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Item No. 16 on the agenda: The Uniform Law Data Base (UNILAW)

(prepared by the UNIDROIT Secretariat)

<i>Summary</i>	<i>The document illustrates the progress made on the UNILAW database</i>
<i>Action to be taken</i>	<i>Governing Council members are invited to confirm the importance of the database as a tool to promote UNIDROIT instruments and uniform law, and are kindly requested to publicise the database in their countries, sounding out possible funders</i>
<i>Priority</i>	<i>Medium</i>
<i>Status</i>	<i>Ongoing activity</i>
<i>Related documents</i>	<i>Annual report 2010 (C.D.(90)2) and CD(89) 14</i>

1. Background

1. At its 88th session in 2009 the Governing Council endorsed a proposal first made to the Board of Governors of the Uniform Law Foundation to add links to sites with uniform law instruments. With the help of an extern, the Uniform Resource Locator (URL) of uniform law instruments were retrieved. Links to 362 instruments were inserted into the database. Each instrument was linked to sites containing the text of the instrument, the status of ratifications, bibliography and cases (as available). The reason the information was divided into four categories was that often more sites than one must be consulted to retrieve the information.

2. At the end of September 2009, the Secretary-General decided that to avoid dispersion of resources the full treatment of instruments should be reserved for instruments prepared by UNIDROIT or on the basis of work carried out by UNIDROIT (such as the CMR). This meant not dealing with carriage by air and carriage by sea. The time between October 2009 and the 2010 session of the Council was devoted mainly to recuperating the back-log of case summaries prepared for the CMR in previous years by interns and other contacts. The current state of development of the data base is illustrated in this document.

3. The Council took note, with appreciation, of the efforts made by the Secretariat to re-dimension the objectives of the UNILAW database. The Council approved, in particular, the decision to reserve the full treatment of instruments to instruments prepared by UNIDROIT, or on the basis of work carried out by this Organisation, and that treatment of instruments prepared by other Organisations should be limited to the provision of links to websites that published their texts and status of implementation. On that basis, the Council agreed to assign medium level of priority to the Uniform Law Data Base.

4. In the year 2010-2011 work on the UNILAW data base continued. It was essentially a year of consolidation. The table annexed to this report summarises the work done up to the time of writing (7 April 2011).

2. Instruments

5. A number of instruments were added to the database website (www.unidroit.info): the *2009 Convention on Substantive Rules for Intermediated Securities*, the *Model Franchise Disclosure Law*, the *Model Law on Leasing* and the *ALI/UNIDROIT Principles of Transnational Civil Procedure*. The preparation of the keywords, issues, subjects and bibliographical areas is underway, indeed, were completed and inserted for the Model Franchise Disclosure Law. The keywords, issues, subjects and bibliographical areas still need to be prepared for the 1988 Factoring Convention.

3. Bibliography

6. The bibliographical references were inserted for the instruments listed above, but still need to be linked to the keywords, even where these were prepared. This holds true also for some instruments that were inserted earlier, such as the instruments of the Cape Town system.

4. Case Law

(a) CMR

7. As regards case law, work concentrated on the translation of case summaries in English into French, their checking and subsequent insertion. The contribution of Mme Stéphanie GEHLEN, formerly of the *Conseil d'état* in Brussels, is gratefully acknowledged. Of the case summaries translated, 95 have been checked and inserted, 31 more have been translated but have not yet been inserted as they are being checked. The translation of still more is planned.

8. An interesting development in terms of the countries from which case summaries are included, is that Ms Kateryna ZELEN'S'KA (Ukraine) is currently working as an extern on case summaries for the CMR, as is Ms Elif KARABAG (Turkey). They have prepared case summaries that will be inserted in the data base as soon as they have been edited and linked to keywords and issues.

(b) 1988 Leasing Convention

9. Ms Roberta MARRA, a former extern/intern and currently of the University of Lecce (Italy) has retrieved Italian cases which apply the 1988 Leasing Convention. These cases will be treated and inserted as soon as possible.

5. Statistics

10. UNILAW uses Google Analytics to survey the utilisation of the database. In the period 12 May 2010 to 27 March 2011 10,807 visits were made by 8,609 people from 147 countries. The list of the number of visits per country is reproduced in Annex 2 to this report.

11. Most visitors came by way of another site or by referral from a search engine: 4,194 visits came through Google, 3,015 by referral from *unidroit.org*, and direct access was made in the case of 1,603 visits. Wikipedia also contributed: the English Wikipedia referred 373 visitors, the German 237 and the French 189.

12. It should be noted that to date **no publicity** has been made for the UNILAW database. A publicising of the database is anticipated for the year to come, first and foremost with universities, but also with other potential users. In this context the Council will be interested to note that on the occasion of a visit by the Foreign Section of the Swedish Bar Association Mr Ulf Tollhage, Partner of the Göteborg office of the Nordia Law Firm in Sweden (other offices are in Stockholm, Oslo and Copenhagen), requested that his law firm, the lawyers of which will be visiting Rome in September this year, be given a lesson in how to use the database which he found of great interest and utility.

6. Contribution of the Uniform Law Foundation

13. As has been stressed in past years, the UNILAW database is funded essentially by the *Uniform Law Foundation*. It is only thanks to the financial contribution of the Foundation that it is possible for the Institute to avail itself of the precious collaboration of Ms Judit Kisely, who has been working (part time) on the database since 1 May 2004. The contribution of the Uniform Law Foundation is gratefully acknowledged.

7. External Collaborations

14. On 23 March 2011, Mr Michel Gout, President of the *Institut du droit international des transports (IDIT)*, and Ms Cécile Legros, *Directrice scientifique* of IDIT, met with Mr Jacques Putzeys, former member of the UNIDROIT Governing Council and current member of the Board of Governors of the Uniform Law Foundation, and Ms Stéphanie Gehlen, formerly of the *Conseil d'Etat* in Brussels and currently a collaborator of the UNILAW data base, to discuss a possible cooperation between IDIT and UNIDROIT for the UNILAW data base.

15. IDIT has the intention to publish a comparative law and comparative case law study on the CMR, which is intended to contribute to the creation of a uniform case law on the CMR. It was in this perspective that they had contacted UNIDROIT.

16. Although the terms of the collaboration have not yet been finalised, IDIT proposes to collect French decisions on the CMR and to transmit them to UNIDROIT for the database, together with a summary in French and possibly also in English.

8. Conclusion

17. *Council members are kindly invited to confirm the importance of the UNILAW database as an tool to publicise the instruments of UNIDROIT and to promote uniform law in practice.*

18. *Council members are also kindly requested to publicise the UNILAW database with potential users in their countries and to sound out possible funders.*

Annex 1

Summary of the Progress made on the UNILAW database

1988 Leasing Convention			
Keywords	Prepared	Inserted	Linked to articles
Issues	Prepared	Inserted	
Subjects	Prepared	Inserted	
Bibliographic areas	Prepared	Inserted	
Bibliography	Update	Update inserted	
Case Law	The one case we have prepared	The one case we have inserted	
	Extern retrieved Italian cases		
1988 Factoring Convention			
Update bibliography	Prepared	Inserted	
2009 Convention on Intermediated Securities			
Text in English and French	Prepared	Inserted	
Bibliography	Prepared	Inserted	
2001 Cape Town Convention			
Update bibliography	Prepared	Inserted	
2001 Aircraft Protocol			
Update bibliography	Prepared	Inserted	
2007 Rail Protocol			
Update bibliography	Prepared	Inserted	
1956 CMR			
Update bibliography	Prepared	Inserted	
Translate summaries		Prepared	
Edit/check summaries and translations into French	121 prepared	95 edited 31 being checked	95 Inserted
1995 Cultural Property			
Update bibliography	Prepared and linked to keywords	Inserted	
2002 Franchising Model Law			
Text in English and French	Prepared	Inserted	
Keywords	Prepared	Inserted	Linked to articles
Issues	Prepared	Inserted	
Subjects	Prepared	Inserted	
Bibliographic areas	Prepared	Inserted	
Bibliography	Prepared	Inserted	
2007 Leasing Model Law			
Text in English and French	Prepared	Inserted	
Bibliography	Prepared	Inserted	
2004 Transnational Principles of International Civil Procedure			
Text in English and French	Prepared	Inserted	
Bibliography	Prepared	Inserted	
Status of Ratifications: periodical updating		Inserted	
Links: checking for broken links		Checked and broken links corrected	

Annex 2**Visits to the UNILAW site by Country**

1.	France	1,627
2.	Belgium	916
3.	Italy	879
4.	Germany	611
5.	United States	502
6.	United Kingdom	393
7.	Spain	369
8.	Russia	343
9.	Netherlands	290
10.	China	248
11.	Canada	238
12.	Japan	219
13.	Poland	204
14.	Switzerland	197
15.	Mexico	193
16.	Lithuania	162
17.	Colombia	148
18.	Peru	146
19.	Austria	124
20.	Hungary	116
21.	Morocco	113
22.	Ukraine	109
23.	Tunisia	108
24.	South Korea	96
25.	Czech Republic	95
26.	Brazil	86
27.	India	84
28.	Australia	83
29.	Argentina	78
30.	Romania	72
31.	Sweden	68
32.	Estonia	65
33.	Turkey	61
34.	Greece	60
35.	Luxembourg	59
36.	Thailand	59
37.	Finland	56
38.	Indonesia	51
39.	Cameroon	51
40.	Latvia	47
41.	Serbia	46
42.	Egypt	46
43.	Macedonia [FYROM]	44
44.	Iran	43
45.	Hong Kong	43
46.	Algeria	43
47.	Slovenia	42
48.	Bulgaria	36
49.	Kazakhstan	36
50.	Portugal	35

51.	Denmark	34
52.	Belarus	33
53.	Slovakia	33
54.	Taiwan	32
55.	Vietnam	32
56.	Madagascar	31
57.	Chile	30
58.	Senegal	30
59.	Armenia	28
60.	Malaysia	28
61.	Philippines	27
62.	Côte d'Ivoire	25
63.	Norway	25
64.	Croatia	25
65.	Moldova	25
66.	Ireland	24
67.	Venezuela	23
68.	Singapore	23
69.	South Africa	22
70.	Uruguay	19
71.	United Arab Emirates	17
72.	Panama	17
73.	Lebanon	16
74.	(not set)	16
75.	Israel	15
76.	Albania	15
77.	New Zealand	15
78.	Georgia	14
79.	Malta	13
80.	Ecuador	13
81.	Macau	12
82.	Benin	12
83.	Mauritania	12
84.	Haiti	11
85.	Guatemala	10
86.	Tanzania	9
87.	Dominican Republic	8
88.	Bosnia and Herzegovina	7
89.	Congo [DRC]	7
90.	Syria	7
91.	Burkina Faso	6
92.	Cyprus	6
93.	Costa Rica	6
94.	Honduras	6
95.	Rwanda	6
96.	Bolivia	6
97.	Gabon	6
98.	Azerbaijan	5
99.	Kuwait	5
100.	Iceland	5
101.	Paraguay	5
102.	Bangladesh	5
103.	Togo	5
104.	Nicaragua	5
105.	Mongolia	5

106.	Saudi Arabia	4
107.	Kenya	4
108.	Yemen	4
109.	French Polynesia	4
110.	Nigeria	4
111.	Ghana	4
112.	Réunion	4
113.	Ethiopia	4
114.	Pakistan	4
115.	Puerto Rico	4
116.	Myanmar [Burma]	3
117.	Cuba	3
118.	Cambodia	3
119.	Uzbekistan	2
120.	Sri Lanka	2
121.	Sudan	2
122.	Jordan	2
123.	Angola	2
124.	Eritrea	2
125.	Bahrain	2
126.	Montenegro	2
127.	New Caledonia	2
128.	Palestinian Territories	2
129.	Trinidad and Tobago	2
130.	Mauritius	2
131.	Seychelles	1
132.	Belize	1
133.	Namibia	1
134.	Netherlands Antilles	1
135.	Mozambique	1
136.	El Salvador	1
137.	Cape Verde	1
138.	Samoa	1
139.	Comoros	1
140.	Bahamas	1
141.	Guadeloupe	1
142.	Iraq	1
143.	Monaco	1
144.	Andorra	1
145.	Bermuda	1
146.	Mali	1
147.	Djibouti	1