were realised, the software needed to be able to accommodate the requirements of the future database. In the end, thanks to the agreement made with the *Centre for Comparative and Foreign Law Studies* headed by Mr M. Joachim Bonell, UNIDROIT was able to use the software prepared for the UNILEX database as a basis upon which to build, modifications being introduced to accommodate requirements such as that of two languages. The initial site was ready in April 2002 and related only to the CMR. In 2008 a substantial overhaul of the site was made, with the addition of the other subjects (*Carriage by Air, Carriage by Sea, Cultural Property, Secured Transactions* and *Special Contracts*) and additional features (tables listing collected national case law, sections on *National Judicial Systems, Editors and Collaborators, Abbreviations for Legal Periodicals* and *Useful Links*) being provided for.

2. STATE OF DEVELOPMENT

5. A summary of the state of development of the insertion of materials in the data base as at the time of writing (February 2009) is to be found in Annexe 1 to this document. As this is an on-going process, an oral update will be given at the Council session. Below, the state of development is given item by item. The data in most cases go back to 2002, as that is the date of the first software. The dates given often refer to a time-frame, as it is not always possible to recall exactly when a task was completed. Exact dates refer to the automatic dates given to files by the computer when they are created and last modified. To the greatest extent possible materials are prepared off-line in Microsoft Word so that insertion is only a matter of cutting or copying and pasting. Most of the work is therefore done before the stage of the insertion of the material is reached. Procedures have been worked out through the years which permit the different steps required to enter the information to be executed in as efficient and as energy- and time-saving a manner as possible. In the table, the “preparation” of the materials refers to the work which is carried out before insertion, e.g. the analysis of the text of the conventions to identify the keywords, the writing of the case summaries and/ or their translation, their linking to the relevant issues and keywords, scanning and proofreading texts or cases.

A. Texts

6. The text of a convention or other instrument is retrieved from an electronic source, if possible. If it is not available electronically, it must be scanned. In either case the text should be proofread to make sure it contains no mistakes and that the text is complete. The text must be retrieved in both English and French. In some cases, several versions (original plus original as modified by a protocol) can be retrieved on the same day. It should be noted that in the case of the Warsaw system and the Hague Rules the data base includes both the text as modified by the various protocols (which is necessary in order to link the

cases to the correct version of the Convention and to prepare issues and keywords for the different versions) and the pdf file of the text of the protocol as such.

CONVENTION	DATE OF PREPARATION	PERIOD OF INSERTION	MARCH 2008	FEBRUARY 2009
CARRIAGE BY ROAD				
1956 CMR	2002	2002	Inserted E/F visible	Inserted E/F visible
2008 e-CMR	3 July 2008	Aug. – Oct. 2008		Inserted E/F not visible
CARRIAGE BY AIR				
1929 Warsaw	12 Oct. 2007 – 1 Feb. 2008	Feb. – Apr. 2008	Inserted E/F not visible	Inserted E/F visible
1929 Warsaw as amended by 1975 Montreal Protocol I	30 Jan. 2008 – 31 Jan. 2008	Feb. – Apr. 2008	Inserted E/F not visible	Inserted E/F visible
1929 Warsaw as amended by the 1955 Hague Protocol	12 Oct. 2007 – 30 Jan. 2008	Jan. – Feb. 2008	Inserted E/F not visible	Inserted E/F visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol II	12 Oct. 2007 – 25 Jun. 2008	May 2008	Inserted E/F not visible	Inserted E/F visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol IV	16 Jan. 2008 – 13 Mar. 2008	May 2008	Inserted E/F not visible	Inserted E/F visible
1961 Guadalajara	Feb. 2008	Mar. – Apr. 2008	Inserted E/F not visible	Inserted E/F visible
1999 Montreal	24 May 2006 – Mar. 2008	Feb. – Apr. 2008	Inserted E/F not visible	Inserted E/F visible
CARRIAGE BY SEA				
1924 Hague Rules	9 Nov. 2007 – 4 Mar. 2008	Feb. – Apr. 2008	Inserted E/F not visible	Inserted E/F visible
1968 Hague-Visby Rules	9 Nov. 2007 – 4 Mar. 2008	Feb. – Apr. 2008	Inserted E/F not visible	Inserted E/F visible
1952 Brussels Arrest	16 May 2005 – 12 Sept. 2005	Feb. – Apr. 2008		Inserted E/F not visible
1978 Hamburg Rules	4 Mar. 2008	Mar. – Apr. 2008	Inserted E/F not visible	Inserted E/F visible
SECURED TRANSACTIONS				
2001 Cape Town Convention	Sept 2006	2007	Inserted E/F not visible	Inserted E/F visible
2001 Aircraft Protocol Cape Town	13 Jan. 2006	2007	Inserted E/F not visible	Inserted E/F visible
2007 Rail Protocol	5 Mar. 2008	Mar. – Apr. 2008	Not inserted	Inserted E/F visible
CULTURAL PROPERTY				
1995 Cultural Property	3 Apr. 2007	2007	Inserted E/F not visible	Inserted E/F visible
SPECIAL CONTRACTS				
1988 Leasing	17 Oct. 2006	2007	Inserted E/F not visible	Inserted E/F visible
1988 Factoring	4 Mar. 2008	Mar. – Apr. 2008	Inserted E/F not visible	Inserted E/F visible

B. Issues

7. The issues and the keywords are prepared by analysing the text of the convention and extrapolating them from each provision. The issues are the points of law or fact dealt with in the

provision. The cases will be linked to both the relevant issue and the relevant keywords. The bibliography will also be linked to the relevant keywords. To be noted is that the issues and the keywords must be prepared in both English and French and inserted in both languages.

CONVENTION	DATE OF PREPARATION	PERIOD OF INSERTION	MARCH 2008	FEBRUARY 2009
CARRIAGE BY ROAD				
1956 CMR	Mar. 2003	Mar. 2003	Done E/F visible	Done E/F visible
2008 e-CMR	28 July 2008 – 29 July 2008	Sept. – Oct. 2008		Done E/F – not visible
CARRIAGE BY AIR				
1929 Warsaw	28 Feb. 2008 – 1 Jun. 2008	Jun. 2008	Being prepared	Done E/F visible
1929 Warsaw as amended by 1975 Montreal Protocol I	5 Jun. 2008 – 12 Jun. 2008	Jun. 2008	Being prepared	Done E/F visible
1929 Warsaw as amended by the 1955 Hague Protocol	13 Mar. 2008 – 24 Jun. 2008	July 2008	Being prepared	Done E/F visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol II	25 Jun. 2008 – 30 Jun. 2008	July 2008	Being prepared	Done E/F visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol IV	26 Jun. 2008 – 2 July 2008	July – Aug. 2008	Being prepared	Done E/F visible
1961 Guadalajara	12 Feb. – 21 Feb. 2008	Mar. – Apr. 2008	Done E/F visible	Done E/F visible
1999 Montreal	8 Nov. 2006 – 21 Oct. 2008	Jan. – Feb. 2009	Done – to check	Done E/F – visible
CARRIAGE BY SEA				
1924 Hague Rules	24 July 2008 – 10 Sept. 2008	Sept. – Oct. 2008	Done – to check	Done E/F visible
1968 Hague-Visby Rules	24 July 2008 – 17 Sept.	Oct. – Dec. 2008	Done – to check	Done E/F – visible
1952 Brussels Arrest	11 Mar. 2008 – 17 Mar. 2008		Being prepared	Done E/F – to check
1978 Hamburg Rules	2 Aug. 2007 – 27 Mar. 2008		Done E/F – to check	Done E/F – to check
SECURED TRANSACTIONS				
2001 Cape Town Convention	22 Sept. 2006 – 25 May 2007	2007	Done – not visible	Done E/F – visible
2001 Aircraft Protocol Cape Town	13 Jan. 2006		Being prepared	Being prepared
2007 Rail Protocol				
CULTURAL PROPERTY				
1995 Cultural Property	18 May 2007 – 19 Feb. 2008	May 2008	Done E/F – visible	Done E/F – visible
SPECIAL CONTRACTS				
1988 Leasing	31 Oct. 2006 – 27 Mar. 2008		Done E/F – to check	Done E/F – to check
1988 Factoring	2 Nov. 2006 – 4 Mar. 2008		Done E/F – to check	Done E/F – to check

C. Keywords

8. A basic set of keywords is extrapolated from the text of the convention. Other keywords are derived from the cases and the bibliography (e.g. the text of the CMR does not deal with theft, but a great number of cases do, so “theft” has been added as a keyword). The keywords and the status of ratifications are the only two instances in which the English and French versions are inserted together. Otherwise the language versions are inserted separately.

CONVENTION	DATE OF PREPARATION	PERIOD OF INSERTION	MARCH 2008	FEBRUARY 2009
CARRIAGE BY ROAD				
1956 CMR	4 Mar. 2003	2003	Done E/F – visible	Done E/F visible
2008 e-CMR	29 July 2008	Aug. 2008		Done E/F – not visible
CARRIAGE BY AIR				
1929 Warsaw	29 Feb. 2008 – 5 Jun. 2008	July – Aug. 2008	Done E/F – visible	Done E/F – visible
1929 Warsaw as amended by 1975 Montreal Protocol I	5 Jun. 2008 – 9 Jun. 2008	Aug. – Oct. 2008	Being prepared	Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol	23 Jun. 2008 – 24 Jun. 2008	Sept. – Nov. 2008	Being prepared	Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol II	25 Jun. 2008 – 26 Jun. 2008	Sept. – Nov. 2008	Being prepared	Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol IV	1 July 2008 – 2 July 2008	Aug. 2008	Being prepared	Done E/F – visible
1961 Guadalajara	21 Feb. 2008	Mar. – Apr. 2008	Done E/F – visible	Done E/F – visible
1999 Montreal	17 Oct. 2008 – 24 Oct. 2008	Dec. 2008	Done – to check	Done E/F – not visible
CARRIAGE BY SEA				
1924 Hague Rules	25 July 2008 – 10 Sept. 2008	Sept. – Oct. 2008	Done E/F – to check	Done E/F – visible
1968 Hague-Visby Rules	9 Sept. 2008 – 11 Sept. 2008	Sept. – Oct. 2008		Done E/F – visible
1952 Brussels Arrest	11 Mar. 2008 – 17 Mar. 2008		Done E/F – to check	Done E/F – to check
1978 Hamburg Rules	2 Aug. 2007 – 27 Mar. 2008		Done E/F – to check	Done E/F – to check
SECURED TRANSACTIONS				
2001 Cape Town Convention	6 Mar. 2007 – 7 Mar. 2007	May – Jun. 2008	Done E/F – not visible	Done E/F – visible
2001 Aircraft Protocol Cape Town	13 Jan. 2006			Being prepared
2007 Rail Protocol				
CULTURAL PROPERTY				
1995 Cultural Property	18 May 2007 – 19 Feb. 2008	Feb. – Apr. 2008	Done E/F – visible	Done E/F – visible
SPECIAL CONTRACTS				
1988 Leasing	31 Oct. 2006 – 27 Mar. 2008		Done E/F – to check	Done E/F – to check
1988 Factoring	2 Nov. 2006 – 4 Mar. 2008		Done E/F – to check	Done E/F – to check

D. Subjects

9. The subjects are the keywords organised as if they were part of an analytical index at the end of a monograph. The words are linked to the articles of the convention and through the articles to the cases. The subjects are inserted separately in English and French.

CONVENTION	DATE OF PREPARATION	PERIOD OF INSERTION	MARCH 2008	FEBRUARY 2009
CARRIAGE BY ROAD				
1956 CMR	4 Mar. 2003	2003		Done E/F – visible
2008 e-CMR	15 Oct. 2008	Oct. 2008		Done E/F – not visible
CARRIAGE BY AIR				
1929 Warsaw	28 May 2008 – 5 Jun. 2008	June 2008		Done E/F – visible
1929 Warsaw as amended by 1975 Montreal Protocol I	5 Jun. 2008 – 11 Jun. 2008	July 2008		Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol	24 Jun. 2008	July 2008		Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol II	25 Jun. 2008 – 26 Jun. 2008	Aug. – Sept. 2008		Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol IV	2 July 2008	Aug. 2008		Done E/F – visible
1961 Guadalajara	22 Feb. 2008 – 17 Apr. 2008	May – Jun. 2008		Done E/F – visible
1999 Montreal	21 Oct. 2008 – 24 Oct. 2008	Feb. 2009		Done E/F – not visible
CARRIAGE BY SEA				
1924 Hague Rules	9 Sept. 2008 – 11 Sept. 2008	Sept. – Oct. 2008		Done E/F – visible
1968 Hague-Visby Rules	11 Sept. 2008	Sept. – Oct. 2008		Done E/F – not visible
1952 Brussels Arrest				
1978 Hamburg Rules				
SECURED TRANSACTIONS				
2001 Cape Town Convention	27 Feb. 2007 – 25 May 2007	Jun. – Jul. 2008		Done E/F – visible
2001 Aircraft Protocol Cape Town				
2007 Rail Protocol				
CULTURAL PROPERTY				
1995 Cultural Property	18 May 2007 – 19 Feb. 2008	Feb. – Apr. 2008	Done E/F – visible	Done E/F – visible
SPECIAL CONTRACTS				
1988 Leasing				
1988 Factoring				

E. Bibliography

10. The bibliography is taken mainly from the *Uniform Law Bibliography* published in the *Uniform Law Review*. The Uniform Law Bibliography published in the *Review* is prepared by the staff of the library by selecting relevant entries from the tables of contents of the legal journals received by the library. A

selection of the references in the Uniform Law Bibliography is made, those selected are then classified and linked to keywords, bibliographical areas and relevant articles of the Convention(s). The bibliography is inserted twice, once for the English site, once for the French.

11. How many articles are published on a given subject/convention in a year will vary. Normally, many will be published close to the adoption of an instrument (both before and after), whereas fewer will be published after a few years – unless a revision is in the offing. For example, in 2008 an examination of the journals in the library yielded one entry each for the *1995 Rome Convention on Stolen or Illegally Exported Cultural Objects* and the *1988 Convention on International Financial Leasing*. Entries on the *CMR* totalled as many as 22 entries in 2006 as a result of the celebration of the Convention's 50th anniversary, but went down to 8 in 2007. The *1999 Montreal Convention* yielded only 2 entries in 2006 and 4 in 2007. One article may also deal with more instruments, in which case it will be inserted under each of the instruments it deals with.

CONVENTION	STARTING DATE	PERIOD OF INSERTION	MARCH 2008	FEBRUARY 2009	
CARRIAGE BY ROAD					
Classified and inserted progressively	ULR Bibliography starting 1994	Starting 2002	Inserted, visible and classified	Inserted, visible and classified:	
				1956	461
CARRIAGE BY AIR					
Bibliog. on Air Transport inserted, but still to be linked to keywords and bibliographic areas	ULR Bibliography starting 1994, preparation starting 14 Oct. 2005	Jan. – April 2008	Inserted, visible, not classified	Inserted, visible, not classified	
				1929	205
				1929+1955	134
				1929+1975(I)	115
				1929+1955+1975(II)	110
				1929+1955+1975(IV)	132
1999	139				
CARRIAGE BY SEA					
Bibliog. on Maritime Transport inserted, but still to be linked to keywords and bibliographic areas	ULR Bibliography starting 1994, preparation starting 14 Oct. 2005	Jan. – April 2008	Inserted, visible, not classified	Inserted, visible, not classified	
				1924 (HR)	52
				1968 (H-V)	36
				1978	53
SECURED TRANSACTIONS					
Bibliog. inserted, to be linked to keywords and bibl. areas	ULR Bibliography starting 1994, preparation starting 16 Mar. 2005	Jan. – April 2008	Inserted, visible, not classified	Inserted, visible, not classified	
				2001 Conv.	99
				2001 AP	51
2007 RP	15				
CULTURAL PROPERTY					
Bibliog. inserted, to be linked to keywords and bibl. areas	ULR Bibliography starting 1994, preparation starting 14 Oct. 2005	Jan. – April 2008	Inserted, visible, not classified	Inserted, visible, not classified	
				1995	319
SPECIAL CONTRACTS					
Bibliog. inserted, to be linked to keywords and bibl. areas (Leasing)	ULR Bibliography starting 1994, preparation starting 14 Oct. 2005	Jan. – April 2008	Inserted, visible, not classified	Inserted, visible, not classified	
				1988	54

Bibliog. inserted, to be linked to keywords and bibl. areas (Factoring)	ULR Bibliography starting 1994, preparation starting 14 Oct. 2005	Jan. – April 2008	Inserted, visible, not classified	Inserted, visible, not classified	
				1988	40

F. Cases

12. The cases are arguably the most important section of the database. However, in order to present them to the user in as easily accessible a manner as possible, the cases must be classified and, in particular for cases in not-so-common languages, summarised in English and French. This clearly takes time: in addition to the writing of the summary, it must often be edited as the writer is not a native English or French speaker. Furthermore, the English and French sections of the database can never be mirror images, as the summaries need to be translated and it is often difficult to arrange this. It was therefore decided that the full texts of the cases should be inserted even if no summary had yet been prepared. However, in many countries only the supreme courts have electronic databases from which the texts can be copied, and at times the databases that exist do not have all cases. This means that cases must often be scanned and proofread. The cases should also be linked to the relevant issues and keywords. The cases must be inserted twice, once in the English site, the other in the French.

13. In order to facilitate research and to provide as much information as possible even if all cases cannot be summarised, it was decided that the tables created for the internal purpose of keeping track of the cases collected and their state of development should be placed on the UNILAW website in pdf.

14. The procedure for the preparation of the cases may be summarised as follows: first the legal journals of the library are reviewed and the cases which apply the different conventions selected. They are then photocopied, registered in the tables which list all the cases collected by the Secretariat and filed. Subsequently, an intern or external expert will write a summary in either English or French, if possible he/she will link the relevant issues and keywords and will also retrieve the full text in the original. The summary, selection of issue and keywords will be checked by the Secretariat. At this point the case summary is ready to be inserted in the database. Subsequently a translation of the summary will be made into the other language and inserted in the database.

15. The fact that the database was able to use the case summaries prepared for the *Uniform Law Review* is a clear bonus, not the least because those summaries are available in both English and French. However, it is still necessary to analyse the summary in order to link the correct issues and keywords to the case. It is thus not simply a matter of copying the summary, a certain treatment of the text must be made before it can be inserted.

CONVENTION	DATE START COLLECTION	ULR SUMMARIES 1996-2007	MARCH 2008	FEBRUARY 2009
CARRIAGE BY ROAD				
1956 CMR	1998 – 1999	115	Summaries accessible: 369	Summaries accessible: 406
			Summaries to check: 339	Summaries to check: 452
			Cases collected (pending selection and summary): 717	Cases collected (pending selection and summary): 644
2008 e-CMR	Not in force			

CARRIAGE BY AIR				
1929 Warsaw 1929 Warsaw as amended by 1975 Montreal Protocol I 1929 Warsaw as amended by the 1955 Hague Protocol 1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol II 1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol IV	1998 – 1999	168	Summaries accessible: 0	Summaries accessible: 18
			Summaries to check: 342	Summaries to check: 324
			Cases collected (pending selection and summary): 92	Cases collected (pending selection and summary): 131
1961 Guadalajara	-	7		Summaries to check: 7
1999 Montreal	2006	2	Summaries accessible: 0	Summaries accessible: 0
			Summaries to check: 2	Summaries to check: 7
			Cases collected (pending selection and summary): 1	Cases collected (pending selection and summary): 5
CARRIAGE BY SEA				
1924 Hague Rules 1968 Hague-Visby Rules	1998 – 1999	98	Summaries accessible: 0	Summaries accessible: 0
			Summaries to check: 98	Summaries to check: 159
			Cases collected (pending selection and summary): 268	Cases collected (pending selection and summary): 227
1952 Brussels Arrest	1998 – 1999	11	Summaries accessible: 0	Summaries accessible: 0
			Summaries to check: 11	Summaries to check: 42
			Cases collected (pending selection and summary): 47	Cases collected (pending selection and summary): 36
1978 Hamburg Rules	1998 – 1999	9	Summaries accessible: 0	Summaries accessible: 0
			Summaries to check: 9	Summaries to check: 9
			Cases collected (pending selection and summary): 14	Cases collected (pending selection and summary): 15

SECURED TRANSACTIONS				
2001 Cape Town Convention			Cases collected (pending selection and summary): 0	Cases collected (pending selection and summary): 0
2001 Aircraft Protocol Cape Town			Cases collected (pending selection and summary): 0	Cases collected (pending selection and summary): 0
2007 Rail Protocol	Not in force			-
CULTURAL PROPERTY				
1995 Cultural Property	2005	2	Summaries accessible: 0	Summaries accessible: 0
			Summaries to check: 2	Summaries to check: 2
SPECIAL CONTRACTS				
1988 Leasing	1990		Summaries accessible: 0	Summaries accessible: 0
			Cases collected (pending selection and summary): 1	Cases collected (pending selection and summary): 2
1988 Factoring	1996		Summaries accessible: 0	Summaries accessible: 0
			Cases collected (pending selection and summary): 1	Cases collected (pending selection and summary): 1

G. Status of Ratifications

16. The Status of Ratifications is inserted as soon as the text is inserted and is checked a couple of times a month. The United Nations and UNIDROIT Depositories have automatic mailing services informing addressees of modifications, but others do not. In particular, it can be difficult to get hold of the text of reservations and declarations.

CONVENTION	MARCH 2008	FEBRUARY 2009
CARRIAGE BY ROAD		
1956 CMR	Done E/F – visible	Done E/F – visible
2008 e-CMR		Done E/F – visible
CARRIAGE BY AIR		
1929 Warsaw	Done E/F – visible	Done E/F – visible
1929 Warsaw as amended by 1975 Montreal Protocol I		Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol		Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol II		Done E/F – visible
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol IV		Done E/F – visible
1961 Guadalajara		Done E/F – visible
1999 Montreal	Done E/F – visible	Done E/F – visible
CARRIAGE BY SEA		
1924 Hague Rules	Done E/F – visible	Done E/F – visible
1968 Hague-Visby Rules		Done E/F – visible
1952 Brussels Arrest		

1978 Hamburg Rules		
SECURED TRANSACTIONS		
2001 Cape Town Convention	Done E/F – visible	Done E/F – visible
2001 Aircraft Protocol CT	Done E/F – visible	Done E/F – visible
2007 Rail Protocol	Done E/F – visible	Done E/F – visible
CULTURAL PROPERTY		
1995 Cultural Property	Done E/F – visible	Done E/F – visible
SPECIAL CONTRACTS		
1988 Leasing	Done E/F – visible	Done E/F – visible
1988 Factoring	Done E/F – visible	Done E/F – visible

H. Other Features

17. In order to assist users, a number of other sections were added in 2008. These include:

- ◆ **About UNILAW** – a brief presentation of the database
- ◆ **Sponsors**
- ◆ **Editors and Collaborators**, containing a list of both permanent collaborators and interns
- ◆ Summaries of **national judicial systems**, which briefly illustrate the judicial systems of countries from which the cases treated in the database come (in pdf)
- ◆ **Useful internet links** (in pdf)
- ◆ **Abbreviations** of the titles of legal periodicals in which cases are to be found – these abbreviations are used in particular in the tables of cases (in pdf)
- **Links** to articles on case law on the electronic website of the *Uniform Law Review*.

3. ASSISTANCE

18. Several years passed between the Council taking the decision to create a database and the implementation of this decision. The main reason for this delay was the chronic shortage of funds. This situation changed when the Institute received donations specifically for the database: \$ 50,000 from ICAIR (the *International Center for Automated Information Research* of the University of Florida) in 1999, Lit. 96,813,500 from a private donor in 2000 and 5,000 euro from CAPITALIA in 2003. In 2007 and 2008, substantial funds were received from the *Uniform Law Foundation* (27,500 and 33,200 euro respectively).

19. As a result of problems with the software company that had first been selected, two years were to pass before the software was in place. The software provided for only one convention (the CMR) and the site opened directly on that convention. It was only in 2008 that the other sections of the database were opened (see the tables above).

20. The slowness of the development of the database was due to the shortage of both financial and human resources. While a number of interns were welcomed, it was only in May 2004 that an assistant totally funded by the donations that had been received was hired to work part-time on the database. It was possible to hire this assistant only once the software was in place, as the cost of the software was not certain. The fact that UNIDROIT was able to use the software prepared for the UNILEX database as a basis upon which to build reduced the cost substantially, as this was mainly constituted by the cost of the necessary modifications to the software, such as the requirement of two languages.

21. Ms Judit KISELY has been filling the post of assistant since May 2004. Her duties include the insertion of the texts, issues, keywords, subjects, bibliographic references, bibliography and status of ratifications of the different conventions. A substantial part of her work, in particular before the opening of the different sections in 2008, is to retrieve the full text of the cases dealt with, which means checking if an electronic version exists and if not, scanning the case and proofreading it.

22. The task of preparing case summaries has largely been entrusted to interns. The first intern that worked on the database came in 1997. Since 2002, those that have worked on the database are listed in the table below, together with an indication of when they came and what they worked on. The experience with the interns has been positive in the main. With few exceptions, they have produced good work. Some have continued to work for the database subsequently. A list of the interns welcomed by the Institute between 2002 and 2008 is to be found in Annexe 3.

4. FUTURE DEVELOPMENTS

23. A table illustrating developments planned for 2009/2010 is to be found in Annexe 2 to this document.

24. The table illustrates the next steps in the completion of the structure of the database. Once the structure has been completed, it will be a matter of feeding the database, in particular with cases and bibliography. The collection of cases will continue, with photocopies being made of the cases found in the legal periodicals in the library, and the tables of the cases collected being updated regularly. How much it will be possible to complete will depend on the time allotted to the database.

25. In addition to the work on the materials already in the possession of the Secretariat, it is necessary to develop contacts with universities and other bodies which have an interest in a database such as UNILAW.

26. Thus, for the purpose of "feeding" the database, relations will be sought with universities, courts, lawyers, chambers of commerce and organisations (non-governmental as well as inter-governmental).

27. For the purpose of obtaining funds for the database, relations will be sought with national co-operation organisations, foundations and other bodies. In this, the Institute will be assisted by the *Uniform Law Foundation* which has itself provided funds for the database.

28. Furthermore, the existence of the database will be publicised among interested countries and circles, so as to slowly achieve the purpose of the database, i.e. the promotion of uniform law in practice.

29. *Council members are kindly requested to assist the Secretariat in making the contacts required to promote the database.*

SUMMARY OF THE STATE OF DEVELOPMENT OF THE UNILAW DATABASE FEBRUARY 2009

ANNEXE 1

CONVENTION / PROTOCOL	TEXT	ISSUES	KEYWORDS	SUBJECTS	BIBLIOGR. AREAS	BIBLIOG.	TABLE CASES	CASES
CARRIAGE BY ROAD								
1956 CMR	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Classified and inserted progressively	Done visible	1,505, 406 access. 452 to check
2008 e-CMR	Inserted E/F not visible	Done E/F – not visible	Done E/F – not visible	Done E/F – not visible	Done E/F – not visible			
CARRIAGE BY AIR								
1929 Warsaw	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Bibliog. on Air Transport inserted, but still to be linked to keywords and bibliographic areas	Done visible	455 18 accessible 324 to check
1929 Warsaw as amended by 1975 Montreal Protocol I	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible			
1929 Warsaw as amended by the 1955 Hague Protocol	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible			
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol II	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible			
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol IV	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible			
1961 Guadalajara	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible			
1999 Montreal	Inserted E/F visible	Done E/F – visible	Done E/F – visible	Done E/F – visible	Done E/F visible		Done visible	12 7 to check
CARRIAGE BY SEA								
1924 Hague Rules	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F – visible		Bibliog. on Sea Transport inserted, but still to be linked to keywords and bibliographic areas	Done visible	386 159 to check
1968 Hague-Visby Rules	Inserted E/F visible	Done E/F – not visible	Done E/F visible	Done E/F – not visible				
1952 Brussels Arrest	Inserted E/F not visible	Done E/F – to check	Done E/F – to check					78 42 to check
1978 Hamburg Rules	Inserted E/F visible	Done E/F – to check	Done E/F – to check				Done visible	24
SECURED TRANSACTIONS								
2001 Cape Town Convention	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Bibliog. inserted, to be linked to keywords and bibl. areas		-
2001 Aircraft Protocol CT	Inserted E/F visible							-
2007 Rail Protocol	Inserted E/F visible							-
CULTURAL PROPERTY								
1995 Cultural Property	Inserted E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Done E/F visible	Bibliog. inserted, to be linked to keywords and bibl. areas	Done visible	2
SPECIAL CONTRACTS								
1988 Leasing	Inserted E/F visible	Done E/F – to check	Done E/F – to check			Bibliog. inserted, to be linked to keywords and bibl. areas	Done visible	2
1988 Factoring	Inserted E/F visible	Done E/F – to check	Done E/F – to check			Bibliog. inserted, to be linked to keywords and bibl. areas	Done visible	1

SUMMARY OF PLANNED WORK 2009/2010

ANNEXE 2

CONVENTION	TEXT	ISSUES	KEYWORDS	SUBJECTS	BIB. AREAS	BIBLIOG.	CASES
CARRIAGE BY ROAD							
1956 CMR						Add (69 entries), and classify	Check and insert
2008 e-CMR	Render visible	Render visible	Render visible	Render visible	Render visible	Add, classify and render visible	
CARRIAGE BY AIR							
1929 Warsaw						Add and classify	Check and insert
1929 Warsaw as amended by 1975 Montreal Protocol I						Add and classify	Check and insert
1929 Warsaw as amended by the 1955 Hague Protocol						Add and classify	Check and insert
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol II						Add and classify	Check and insert
1929 Warsaw as amended by the 1955 Hague Protocol and 1975 Montreal Protocol IV						Add and classify	Check and insert
1961 Guadalajara						Add and classify	Check and insert
1999 Montreal						Add and classify	Check and insert
CARRIAGE BY SEA							
1924 Hague Rules						Add and classify	Check and insert
1968 Hague-Visby Rules						Add and classify	Check and insert
1952 Brussels Arrest		Check and insert	Check and insert			Add and classify	
1978 Hamburg Rules		Check and insert	Check and insert			Add and classify	
SECURED TRANSACTIONS							
2001 Cape Town Convention						Add and classify	
2001 Aircraft Protocol CT		Prepare and insert	Prepare and insert	Prepare and insert	Prepare and insert	Add and classify	
2007 Rail Protocol		Prepare and insert	Prepare and insert	Prepare and insert	Prepare and insert	Add and classify	
CULTURAL PROPERTY							
1995 Cultural Property						Add (1 entry) and classify	Check and insert
SPECIAL CONTRACTS							
1988 Leasing		Check and insert	Check and insert	Prepare and insert	Prepare and insert	Add (1 entry) and classify	Check and insert
1988 Factoring		Check and insert	Check and insert	Prepare and insert	Prepare and insert	Add and classify	Check and insert

LIST OF UNILAW INTERNS AT THE INSTITUTE (2002 – 2008)

ANNEXE 3

Mr Leo Van den Hole,	Attorney, Dewey & LeBoeuf, Brussels (Belgium)	January – March 2002	Summaries of Belgian case law on the CMR
Mr Norman Pepe	Bonelli Erede Pappalardo LLP, London (United Kingdom)	February – May 2002	Summaries of Italian cases on CMR
Mr Massimo Baldini	Rome (Italy)	September 2002 – September 2003	Summaries of Spanish cases on CMR
Ms Virginie Hollanders	Juriste d'entreprise, Paris (France)	February – April 2003	Translation of summaries of English cases on CMR
Ms Charlotta Jull	Barrister and Solicitor, British Columbia (Canada)	as part of an internship January – April 2004	Translation of summaries of French cases on CMR Summaries of English cases on CMR Summaries of national judicial systems
Mr Yann Prédali	DESS Systèmes juridiques comparés, Ordre mondial, Aix-en-Provence (France)	May – July 2004	Summaries of French cases on CMR Summary of French Judicial System
Ms Gabriele Kozloi	Vienna (Austria)	as part of an internship May 2005	Summaries of Austrian cases on CMR
Ms Anne Hausmann	Rechtsreferendarin, LG Krefeld/OLG Düsseldorf (Germany)	as part of an internship during June – July 2005	Summaries of German cases on CMR
Ms Jessica Peterkin	Student, Ecole du Barreau du Québec (Canada)	as part of an internship July 2005	Summary of French case on CMR
Mr Alexander Wulf	Bucerius Law School, Hamburg (Germany)	February – April 2007	Summaries of German cases on CMR
Mr Francesco Chiattelli	Libera Università internazionale di Studi Sociali (LUISS), Rome, Italy	February – July 2007	Summaries of Italian cases on CMR, Hague Rules
Ms Anja Hauth	Student-Research Assistant (Studentische Hilfskraft), University of Freiburg (Germany)	September – October 2007	Summaries of German cases on CMR
Mr Laurent Ramette	LL.M., Elève-avocat, Ecole des Avocats de la Région Rhône-Alpes, Lyons (France)	September 2007 – February 2008	Summaries of French cases on CMR Issues and Keywords of: 1999 Montreal Conv. 1961 Guadalajara Conv. 1988 Factoring Conv. 1988 Leasing Conv. Translation of summaries of national judicial systems
Ms Estela Pereira Arroyo	Abogada, Barcelona (Spain)	September 2007 – March 2008	Summaries of Spanish cases on CMR, Issues and Keywords of 1952 Brussels Convention, 1978 Hamburg Rules, 1976 LLMC
Ms Patricia Denise Labal	Abogado, Buenos Aires (Argentina), Master International Business Law, University of Rome I "La Sapienza"	March – July 2008	Summaries of Uruguayan cases on Hague Rules and Hague-Visby Rules
Ms Helene Jaschinski	Student-Research Assistant (Studentische Hilfskraft), University of Freiburg (Germany)	September 2008	Translation of summaries of French cases on CMR
Mr Philipp Küster	PhD Student (Transport Law), University of Hamburg (Germany)	September – October 2008	Summaries of German cases on 1999 Montreal Convention