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Item No. 12 on the agenda : UNIDROIT information resources and policy

(prepared by the Secretariat)

<i>Summary</i>	<i>Update on developments since the 92nd session of the Council</i>
<i>Action to be taken</i>	<i>Take note of the activities and make suggestions to support the initiatives of the Secretariat</i>
<i>Related documents</i>	<i>Annual report 2013 (C.D.(93)2); C.D.(92) 12</i>

I. PAPER-BASED PUBLICATIONS

1. Uniform Law Review

1. In 2012 an agreement was reached with the *Oxford University Press (OUP)* under which the OUP took over the publication of the Uniform Law Review, its distribution and editing. Furthermore, as a member of the OUP family of reviews, the OUP site opened a page/section specifically devoted to the Uniform Law Review (<http://ulr.oxfordjournals.org/>) which is accessible to subscribers and contains all back numbers until 1973. The first year of the Uniform Law Review published by OUP was 2013, which opened with an issue to which experts who have worked with the Institute for a long time, above all with the project on Principles of International Commercial Contracts, contributed.

2. A major novelty consequent upon the publication of the Review by OUP is its transformation into a peer review journal. The intention is to improve both the quality and the standing of the Review, so as to ensure that academics of import can continue to publish articles in it. This step has become necessary because academics are increasingly required to publish with periodicals that are considered acceptable for the purposes of the evaluation of academic research and writing. In this connection contacts are underway to ensure that the Uniform Law Review is registered among the quality reviews for evaluation purposes. Another question on the table is that of "Open Access": periodicals need to offer what is known as "open access" to share the knowledge they contain. This is a concept inherited from the periodicals published on the natural sciences, where its logic is inherent in their nature. Discussions on these two points were initiated with OUP in 2013.

3. The Review is available both on paper and online. Subscriptions can be to either or to both. As regards the sales of the Review in the year 2013, these remained at the levels of 2012 but are expected to increase in 2014. The royalties due to UNIDROIT for 2013 were very small (€ 138), once the expenses associated with the production and the launching of the Review had been subtracted. Hopefully, they will increase as the Review becomes better known, and as its appeal to authors of eminence increases.

4. Subscriptions to the Uniform Law Review in 2013 by geographical area was as follows:

	UK	Europe	North America	Japan	Rest of World	Total
Print	8	77	41	6	12	144
Online	2	6	6	0	1	15
Combined	1	9	3	1	0	14
Personal ¹	1	3	1	0	0	5
Total	12	95	51	7	13	178

5. In addition, a considerable number of complimentary copies were distributed (38 copies both print and online, 116 print only, 10 online only, 848 online only to developing countries²), which is part of the promotion strategy of the OUP, but also of UNIDROIT itself. Of the free copies, the 116 indicated above were distributed to recipients indicated by UNIDROIT, mainly for the purposes of exchanges for the Library.

6. The Accounts for 2013 (the nine months ended 31 December 2013) presented by the OUP demonstrate that the Uniform Law Review in substance broke even – a novelty for the production of the Review. The total income was € 28,889.00 whereas the total expenditure was € 27,967.00. The income included subscriptions, single and back issues, secondary rights and pay per view. The expenditure included copy-editing, the cost of the paper and typesetting, printing and electronic publishing. Also included were the costs of the Editorial, distribution and marketing. The margin was smaller than that budgeted for, as the profits were lower and the expenses higher than estimated, but there was nevertheless a small profit (see para. 3 above).

7. As regards the contents of the Review for 2014, Issue 2 will contain a Special focus with papers, or articles based on papers, presented at the *First ELI-UNIDROIT Exploratory Workshop* entitled “*From Transnational Principles to European Rules of Civil Procedure*” held in Vienna in October 2013.

2. UNIDROIT Principles of International Commercial Contracts 2010

8. In 2014 a number of translations of the UNIDROIT Principles 2010 that are underway will be finalised and published. The first which will see the light is the Arabic version, translated by Prof. em. Dr. Omaia Elwan (Heidelberg University), Dr. Mohiedin Ismail Alamedin (Cairo Centre for

¹ “Personal” is when a customer takes the journal in a purely personal capacity, i.e. not for a wider institution like a law firm or academic library or other organisation.

² The 848 complimentary copies were distributed as follows: Afghanistan 2 copies; Bangladesh 59; Benin 1; Bhutan 1; Burkina Faso 6; Cambodia 15; Chad 1; Congo 1; Congo, Dem Rep of 12; Equatorial Guinea 1; Eritrea 4; Ethiopia 63; Gambia 2; Ghana 16; Grenada 1; Guinea-Bissau 1; Haiti 3; Kenya 78; Kirghizstan 7; Laos 1; Liberia 2; Madagascar 13; Malawi 30; Mali 6; Montenegro 1; Mozambique 24; Myanmar 5; Nepal 224; Niger 1; North Korea 1; Rwanda 46; Senegal 1; Sierra Leone 4; Tanzania 66; Togo 1; Uganda 66; Zambia 38; and Zimbabwe 44.

International Commercial Arbitration), and Prof. Dr. M. Hossam M. Loutfi (Cairo University). The Arabic translation is due to be presented at an international conference to be held at Muscat, Oman, 23-24 March 2014, entitled *Launching the Arabic Version of the UNIDROIT Principles of International Commercial Contracts*. Other language versions underway include the Indonesian and Persian versions.

9. It should be noted that volumes published in languages that are not official languages of the Institute are published by independent publishers contacted by the translator(s) who are entrusted with both translation and publication of the volumes. As UNIDROIT is not able to check the translation into languages that are not official languages of the Institute, a disclaimer to this effect is added to the copyright notices.

3. Official Commentaries on the UNIDROIT Convention on International Interests in Mobile Equipment and its Protocols

10. The first months of 2014 saw the completion of the trilogy on the Cape Town Convention and its Protocols with the publication of the second edition of the *Official Commentary on the Convention on International Interests in Mobile Equipment and the Luxembourg Protocol thereto on Matters specific to Railway Rolling Stock* by Professor Sir Roy Goode. The three volumes are being promoted and have been sent out for review to specialised periodicals. The Official Commentary on the Cape Town Convention and Rail Protocol has also been sent to China, where a translation into Chinese of this Official Commentary as well as of that on the Convention and Aircraft Protocol is underway, care of *Law Press China*. Professor Sir Roy Goode holds copyright to the Official Commentaries which UNIDROIT sells on his behalf. He very kindly donates the royalties he receives to the *UNIDROIT Foundation* (formerly the *Uniform Law Foundation*). The Official Commentary on the Convention and Aircraft Protocol is one of the most successful publications of UNIDROIT, the other being the UNIDROIT Principles of International Commercial Contracts.

4. Booklets with UNIDROIT Instruments

11. As indicated in the *Annual Report 2013* (C.D.(93) 2), the Secretariat printed a number of booklets containing the text of UNIDROIT instruments that are not for sale but for use at conferences and other events. This practice continues in 2014, when the Secretariat expects to publish booklets on the Cape Town Convention and its three Protocols, the Model Franchise Disclosure Law (English only), and to re-print the Model Clauses for the Use of the UNIDROIT Principles of International Commercial Contracts (English only), the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and UNESCO-UNIDROIT Model Provisions on State Ownership of Undiscovered Cultural Objects (English and French), and the Principles on the Operation of Close-Out Netting Provisions (English and French).

II. ELECTRONIC SOURCES OF INFORMATION ON UNIDROIT

1. UNIDROIT Website

12. It will be recalled that it was decided to prepare a new website using updated technology to facilitate both the search for information on the Institute by users and the management of the website by the Administrator. The new website became operative on 10 January 2014. While adjustments will be necessary to correct the inevitable minor defects that only use can reveal, it has at the time of writing (March 2014) demonstrated its flexibility from the administrative point of view and its attractiveness from the point of view of the user. As time goes by, additional features

will be added to ensure that the website fulfils its potential as promoter of the Institute and its work on uniform law.

13. In this context the possibility of posting conferences held at the seat of the Institute on the website first in streaming and thereafter in an electronic archive is being examined. This includes also the possibility of the speakers being linked via computer, which would obviate the need to find funding for the physical participation of the speakers. It would also permit a greater participation by listeners all over the world. The cost of adopting such a method of promoting UNIDROIT instruments and subjects of research must be assessed, but the possibility of obtaining the required funding from one of more sponsors should be carefully considered.

III. ACTION TO BE TAKEN

14. *The Governing Council is invited to take note of the activities of the Secretariat and to make suggestions to support its initiatives in this field.*