



EN

GOVERNING COUNCIL
94th session
Rome, 6-8 May 2015

UNIDROIT 2015
C.D. (94) 11
Original: English
April 2015

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

(prepared by the Secretariat)

<i>Summary</i>	<i>Update on developments since the 93rd 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 2014 (C.D.(94)2); C.D.(92) 12; C.D.(93) 11</i>

I. PAPER-BASED PUBLICATIONS¹

1. Uniform Law Review

1. The year 2014 was the second the *Uniform Law Review* was published by the Oxford University Press (OUP), following an agreement concluded in 2012 under which the OUP took over the publication of the Review, its distribution and editing. It should be recalled that, 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 fully accessible to subscribers and contains all back numbers until 1973. Basic information as well as abstracts of the articles are available to the non-subscribing visitors.

2. It should also be recalled that a major novelty consequent upon the publication of the Review by OUP was its transformation into a peer review journal, the intention being to improve both the quality and the standing of the Review, so as to ensure that academics of import can continue to publish in it.

3. The Review is available both on paper and online. Subscriptions can be to either or to both. Subscribers to the Uniform Law Review in 2014 were from 68 different countries, of which 27 were from Africa, 20 from Europe, 13 from Asia, 3 from North America, 2 each from South America and Oceania, and 1 from Central America.

¹ For a complete overview of this item on the Agenda, the information contained in this document should be read together with the information contained in the Annual Report 2014 (C.D.(94) – Doc. 2).

4. In addition, a considerable number of Developing Country Subscriptions were either distributed as complimentary copies or reduced rate subscription. In addition, UNIDROIT has a right to 150 complimentary copies, approximately 120 of which are distributed to recipients indicated by UNIDROIT, mainly for the purposes of exchanges for the Library.

5. The Accounts for 2014 (the twelve months ended 31 December 2014) presented by the OUP demonstrate that the Uniform Law Review made a profit of € 50,215. Income from consultations of the digital archive was the most substantial and totalled € 28,859. The total income was € 73,311 (€ 28,889.00 in 2013) whereas the total expenditure was € 28,889 (€ 27,967.00 in 2013). The income included subscriptions, single and back issues, the digital archive (a new entry, in 2013 it had not been part of the items of income), 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. Consequently the royalties due to UNIDROIT for 2014 increased from € 138, the royalties due for 2013, to € 7,532. This was a substantial increase, which it is hoped will improve further in years to come.²

6. As regards the contents of the Review in 2015, Issue 4 will contain the acts of the conference celebrating the twentieth anniversary of the adoption of the *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*, to be held in Rome on Friday, 8 May 2015.

2. UNIDROIT Principles of International Commercial Contracts 2010

7. In 2015, the language versions of the *Principles of International Commercial Contracts* under preparation are the Romanian, courtesy of Mr Radu Bogdan Bobei (Lecturer at the University of Bucharest and member of the UNIDROIT Governing Council) and Turkish (Mr Ergun Özsunay, Professor emeritus, University of Istanbul). Unfortunately, the Slovak translation will take longer than expected, due to the untimely demise of the principal scholar responsible (Mr Jan Svidron, Professor of Law at the Institute of State and Law of the Slovak Academy of Sciences, Bratislava). It is likely that the Slovak translation will be completed following the publication of the fourth edition of the Principles.

8. 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 is(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.

9. An Agreement was concluded with the *Centro de Estudios de Derecho, Economía y Política (CEDEP)* (Asunción, Paraguay), in the person of its Executive Director and member of the UNIDROIT Governing Council, Mr José Antonio Moreno Rodríguez, for the printing and distribution of the Spanish version of the Principles in Paraguay. The Spanish version was published in 2012 in Spain by *La Ley*. The copyright has now reverted to UNIDROIT, which consequently was able to grant the CEDEP the right to print the Spanish text, as well as to post the full text in Spanish on the UNIDROIT website. In the period from the end of 2012 to November 2014, *La Ley* sold a total of 215 copies, of which only 23 outside Spain.

10. An examination of the distribution of the Principles, all three editions, gave interesting data on their geographical distribution. The first edition of the Principles (1994) sold a total of 1044 copies in English, 324 in French, 278 in Italian and 186 in Spanish. Purchasers were in 100

² The Accounts for the year ended 31 December 2014 are available for consultation.

countries, of which 19 in Africa, 15 in Asia, 2 in Central America, 36 in Europe, 10 in the Middle East, 5 in North America, 2 in Oceania and 11 in South America. The second edition of the Principles (2004) sold a total of 1295 copies in English and 126 in French in 56 different countries. Of these, 4 were in Africa, 9 in Asia, 29 in Europe, 3 in the Middle East, 4 in North America and 6 in South America. The third edition sold in the years 2010 to 2014 included, 570 copies in English and 43 copies in French in 41 countries of which 2 were in Africa, 4 in Asia, 26 in Europe, 2 in the Middle East, 3 in North America, 1 in Oceania, and 3 in South America.

11. It should be noted that a distribution agreement was concluded in 2000 with the Federation Press in Australia which in addition to other publications covered also the Principles, and that in 2012 an agreement was concluded with the *Éditions Yvon Blais* in Canada, under which they both print and sell the English and French versions of the Principles using a pdf file provided by UNIDROIT. The Italian version is published by Giuffrè of Milan.

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

12. Whereas 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 last quarter saw the re-printing of the *Official Commentary on the Convention on International Interests in Mobile Equipment and the Protocol thereto on Matters specific to Space Assets*. The re-printed edition corrected printing errors that had been detected since its original publication, and added Appendix XII (The Declarations Matrix).

13. An Agreement between Professor Sir Roy Goode and the *Law Press China* for the translation into Chinese of the Official Commentaries on Aircraft Equipment and Railway Rolling Stock was concluded in 2012, before the volumes were published. The first report on the sales in 2014 of the two Official Commentaries in Chinese was received by the UNIDROIT Secretariat in January, 2015. Of the 1000 copies printed of each Official Commentary, the Aircraft Commentary sold 701 copies and the Rail Commentary 662. It will be recalled that 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*). He decided to donate also the royalties received from China to the Foundation.

14. The geographical distribution of the Official Commentaries was also examined. While the Principles were more widely distributed (see above, paragraph 10), the Official Commentaries were also widely distributed. The first edition of the Official Commentary on the Cape Town Convention and Aircraft Protocol sold in the years 2003 to 2008 765 copies in English and 37 copies in French in 50 countries (including 12 non-member States) of which 4 were in Africa, 9 in Asia, 23 in Europe, 4 in the Middle East, 3 in North America, 3 in Oceania, and 4 in South America. The second edition, which was produced only in English, sold in the years 2008 to 2013 627 copies in 44 countries, of which 4 were in Africa, 9 in Asia, 2 in Central America, 19 in Europe, 4 in the Middle East, 3 in North America, 2 in Oceania, and 1 in South America. The third edition sold in the years 2013 to 2014 442 copies in 35 countries, of which 8 were in Asia, 1 in Central America, 16 in Europe, 3 in the Middle East, 3 in North America, 3 in Oceania, and 1 in South America.

15. The sales of the Official Commentaries on the Cape Town Convention and Rail and Space Protocols were much lower, one explanation being that these Protocols have not entered into force yet. Indeed, the Secretariat sent leaflets publicising the Official Commentary on convention and Rail Protocol by e-mail to the members of the International Union of Railways with disappointing results. Thus, the sales of the first edition of the Official Commentary on the Cape Town

Convention and Rail Protocol sold in the years 2008 to 2013 154 copies in 11 countries, of which 1 was in Asia, 1 in North America, 1 in Oceania, 1 in South America, and 7 in Europe. The second edition sold in 2014 67 copies in 7 countries, of which 2 were in Asia, 4 in Europe, and 1 in North America. The Official Commentary on the Cape Town Convention and Space Protocol sold in the years 2013 to 2014 82 copies in 12 countries, of which 2 were in Asia, 6 in Europe, 1 in the Middle East, 2 in North America, and 1 in South America.

4. Official Commentary on the UNIDROIT Convention on Substantive Rules for Intermediated Securities

16. Sales in 2014 of the Official Commentary to the 2009 Geneva Convention on Intermediated Securities were disappointing. The English version is published by Oxford University Press, the French by Schulthess in collaboration with *Les éditions Themis*, L.G.D.J. Only nine copies were sold of the English version (6 from OUP United Kingdom and 3 from OUP USA) and 14 copies were sold of the French version (for the period 1 April 2013 to 31 March 2014). Furthermore, the OUP site offers the Commentary at a 50% discount.

5. Booklets with UNIDROIT Instruments

17. As indicated in the *Annual Report 2014* (C.D.(94) 2), the Secretariat has adopted the policy of printing booklets containing the text of UNIDROIT instruments that are not for sale but for use at conferences and other events. This practice will continue in 2015, when the Secretariat expects to publish the booklet with the French version of the Cape Town Convention, once the review procedure underway to correct some printing mistakes has been completed. Other booklets will also be printed as the need arises.

II. ELECTRONIC SOURCES OF INFORMATION ON UNIDROIT

1. UNIDROIT Website

18. It will be recalled that the new website of the organisation became operative on 10 January 2014. While adjustments will continue to be necessary to correct the inevitable minor defects that only use can reveal, its importance for the dissemination of information on the organisation and its work should be stressed. 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.

19. One such additional feature was briefly mentioned at the Governing Council meeting of 2014, i.e. the possibility of posting conferences held at the seat of the Institute on the website. Exploratory contacts with providers of such services have been taken and will continue in 2015.

20. In this context there are at least three different uses that need to be fully explored:

- Firstly, the simple conference calls, with the participants connected via video, or also via telephone. This is already possible and has been used successfully by the Deputy Secretary-General.
- Secondly, the meeting option, with a maximum number of participants, (in the *GoToMeeting* conferencing tool the maximum number of participants is twenty-five). In this case the participants need to be connected via the computer, but can only connect using a password. Outside participants would be excluded. A licence for this programme has been purchased by the Institute.

- Thirdly, the conference option. In this case, the idea is to have both speakers and audiences in different countries, as well as single viewers in streaming. Once over, the conference, with registrations of the different speakers, would be posted on the UNIDROIT website in an electronic archive. The possibility of the speakers being linked via computer 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 is being evaluated, but the possibility of obtaining the required funding from one of more sponsors will be carefully considered.

(A) MONITORING OF THE WEBSITE

21. The website is monitored with Google Analytics.³ In preparation of the present document the data examined related to use of the website from 8 May 2014 to 2 March 2015. The data concerned how the users accessed the UNIDROIT website (through a browser, directly, referral from other sites), the countries of origin of the users, the age groups registered users belonged to and the pages of the website most consulted.

(i) Sources of entry to the UNIDROIT website

22. The main source of entry of the users was Google (70.89% of users), direct access came second, at quite a distance from Google (17.97%). Other entry points were by referral from other organisations (UNESCO, FAO, ICOM), universities (University of Geneva, CISG database of Pace University, Miami University), Government sites of Australia, Italy, New Zealand, Russia, the United Arab Emirates, the USA, and the European Union, and non-governmental bodies such as the Aviation Working Group and the Rail Working Group or the Oxford Journals (i.e. the Uniform Law Review). A very important source present in its various incarnations, was Wikipedia: the Dutch, English, French, German, Italian, Portuguese, and Russian Wikipedia sites.

23. The conclusions that can be drawn from this are, firstly, that greater attention must be devoted to Wikipedia and to ensuring that the contents of the pages that relate to UNIDROIT and its work are correct in as many of the language versions as possible. Secondly, the system of tags that is available with Google must be developed, both as regards the tags on the content of the pages of the UNIDROIT website, and as regards the more technical aspects of the application of tags. Both of these items are very time consuming and will therefore have to be developed over time.

(ii) Countries of origin of users

24. Turning to the countries of origin of the users of the UNIDROIT database, most users were in Italy (11.15%), the USA (9.72%), France (8.84%) and the United Kingdom (6.34%). The first Asian country to be represented was India, in tenth position with 2.45% of the users, the first African Morocco, in 40th position with 0.52% of the users. Continent by continent, of the first 100 countries from which users came 41 were European (the former Soviet Republics included), 20 were from Asia, 15 from the Americas, 14 from Africa, 7 from the Middle East, and 2 from Oceania. While the data are not surprising, considering also the member States of the Institute, the implication is that UNIDROIT and its work need to be promoted above all outside Europe and strategies should be elaborated that make greater use of the electronic resources at the disposal of the Institute, considering also the financial restraints it labours under.

³ The data is available for consultation at request.

(iii) *Website pages consulted*

25. As regards the pages of the website consulted, the first 250 entries were examined. The page most consulted was the English News page (11.36%), followed by the page on the UNIDROIT Principles of International Commercial Contracts (3.69%), About UNIDROIT (2.93%) and the page on the Cape Town Convention (2.65%). All in all, the pages consulted were varied and included even old materials, such as the 1964 Convention relating to a Uniform Law on the International Sale of Goods (ULIS). However, the great majority of pages consulted are pages relating to the Principles of International Commercial Contracts. Surprisingly few looked at the status of conventions or bibliographies, or even at the different pages relating to the current projects.

(iv) *Age Groups of users of the UNIDROIT website*

26. An interesting item is the age groups to which the users of the UNIDROIT website belong. The largest group of users is that of 25-34-year-old persons (33.50%), the second largest is the 18-24-year-old group (27.50%), the third largest the 35-44 year-old group, the fourth (55-64 year-old persons) and fifth (65 + persons) groups both have 5.5% of users. It is interesting to note that 61% of users belong to the youngest age groups and therefore include students and young lawyers just starting their professional lives. The fact that users are often students tallies with the information that the UNIDROIT Principles are the instrument most consulted on the website, as for a number of years the Principles have been part of the university courses.

2. Social Media

27. The UNIDROIT Secretariat is currently examining the possibility of using the social media most commonly used also by other international organisations, such as the Hague Conference on Private International Law (Facebook, Twitter and LinkedIn). The question of how these services should be linked to the website of the Institute is under study. The purpose of resorting to these media would be to increase the Institute's visibility.

III. GENERAL OBSERVATIONS

28. The data relating to the sources of information on the work of UNIDROIT clearly indicate that UNIDROIT is known above all for the *Principles of International Commercial Contracts*. It is the paper publication most sold not only in number of copies, but also in number of countries in which the purchasers find themselves. Furthermore, the web pages relating to the Principles are those most consulted by users of the UNIDROIT website. The *Official Commentaries on the Cape Town Convention and its Protocols* are also sold to purchasers in a large number of countries, especially the Official Commentary on the Convention and Aircraft Protocol, and to a large number of purchasers. In both cases the users, of both paper and electronic means, are located mainly in Europe, even if other continents are represented. This is not surprising considering the history and membership of the Institute, but underscores the need to make an effort to publicise the work of UNIDROIT, both instruments adopted and work currently undertaken, more in the countries of other continents. The Secretariat therefore intends to make an effort to increase the presence of the Institute on electronic means such as Wikipedia and the social media and to diversify the use of the website with a view to reaching a greater audience to promote past, present and future activities.

IV. ACTION TO BE TAKEN

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