

GOVERNING COUNCIL 99th session (B) Rome, 23-25 September 2020

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Item No. 13 (c) on the agenda: UNIDROIT information resources and policy

(prepared by the Secretariat)

Summary	Description of the UNIDROIT resources of information, including both paper-based publications and electronic means
Action to be taken	<i>Take note of the activities and support the initiatives of the</i> <i>Secretariat</i>
Related documents	Annual report 2019 (C.D. (99) B.2); <u>C.D.(98) 13 rev</u> .

INTRODUCTION

1. UNIDROIT information resources are divided into paper-based publications and electronic resources, both databases and electronic publications. The cut-off date for the statistics contained in this document is 31 December 2019 for the *Uniform Law Review* and 15 February 2020 for the database and social media.

I. PAPER-BASED PUBLICATIONS

A. Uniform Law Review

2. It will be recalled that in 2012 a contract was concluded with Oxford University Press (OUP) for five years renewable, under which OUP as from 2013 would take over editing, formatting and publishing and distributing the *Uniform Law Review*. The agreement was tacitly renewed at the expiry of the first five years (2018).

3. The Editorial Board is composed of Mr Ignacio Tirado, Editor-in-Chief, Secretary-General of the organisation, Ms Anna Veneziano, Deputy Secretary-General of the organisation, Mr Michael Joachim Bonell, consultant to UNIDROIT and coordinator of the Working Group that prepared the *Principles of International Commercial Contracts*, and Mr Stefan Vogenauer, Director of the Max-Planck Institute for European Legal History in Frankfurt (Germany). In addition to the Editorial Board,

there is an Advisory Board with 19 members.¹ Sir Roy Goode is President of this Advisory Board. Managing Editor is Ms Lena Peters, Principal Legal Officer of the organisation.

4. The Uniform Law Review is available both on paper and online. Subscriptions can be to either or to both. Data on subscriptions indicate that subscriptions to print (i.e. paper) copies have decreased. At the same time, subscriptions to online copies increased, the greatest increase being to collection subscriptions, i.e. subscriptions through the OUP collection of journals available online. In 2020 to date there are in all 1,863 collection customers with access to the journal via the OUP collection, and 76 customers subscribing outside the collection. In addition, the OUP has a special arrangement for developing countries, which offers subscriptions to journals online at a low rate, at times cost-free.

5. As regards online usage, the visits to the Uniform Law Review pages on the OUP site which include at least one article downloaded, have increased steadily. In 2019 there were an average of 2,565 visits with content engagement per month; in 2020 there have been an average of 3,241 visits per month. The geographical breakdown of the access to Uniform Law Review by region in 2020 to date has been Europe (37%), North America (15%), East and South East Asia (11%), Africa (9%), Central and South Asia (8%), Oceania (5%), Central and South America (2%), and West Asia (2%). 11% of access couldn't be tracked to its origin.

6. UNIDROIT also has an agreement with HeinOnline, under which it posts the articles published in the Uniform Law Review two years after publication. This agreement was taken over by OUP, which now channels the royalties due to the organisation. In 2020 to date, the total number of visits has been 9,183, the total number of pages viewed was 8,612, and the total number of articles viewed 15,789.

7. The Accounts for 2019 (1 January- 31 December 2019) presented by OUP in February, 2020, demonstrate that the Uniform Law Review in 2019 made a profit of \in 51,253, the royalties due to UNIDROIT being \in 7,688.

8. The number of subscriptions are increasing steadily, especially to the electronic edition. Users of the Uniform Law Review website are located in a large number of countries, many of which the Review would never have reached without the resources of the OUP. As the Review is a prime tool for the spreading of information on the Institute, its importance in reaching these countries cannot be overly stressed. Furthermore, the standing of the Review has been greatly enhanced: the introduction of the peer review system has meant that academics who need to publish in periodicals of standing for their academic career, can now do so in the Uniform Law Review without hesitations.

¹ The members of the Advisory board are: Sir Roy Goode, Emeritus Professor, University of Oxford (United Kingdom) (Chair); Ms Yeşim M. Atamer, University of Zurich (Switzerland); Mr Jürgen Basedow, Director emeritus, Max Planck Institute for Comparative and International Private Law, Hamburg (Germany); Mr Jean-Paul Béraudo, Conseiller honoraire à la Cour de Cassation, Professeur associé à l'Université de Paris I (Panthéon-Sorbonne); Mr. Neil B. Cohen, Jeffrey D. Forchelli Professor of Law, Brooklyn Law School New York (USA); Mr Philippe Delebecque, École de droit de La Sorbonne, Université de Paris-I (France); Mr Diego P. Fernández Arroyo, Sciences Po École de droit, Paris (France); Mr Paul Finn, Professorial Fellow, University of Melbourne (Australia) (Judge of the Federal Court of Australia 1995-2012); Mr Marcel Fontaine, Professor Emeritus, UCLouvain (Belgium); Ms Louise Gullifer, Rouse Ball Professor of English Law, University of Cambridge (United Kingdom); Mr Hideki Kanda, University of Tokyo (Japan) (member of the UNIDROIT Governing Council); Ms Eva-Maria Kieninger, Chair for German, European and International Private Law, University of Würzburg (Germany); Mr Herbert Kronke, Emeritus Professor, Institute for Comparative Law, Conflict of Laws and International Business Law, Heidelberg (Germany), Arbitrator, Iran-United-States Claims Tribunal, The Hague (former Secretary-General of UNIDROIT); Mr Ralf Michaels, Arthur Larson Professor of Law, Duke University, Durham, NC (USA); Ms Christina Ramberg, Faculty of Law, University of Stockholm (Sweden); Ms Ingeborg Schwenzer, LL.M., University of Basel (Switzerland); Ms Pilar Perales Viscasillas, University Carlos III, Madrid (Spain); Mr Wang Jun, Professor, Dean of the Law School, University of International Business and Economics, Beijing (China); and Ms Zhang Yuejiao, Shantou and Tsinghua University (China).

Furthermore, the number of articles submitted spontaneously has increased, many being submitted by authors in African and other developing countries.²

B. Monographs

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(a) Official Commentaries on the Cape Town Convention on International Interests in Mobile Equipment and its Protocols.

9. The Official Commentaries on the Cape Town Convention and its protocols are authored by Sir Roy Goode. The Institute acts as agent for the author, charging 10% in handling costs. Until 2019, Sir Roy Goode donated his royalties to the UNIDROIT Foundation. As these were mostly donated to the Institute by the Foundation, it was decided that the royalties should instead stay with UNIDROIT and be used to fund the newly instituted *Sir Roy Goode UNIDROIT Scholarship*. The Scholarship will provide one outstanding post-graduate (doctoral) law student, lawyer, academic or government official with the opportunity to research in the UNIDROIT Library and work with the UNIDROIT Secretariat for a period of 6-9 months on a topic related to one of the Institute's high priority legislative projects or existing instruments. The Sir Roy Goode Scholarship will provide a unique opportunity to gain valuable insights into the methods of private uniform law making.

10. The fourth edition of the Official Commentary on the Convention on Interests in Mobile Equipment and the Protocol thereto on Matters Specific to Aircraft Equipment was printed in April 2019. The draft Official Commentary on the Convention on International Interests in Mobile Equipment and Protocol thereto on Matters specific to Mining, Agricultural and Construction Equipment has been sent out for comments and is expected to be published early in 2021.

11. The fourth edition of the Aircraft Official Commentary exists also in an electronic, pdf version, with internal and external links. This was prepared following an agreement between the Institute and Aviareto, the Registrar of the Cape Town Convention and Protocols, as the latter wanted an electronic version for the users of the Registry. Access to this electronic version is, for the time being, limited to users of the Registry, it is not accessible to anyone else.

(b) UNIDROIT Principles of International Commercial Contracts 2016

12. To facilitate distribution of the Principles in Latin America, the Spanish version of the fourth, 2016 edition of the *Principles of International Commercial Contracts* was published in Chile, Colombia, Mexico and Paraguay: under the auspices of *Ediciones Universitarias de Valparaíso*, represented by Ms María Teresa Vega Segovia, *Gerente General* (Chile); the *Editorial Ibañez* and the *Centro de Estudios de Derecho Comparado* (Bogotá, Colombia), represented by Mr Jorge Oviedo Albá; by Mr Jorge Sánchez Cordero, member of the UNIDROIT Governing Council (Mexico); and the *Centro de estudios de derecho, economía y política (Cedep)* and *Intercontinental Editora* (Asunción, Paraguay), represented by Mr José Antonio Moreno Rodríguez, member of the UNIDROIT Governing Council.

13. As regards publication in other languages, Mr Alexander Komarov, member of the UNIDROIT Governing Council, prepared the Russian version, due to be published in September 2020 by the publisher Statut. In November 2017, an agreement for the translation of the Principles into Korean was signed between UNIDROIT and Mr June-sun Choi (emeritus Professor, Sungkyunkwan University) in collaboration with Messrs Kwang-hyun Suk (Seoul National University) and Hai-kwan Heo (Soongsil University). This version is now available. Furthermore, in 2018 an agreement for the translation of the Principles 2016 into Chinese was concluded with Mr Zhang Yuqing, formerly member of the UNIDROIT Governing Council and currently of the Beijing Zhang Yuqing Law Firm. Also this version was published in 2019. An agreement for their translation into Latvian with Ms Baiba Broka, member

The Index Volume 24 of the Uniform Law Review (2019) is annexed to this document.

of the UNIDROIT Governing Council, was concluded in 2019 and an agreement for the translation of the Principles 2016 into Portuguese was concluded, also in 2019, with Mr Lauro Gama Jr, Professor at the Faculty of Law of the *Pontificia Universidade Católica do Rio de Janeiro* in Brazil. The last agreement to be concluded in 2019 was with Mr Ergun Özsunay, formerly Professor *inter alia* of Istanbul University, for their translation into Turkish.

(c) Other publications

14. The publication of the *Legal Guide on Agricultural Land Investment Contracts* is due in 2020, and the publication of the *ELI/UNIDROIT Rules of European Civil Procedure* is expected soon after they have been adopted by both organisations. The ELI Council approved the text on 15 July and the ELI Members on 5 August, completing the organisation's approval process. The text would hence be deemed approved following the approval by UNIDROIT's Governing Council.

(d) Booklets with UNIDROIT Instruments

15. It will be recalled that 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. In 2019 the booklet with the *1995 Convention on stolen or illegally exported cultural objects and the UNESCO/UNIDROIT Model Provisions on State ownership of undiscovered cultural objects* was reprinted in both English and French, whereas the booklets with the Space and Rail Protocols to the Cape Town Convention were reprinted only in English.

(e) The Future: Electronic publications

16. Following the positive reaction of the users of the Aviareto electronic registry to the electronic version of the Official Commentary on the Cape Town Convention and Aircraft Protocol, the possibility of preparing electronic versions for sale also of the other UNIDROIT publications was taken up. Considering the nature of the publications, their utility for practicing lawyers and other users would be greatly enhanced by a linked, electronic version. This would be the case not only for users of the four Official Commentaries, but also of publications such as the UNIDROIT Principles, which have a considerable number of internal cross-references, and the Guides prepared specifically with practicing lawyers in mind.

17. There are different possibilities when the preparation of an electronic version is considered: a simple pdf, without links, a pdf or EPUB or MOBI file with internal links as well as links to sites outside the publication itself (e.g. a link to an UNCITRAL convention cited in the volume to the relevant page of the UNCITRAL site), with or without bookmarks, and also books in digital format to read online. International organisations are increasingly offering these possibilities, which are of considerable assistance to users as they are accessible via computer, tablet or smartphone. Their preparation is time-consuming, as a selection of what references should be linked must first be made and thereafter a link inserted manually for each reference selected. The return, however, is manifold. The licence agreement with Aviareto for the linked pdf of the third edition of the Official Commentary on the Cape Town Convention and Aircraft Protocol was for USD 20,000 for five years, i.e. a total of 100,000 USD. The agreement for the fourth edition is for 125,000 USD, a clear indication of how useful the users of the electronic version find the publication in this format.

18. It should also be noted that the Uniform Law Review is now accessed mainly in its electronic format on the website of OUP, subscriptions are increasingly for the electronic version and when it is part of a collection, this subscription is always for the electronic version.

19. The practical difficulties with selling electronic publications must of course be carefully examined, to ensure that it is possible for acquirers to use their credit cards, and for UNIDROIT to keep track of the contact details of the purchasers, so that any communications can be sent to them via mail (e.g. publicity for new editions, or corrigenda when misprints are discovered). Once the practical details have been worked out, the intention is to make this possibility available on the page of the publications of the UNIDROIT website.

20. An assessment of the possible attractiveness of the electronic format of the different publications must be made before resources are devoted to the preparation of the publications. Annex 1 to this document contains a table with the figures of the sales of publications in 2019. Considering that a number of publications published several years ago are still bought, it can be expected that they might sell considerably more in electronic format.

21. The above considered, it can safely be submitted that the sale of publications could be more cost-effective if more modern methods of dissemination were adopted. Their importance for spreading knowledge of UNIDROIT instruments, and of the work of the organisation in general, is considerable and could be further enhanced if used effectively.

II. ELECTRONIC SOURCES OF INFORMATION ON UNIDROIT

A. UNIDROIT Website

22. The UNIDROIT website was first created in the 1990s. In 2012, the Secretariat started work on the creation of a new, more user-friendly website, using up-to-date technology developed since the creation of the original website. The new website became operative on 10 January 2014. The operation of the website is continually under review and modified or integrated as its utilisation makes the need to enhance certain features and to add others apparent.

23. In 2019 it was announced that the time had come to again review the website completely, as it was felt that the fast development of technology and the need to make the website ever more attractive made the preparation of an up-to-date website necessary. The possibilities offered by new technology were explored, bearing in mind that the architecture of the website and its aesthetic appearance must always serve its contents. In the course of the year, it was decided that it was better to work on the up-loading of historic UNIDROIT documents and to concentrate on being as complete as possible for current work. The creation of a new website was therefore postponed - but not for long: As modern designs are becoming ever more common also for international organisations, the intention of the Secretariat is to resume consideration of the design of the UNIDROIT website in the coming year. The importance of the website cannot be over-stated. The Secretariat is convinced that the website enhances the organisation's visibility and constitutes a most effective tool to disseminate information on the organisation.

(a) Monitoring of the Website

24. The website is monitored with Google Analytics. In the preparation of the present document the data examined relates to use of the website from 7 March 2019 to 15 February 2020.

(i) Sources of entry to the UNIDROIT website

25. Of the sources of entry to the UNIDROIT website the browsers most used were Chrome (55.22%), Safari (18.66%), Firefox (7.35%), and Internet Explorer (7.13%). A considerable number of entries were made by referral: e.g. from UNESCO (10.42%), Baidu (6.85%), yandex.ru (2.36%),

UNCITRAL (0.93%), the Aviation Working Group (0.54%) and the FAO (0.44%). Social media³ and the Wikipedias in the different languages were also important sources of entry: the English Wikipedia (3.20%) and the Russian Wikipedia (1.47%). These percentages show an increase in access through these ports of access. The most important source of entry, however, is by an organic search (68.45%),⁴ direct entry by users familiar with the site (19.78%), by referral (9.07%) and through social media (2.68% of users). The total number of users in the period under consideration was 179,730.

(ii) Countries of origin of users

26. Turning to the countries of origin of the users of the UNIDROIT website, most users in the period examined were in the United States (10.36%), France (8.87%), the United Kingdom (5.65%) and Italy (5.44%). The first Latin American country to be listed was Mexico in 9th position with 2.63% of the users, the first Asian country was India, in 5th position (3.82% of the users), and the first African country Morocco, in 28th position (0.77%). Continent by continent, of the first 100 countries from which users came, 34 were European (Russia and Ukraine included), 7 were Euroasian, 19 Asian, 16 American (North and South), 15 African, 6 from the Middle East, and 2 from Oceania. One was unaccounted for.

(iii) Website pages consulted

27. As regards the pages of the website consulted, the first 100 entries were examined. The page most consulted was the English page on the UNIDROIT Principles 2016 (7.41% of the pages consulted, but it should be noted that individual chapters are recurrently listed separately), followed by the page "About UNIDROIT" (3.49%), the page on contracts (2.96%), the Cape Town Convention (2.46%), the page on research and internships (1.84%), the status of the Cape Town Convention (1.83%), the MAC Protocol (1.53%), the UNIDROIT Principles 2010 (1.43%), the Aircraft Protocol (1.31), the 1995 Cultural Property Convention (1.12%), the page on the member States of the organisation (1.10%) and the page on the Model Clauses for Use of the Principles (1.07%). The ALI-UNIDROIT Principles of Transnational Civil Procedure came in 16th position (0.93%), but the work-in-progress on Transnational Civil Procedure (*ELI-UNIDROIT Regional Rules*) came only in 52nd position (0.26%). The agricultural land investment online consultation came in 41st position (0.32% of users). Most pages consulted were in English. The French pages start in twelfth position with the general welcome page (1.30%). All in all, as in past years, the pages consulted were varied and included older materials, such as the 1973 Wills Convention (20th position, 0.78% of users), and the 1964 Convention relating to a Uniform Law on the International Sale of Goods (ULIS) (28th position, 0.52%). The 1988 Convention on International Factoring came in 22nd position (0.64%) and the 1988 Convention on International Financial Leasing in 60th position (0.23%). The Model Franchise Disclosure Law in English came in 47Th position (0.30%). The 2009 Geneva Intermediated Securities Convention was in 44th position with 0.31% of users. Publications came in 25th position, with 0.58% of users, and the Uniform Law Review in 53^{rd} position (0.26%).

(iv) Age Groups of users of the UNIDROIT website

28. Looking at the age groups to which the users of the UNIDROIT website belong, the data of previous years were confirmed: the largest group of users in the period examined were that of 25-34-year-old persons (33.50%), the second largest was the 18-24-year-old group (27.50%), the third largest the 35-44-year-old group (15.5%), the fourth the 45-54-year-old persons (12.5%), the fifth

³ See below, point B.

⁴ Organic search is a method for entering one or several search terms as a single string of text into a search engine. Organic search results appear as paginated lists, are based on relevance to the search terms, and exclude advertisements (Google definition).

the 55-64-year-old persons (5.5%) and the sixth persons 65 or over (5.5%). Of the users 45.85% were women, whereas 54.15% were men.

B. Social Media

29. The purpose of the Institute's social media program is to promote UNIDROIT's work to a wider audience in an innovative, efficient and cost-effective manner.

30. UNIDROIT launched its social media program during the Institute's 90th anniversary celebrations in April 2016. UNIDROIT currently maintains accounts on LinkedIn (2016), Facebook (2016), Twitter (2018) and YouTube (relaunched in 2019). Maintaining a presence on LinkedIn allows the Institute to inform practitioners and legal professionals about its projects, whereas Facebook promotes UNIDROIT to a younger generation of lawyers, academics and students. UNIDROIT expanded its presence on social media by establishing a Twitter profile in February 2018, to allow UNIDROIT to reach an additional audience in the promotion of the Institute. At the start of 2019 UNIDROIT relaunched its presence on YouTube in order to promote videos of expert presentations made at the Institute by international legal experts and visiting scholars, as well as to share promotional videos about UNIDROIT instruments and events.

31. The three key performance indicators for the Institute's social media program are: (i) number of followers; (ii) the "reach" of the social media program (the total number of people that see UNIDROIT social media content); and (iii) the number of referrals to the UNIDROIT website. Since its launch, the UNIDROIT social media program has exceeded expectations on all three key performance indicators. As at 5 February 2020, the Institute had 8,755 followers on LinkedIn, 3,408 followers on Facebook, 667 followers on Twitter, and 91 subscribers on YouTube, who receive several weekly updates on UNIDROIT activities. These figures represent an annual growth rate of 140% for LinkedIn followers, 23% for Facebook followers, and 97% for Twitter followers. In relation to the Institute's "reach" on social media, over the past twelve months UNIDROIT content was delivered 133,166 times to people on Facebook, while it was displayed on news feeds 412,512 times on LinkedIn, and around 211,800 times on Twitter.

32. Between 7 March 2019 and 15 February 2020, social media referred 5,084 people to the UNIDROIT website, compared to 3,397 people in 2018, retaining social media as the largest source of referrals for the website except search engines. 63% of these referrals came through Facebook, highlighting the continued importance of UNIDROIT's presence on that particular platform, with LinkedIn and Twitter ranking second and third with 27% and 7% respectively. Additionally, social media referred 222 people to the website established for the MAC Protocol Diplomatic Conference, and 64 people to the website for the Cultural Property Academic Project.

33. UNIDROIT has achieved these outcomes by adopting a social media strategy based upon: (i) frequent posts; (ii) content tailored to the audience on relevant social media platforms; (iii) diverse and interesting content; and (iv) partnerships with relevant agencies. UNIDROIT participates in a social media roundtable organised by the US Mission to the UN Agencies in Rome which brings together the social media officers of the largest Rome-based international agencies to share knowledge and coordinate promotional campaigns. This has allowed UNIDROIT to benefit from the expertise and experience of larger organisations which have entire teams dedicated to digital communication. In 2019, UNIDROIT collaborated with social media teams at IFAD and FAO for raising awareness about the zero draft of the UNIDROIT/FAO/IFAD Legal Guide on Agricultural Land Investment Contracts, as well as with various universities, law firms, governments, and other international organisations for the promotion of jointly organised events.

34. None of UNIDROIT's social media accounts require subscription fees. UNIDROIT utilises a programme called SocialChamp to simultaneously post content to its different platforms, which

significantly lowers the amount of time required to maintain UNIDROIT's social media accounts. Through SocialChamp, posts can be scheduled in advance, which allows UNIDROIT to promote content at strategic times to ensure maximum engagement.

III. DEPOSITORY LIBRARIES

35. Before the age of websites, UNIDROIT asked member States to appoint specific libraries or other official institutions to act as Depository Libraries for UNIDROIT documentation. They were also asked what materials they would be interested in storing (only documents, or also publications, the Uniform Law Review, etc.). Not all States appointed Depository Libraries and not all of these wanted all materials. With the adoption of the policy to post all documentation on the website, the interest of Depository Libraries waned, but some States are still keen to maintain them. The list of member States on the website indicates also if Depository Libraries have been appointed. In 2019 no new Depository Libraries were added to the list.

IV. ACTION TO BE TAKEN

36. The Governing Council is invited to take note of the activities of the Secretariat and to actively support its initiatives in this field. The Council is further invited to alert the Secretariat to possible improvements to the organisation's website as evidenced in their utilisation of the website.

SALES OF PUBLICATIONS 2019							
TITLE	SALES	ROYALTIES RECEIVED OR DUE	INCOME PER PUBLICATION				
UNIDROIT Principles of International Commercial Contracts 2016 (2017)	1,240.50		1,240.50				
Official Commentary Space (1 st ed.) (2013)	216.00		216.00				
Official Commentary Rail (2 nd ed.) (2014)	216.00		216.00				
UNIDROIT Principles of International Commercial Contracts 2016 (2017)	1,240.50		1,240.50				
Official Commentary Space (1 st ed.) (2013)	216.00		216.00				
Official Commentary Rail (2 nd ed.) (2014)	216.00		216.00				
Official Commentary Aircraft (4 th ed.) (2019)	79,311.20 ⁵		79,311.20				
Official Commentary Aircraft electronic version 3 rd ed (2017)	20,000.00 ⁶		17,500.00 (USD 20,000.00)				
Official Commentary 2009 Geneva Convention (OUP) (1.10.2018- 31.3.2019) (Royalties 5%) (2012)		48.30 (£ 43.41)	48.30				
Official Commentary 2009 Geneva Convention (Schulthess) (Royalties 10%) (2012)		55.33 (CHF 59.50)	- 55.33				
Uniform Law Review (2019) (Royalties 15%)		7,688.00	7,688.00				
Essays in honour of M.J. Bonell (2016)	1,357.00		1,357.00				
Guide to Master Franchise Arrangements (2007)	54.00		54.00				
Guide to contract farming (2015)	28.00		28.00				
TOTAL			107,659.00				
Budgetary Allocation for printing			15,000.00				
Estimated income sale of publications			17,000.00				

⁵ This income is ear-marked for the Sir Roy Goode Scholarship.

⁶ This income is registered separately in the Budget from income of the sale of publications. The income of the sale of publications is therefore 8,347.80 after the subtraction of the sum ear-marked for the Sir Roy Goode Scholarship and the sum paid by Aviareto for the electronic version of the Official Commentary.

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