



**GOVERNING COUNCIL**  
**86<sup>th</sup> session**  
**Rome, 16-18 April 2007**

UNIDROIT 2007  
C.D. (86) 15  
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**Item No. 15 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>C.D. (86) 2, section III F</i>

**PRINCIPAL PARAMETERS FOR DISCUSSION PROPOSED BY THE SECRETARIAT**

<b>Priority</b>	<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**

<b>Schedule</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	on time	slightly delayed	No

<b>Objectives</b>
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- 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

<b>Staff Implications</b>	<ul style="list-style-type: none"> <li>• Secretary-General looking after Review <i>ad interim</i>;</li> <li>• One editorial secretary (editing, lay-out, subscriptions)</li> <li>• <i>Ad hoc</i> participation (depending on the publication) of other Secretariat officials</li> </ul>
<b>Budgetary Implications</b>	<p><i>in 2006</i>, regular budget:</p> <ul style="list-style-type: none"> <li>❖ <b>expenditure:</b> <ul style="list-style-type: none"> <li>– printing: € 54,000 (including "Acts Proceedings" Cape Town Diplomatic Conference - Exp. Ch. 5)</li> <li>– postage: € 9,000 (Exp. Ch. 6 § 3)</li> </ul> </li> <li>❖ <b>receipts:</b> € 58,546 (Receipts Ch. 2 § 3)</li> </ul> <p><i>in 2007</i>, regular budget:</p> <ul style="list-style-type: none"> <li>❖ <b>expenditure:</b> <ul style="list-style-type: none"> <li>– printing: € 31,500 (Exp. Ch. 5)</li> <li>– postage: € 9,000 (Exp. Ch. 6 § 3)</li> </ul> </li> <li>❖ <b>receipts:</b> € 71,546 (Receipts Ch. 2 § 3)</li> </ul>
<b>Recommendations/ Decisions to be taken</b>	<ul style="list-style-type: none"> <li>• Format (paper and/or electronic) to be considered</li> <li>• Organisation of scientific management to be considered</li> <li>• Staffing implications mid-term and long-term to be considered</li> </ul>

## I. – UNIFORM LAW REVIEW

### 1. 11 years of the New Series 1996-2006:

The publication of volume X marked the tenth anniversary of the "new" Review, launched in 1996 (total 10,076 pages).

In 2006 another four issues (951 pages) were added. The Review is distributed free of charge to a vast number of institutions and individuals (including depository libraries in member States). Exchange arrangements with more than 170 law journals help maintain the Library's stock.

2. The Council's special attention is drawn to the new General Index with full-text access in pdf format at <http://ulr.unidroit.org>. For details see Annex V to the Annual Report 2006.

3. There are two recent developments that require an in-depth analysis of the situation. First, a number of member Governments has made it clear that they are not any longer prepared to fund 80% of the salary of a senior officer in charge of the editorial functions. Second, Mme Mestre, under whose direction the publication has reached the summit both in terms of quality and of appearing regularly, has – quite understandably – expressed the desire to leave the journal and to move on to other tasks within the Secretariat. While it would appear feasible for the Secretary-General to look, with assistance from other colleagues, after the review for a transition period, it is unrealistic to envisage this to become a permanent arrangement.

4. In view of the strategic importance and of the flagship publications being a core element of UNIDROIT's distinct identity, the following issues need to be discussed and settled as a matter of urgency:

- (a) Which sections are important (i) for Governments, and (ii) for the wider readership?

(b) Are there ways of outsourcing editorial functions, to (i) selected specialised academic institutions, and/or (ii) others? In particular, would members of the Council be willing and able of taking over any such functions?

(c) Is the Uniform Law Review in the long run going to continue to be available as hard copy or it is desirable/feasible (and is it less expensive and less work-intensive) to publish it online? In this connection, the Council's attention is drawn to the following considerations:

- External distribution: under a contract with Hein-on-Line ([www.heinonline.org](http://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).
  - (i) – Full-text access to the entire collection of the Review from the first issue (1948) onwards. The index is now accessible on the Internet (<http://ulr.unidroit.org>) as well as from the UNIDROIT Website. The index offers a general as well as an advanced search facility and gives already access to over 25 years of publication (cf. § 2 above).
  - (ii) – 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.

5. Furthermore, the following comments already submitted to the Council at its 85<sup>th</sup> session may provide some assistance in developing our approach:

- 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.

– 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, of the Official Commentary on the Cape Town instruments, and indeed of the Principles.

## **II. Other Publications**

Reference is made to the documents relating to the various projects and adopted texts that have and will be generating publications (C.D. (86) 8(a)-(c); C.D. (86) 10).

## **III. Conclusions**

6. *The Governing Council will be invited to express initial views during the session and to give guidance with respect to the Institute's general policies regarding publications in general and, most importantly, the Uniform Law Review.*