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

(prepared by the Secretariat)

<i>Summary</i>	<i>Description of the UNIDROIT resources of information, including both paper-based publications and electronic means</i>
<i>Action to be taken</i>	<i>Take note of the activities and actively support the initiatives of the Secretariat</i>
<i>Related documents</i>	<i>Annual report 2018 (C.D.(98)2); C.D.(92) 12; C.D.(93) 11; C.D.(94) 11; C.D.(95) 12; C.D.(96) 12; C.D.(97) 14</i>

INTRODUCTION

1. Article 1 of the UNIDROIT Statute states that “[t]he purposes of the International Institute for the Unification of Private Law are to examine ways of harmonising and coordinating the private law of States and of groups of States, and to prepare gradually for the adoption by the various States of uniform rules of private law”. To do this, the Institute shall “[...] (e) organise conferences and publish works which the Institute considers worthy of wide circulation.” The production of publications and their dissemination therefore fulfil one of the tasks allocated to the organisation by its Statute.

2. Since the adoption of the UNIDROIT Statute in 1940, publications have diversified considerably. In addition to paper-based publications, publications now include electronic publications and websites and databases. UNIDROIT has followed suit and now in addition to paper-based publications counts electronic publications and electronic sources of information among its products and the sources of information available on the organisation.

I. PAPER-BASED PUBLICATIONS

A. Uniform Law Review

3. Over the years, the bilingual periodical published by the organisation has undergone a number of metamorphoses: starting as a *Yearbook* accompanied by a separate publication on uniform law cases, it proceeded to become a review, the *Revue de droit uniforme* / Uniform Law Review, which contained conventions adopted or draft conventions and explanatory reports, a selection of cases with case summaries and a uniform law bibliography. It contained only few articles on topics

of interest. The *Uniform Law Review* as we know it today, started in 1996 with the publication of mainly scholarly articles on uniform law subjects and drafts, international instruments and a bibliography. Interest in the periodical slowly grew, leading to UNIDROIT being contacted by Oxford University Press with an offer.

4. In 2012 we concluded a contract with Oxford University Press 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).

5. The Editorial Board is composed of Prof. Ignacio Tirado, *ex officio* Editor-in-Chief, as Secretary-General of the organisation, Prof. Anna Veneziano, Deputy Secretary-General of the organisation, Prof. Michael Joachim Bonell, consultant to UNIDROIT and coordinator of the Working Group that prepared the *Principles of International Commercial Contracts*, and Prof. Stefan Vogenauer on the part of OUP, Director of the Max-Planck Institute for European Legal History in Frankfurt. In addition to the Editorial Board, there is an Advisory Board with more than ten members. Professor Sir Roy Goode is President of the Advisory Board. Managing Editor is Ms Lena Peters, Senior Legal Officer of the organisation.

6. 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, passing from 147 in 2013, to 127 in 2014, to 98 in 2015, to 116 in 2016, 102 in 2017 and 93 in 2018. At the same time, subscriptions to online copies increased from 16 in 2013, to 20 in 2014, to 23 in 2015, to 30 in 2016. The greatest increase has been to collection subscriptions, i.e. subscriptions through the OUP collection of journals available online, passing from 90 in 2016 to 105 in 2018. In addition, in 2016 the *Uniform Law Review* had 873 Developing Country subscriptions through the special collection subscriptions offered to developing countries by OUP. In 2018 there were in all 1,662 collection customers with access to the journal via the OUP collection.

7. 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, from 1,555 in 2014, to 7,188 in 2015, 5,879 in 2016, 12,589 in 2017 and 26,125 in 2018. The geographical breakdown of usage by region, including access without any article being viewed, was in 2017 16,889 in Europe, 5,168 in North America, 4,150 in Asia, 1,577 in Australia, 530 in Africa and 393 in South America.

8. 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.

9. The Accounts for 2017 (the twelve months ended 31 December 2017) presented by OUP in October, 2018, demonstrate that the *Uniform Law Review* that year made a profit of € 42,114, the royalties due to UNIDROIT being € 6,317.

10. The first five years of the cooperation with Oxford University Press were assessed by the Editorial Board of the Review and were found to have been positive. Although the number of subscriptions remains low, 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 in the spreading of information on the Institute, the importance of a tool such as the Review 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. Furthermore, the number of articles submitted spontaneously has increased, many being submitted by authors in African and other developing countries. The appeal

of the Uniform Law Review to authors from developing countries is an important result of the cooperation with OUP. The main drawback was the necessity to reduce the number of reviews that were obtained for the Library by way of exchange with the Uniform Law Review, as only 150 free copies are at the disposal of the Institute, but it was felt that the positive results outweigh this drawback.

B. Monographs

- (a) Official Commentary on the UNIDROIT Convention on substantive Rules for Intermediated Securities (2009).

11. The Official Commentary on the Intermediate Securities Convention (Geneva 2009) is the only other publication to be published by professional publishers, OUP for the English and Schulthess for the French. The extent to which the publishers publicise and promote these volumes is uncertain and the royalties received negligible. It is also for this reason that it was decided that UNIDROIT should itself publish in the future.

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

12. The Official Commentaries on the Cape Town Convention and its Protocols are authored by Professor Sir Roy Goode. The Institute acts as agent for the author, charging 10% in handling costs.

13. 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* will be printed in April 2019. The third edition of the *Official Commentary on the Convention on International Interests in Mobile Equipment and Luxembourg Protocol thereto on Matters specific to Railway Rolling Stock* is also due to be revised and will be published in 2020, as will the *Official Commentary on the Convention on International Interests in Mobile Equipment and Protocol thereto on Matters specific to Mining, Agricultural and Construction Equipment*. The first edition of the *Official Commentary on the Convention and Space Protocol* was published in 2013, and is not expected to be updated before the Governing Council meets again.

14. The Aircraft Official Commentary is the one that has proved most attractive. Once the Luxembourg Rail Protocol enters into force, it is likely that the Official Commentary on that Protocol will also attract attention. Naturally enough, the Official Commentaries sell particularly well the year they are published, sales in following years gradually decreasing. Thus, the third edition of the Aircraft Official Commentary sold 345 copies in 2013, the year it was published, 97 in 2014, 67 in 2015, 107 in 2016, 44 in 2017 and 30 in 2018. The market for such specialised publications is small, so this pattern in sales comes as no surprise.

15. The third 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, in fact, limited to users of the Registry, it is not accessible to anyone else.

16. As holder of the copyright to the Official Commentaries, Professor Sir Roy Goode in 2013 concluded translation agreements with Law Press China for the translation into Chinese and the production of the Official Commentaries on the Cape Town Convention and Aircraft Protocol (third edition) and on the Cape Town Convention and Luxembourg Rail Protocol (second edition).

(c) UNIDROIT Principles of International Commercial Contracts 2016

17. The *Principles of International Commercial Contracts* are among the greatest success stories of the Institute. Four editions have been published so far, each successive edition attracting more attention. This is probably facilitated by the fact that the Principles have been translated into several languages.¹

18. UNIDROIT has itself published the Principles in two,² three,³ or four,⁴ official languages of the Institute, whereas other experts – members of the Governing Council or of the Working Group that prepared the Principles, other experts consulted during their preparation – have prepared or supervised the translation of the Principles and have had them published. Thus, the first edition of the Principles (1994) was published by the Institute in English, French, Spanish and Italian. They were also published in Arabic, Bulgarian, Chinese, Dutch, German, Hungarian, Japanese, Portuguese, Russian, Serbian and Slovakian. The second edition (2004) was published by the Institute in English, French, Italian and Spanish and by translators into Arabic, Chinese, Farsi, Korean, Portuguese, Romanian, Russian, and Vietnamese. The third edition (2010) was published by the Institute in English and French and by outside experts and publishers in Arabic, Chinese, Indonesian, Italian, Japanese, Persian, Romanian, Russian, Spanish, Ukrainian and Vietnamese.

19. The fourth edition of the Principles, the *Principles of International Commercial Contracts 2016*, was printed by the Institute in both English and French in 2017. The Spanish version, prepared by Mr Alejandro Garro (Argentina/USA) in collaboration with Mr Javier Rodríguez Olmos (Colombia), and in consultation with Ms Nuria Bouza Vidal (Spain) and Mr José Moreno Rodríguez (Paraguay), both members of the UNIDROIT Governing Council, as well as with Messrs Jorge Oviedo Albán (Colombia), Pedro Mendoza Montano (Guatemala) and Eugenio Hernández Bretón (Venezuela), was published by the Institute in 2018. It is envisaged that in the course of 2019 the fourth edition will be published and available for sale in Chile, Colombia and Paraguay, under the auspices of the aforementioned experts of those countries, as well as in Mexico under the auspices of Mr Jorge Sánchez Cordero, member of the UNIDROIT Governing Council. As regards publication in other languages, Mr Radu Bogdan Bobei, member of the UNIDROIT Governing Council, prepared the Romanian version and made the necessary arrangements with the publisher (C.H. Beck Romania). Mr Alexander Komarov, member of the UNIDROIT Governing Council, prepared the Russian version, published 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). This version is being prepared in collaboration with Messrs Kwang-hyun Suk (Seoul National University) and Hai-kwan Heo (Soongsil University). 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, as was an agreement for their translation into Latvian with Ms Baiba Broka, member of the UNIDROIT Governing Council. An agreement for the translation of the Principles 2016 into Portuguese was concluded in 2019 with Prof. Lauro Gama Jr, professor at the Faculty of Law of the *Pontifícia Universidade Católica do Rio de Janeiro* in Brazil. UNIDROIT remains most grateful to the members of the Governing Council and other experts listed in this section for their extraordinary work and support of the Principles and its dissemination around the world.

¹ See Annex 3 on the recent revision of the UNILEX database on the UNIDROIT Principles and CISG.

² Third edition.

³ Fourth edition.

⁴ First and second editions.

(d) Other publications

20. In 2015 the *UNIDROIT/FAO/IFAD Legal Guide on Contract Farming* was published in both English and French and the Spanish version appeared in 2017. A Chinese translation was published in 2018 by Peking University Press. Earlier products include the *UNIDROIT Guide to International Master Franchise Arrangements* (1998; 2^{ed} 2007) which was also translated into other languages: the first edition into French and Spanish, the second into Croatian, Korean and Serbian. It should also be noted that in 2020 the publication of the *Legal Guide on Agricultural Land Investment Contracts* is due, whereas the publication of the *ELI/UNIDROIT Rules of European Civil Procedure* is expected soon after they have been adopted by both organisations, probably in late 2020 or early 2021. A major effort, which enhanced the importance of both the work of UNIDROIT and its vocation, was the preparation of the Essays in the honour of a long-standing collaborator of the Institute, Professor Michael Joachim Bonell, coordinator of the Working Group for the Preparation of Principles of International Commercial Contracts, celebrating his 70th birthday (Eppur si muove: *The age of Uniform Law – Essays in honour of Michael Joachim Bonell, to celebrate his 70th birthday*, UNIDROIT (edit.), 2016). Over 150 academics and other experts contributed to this publication. Most articles deal with uniform or comparative law subjects, often UNIDROIT instruments and in particular the Principles of International Commercial Contracts. Generally recognised as a work of high quality and of interesting contributions, its dissemination has unfortunately been limited due to insufficient resources at the disposal of the Secretariat. Despite this, the Essays have been sold as far afield as Japan and Argentina.

21. An initiative that was brought to completion in 2017 was the publication of a volume to mark the 90th anniversary of the foundation of the Institute under the title “UNIDROIT 90 Years / *Les 90 ans d’UNIDROIT*”. A volume intended to be used for representation purposes, it contains a section on the Institute’s history, short descriptions of a selection of instruments and activities and comments by experts involved in their preparation, as well as short biographies of those experts and of key persons in the history of the Institute. Illustrations include documents of importance to the history of UNIDROIT, such as the League of Nations document regarding its creation. The publication includes also a history of the Villa Aldobrandini which has housed the Institute since its inception.

(e) Booklets with UNIDROIT Instruments

22. 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 continued in 2018, when the Secretariat reprinted the English booklet with the *1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and the UNESCO-UNIDROIT Model Provisions on State Ownership of Undiscovered Cultural Objects*, the *Cape Town Convention* and the *Aircraft, Railway and Space Protocols*, all in English, the *Model Clauses* for the Principles, which were updated to take the Principles 2016 into consideration, and the Spanish version of the *Legislative Guide on Intermediated Securities*.

II. ELECTRONIC SOURCES OF INFORMATION ON UNIDROIT

A. UNIDROIT Website

23. 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 has continually been under review and modified or integrated as its utilisation made the need to enhance certain features and to add others apparent.

24. However, the time has come to again review the website completely: the fast development of technology and the need to make the website ever more attractive, have prompted the Secretariat to start the preparation of an up-to-date website. The possibilities offered by new technology are being explored, bearing in mind that the architecture of the website and its aesthetic appearance must always serve its contents. As yet, it is not possible to fix a time for the start of the operation of this new website, as it must be created with due care, for it to fully assist the organisation in promoting knowledge of the organisation and its work. 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 which must be kept up-to-date both as to technology and contents.

(a) Monitoring of the Website

25. The website is monitored with Google Analytics. In the preparation of the present document the data examined related to use of the website from 5 February 2018 to 6 March 2019.

(i) Sources of entry to the UNIDROIT website

26. Of the sources of entry to the UNIDROIT website the browsers most used were Chrome (57.43%), Safari, 19.19%, Internet Explorer (6.75%) and Firefox (6.50%). A considerable number of entries were by referral: from UNESCO (8.95%), UNCITRAL (0.93%), and the Aviation Working Group (0.67%). Social media⁵ and the Wikipedias in the different languages were also important sources of entry: the English Wikipedia (2.27%) and the Russian Wikipedia (0.80%). These percentages show an increase in access through these ports of access. The most important source of entry however remains Google, which in the period under Consideration answered for 66.70% of users, with direct entry, by users familiar with the site, second, answering for 19.37% of users. The total number of entries in the period under consideration was 286,151.

(ii) Countries of origin of users

27. Turning to the countries of origin of the users of the UNIDROIT website, most users in the period examined were in the United States (8.92%), France (7.02%), Italy (6.13%) and the United Kingdom (5.40%). The first American country to be listed was Mexico in 5th position with 5.11% of the users, the first Asian country was India, in 6th position with 4.70% of the users, and the first African country Morocco, in 38th position with 0.54% of the users. Continent by continent, of the first 100 countries from which users came, 34 were European (Russia and Ukraine included), 4 were Euroasian, 21 Asian, 10 American (North and South), 15 African, 13 from the Middle East, and 2 from Oceania. One was unaccounted for.

(iii) Website pages consulted

28. 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 (7.58% of the pages consulted, but it should be noted that individual chapters are recurrently listed separately), followed by the page "About UNIDROIT" (4.13%), the page on contracts (2.91%) and the Cape Town Convention (2.42%), the status of the Cape Town Convention (1.96%), the UNIDROIT Principles 2010 (1.56%), the Aircraft Protocol (1.20), the page on research and internships (1.17%), the page on the member States of the organisation (1.15%), and the 1995 Cultural Property Convention (1.04%). The ALI-UNIDROIT Principles of Transnational Civil Procedure came in 19st position (0.74%), but the work-in-progress on Transnational Civil Procedure (ELI-UNIDROIT Regional Rules) came only in 35nd position (0.43%). The MAC Protocol was not listed in the first 100 pages consulted, nor was the Legislative Guide on Intermediated Securities. Work on reinsurance contracts and the Space PrepCom were not

⁵ See below, point B.

listed, whereas Agricultural land investment contracts came in 78th position (0.21%). The French pages start in fifteenth position with the general welcome page (0.99%). Most pages consulted were in English. All in all, as was the case the year before, the pages consulted were varied and included even older materials, such as the *1973 Wills Convention* (25th position, 0.651 of users), and the *1964 Convention relating to a Uniform Law on the International Sale of Goods (ULIS)* (30th position, 0.48%). The *Guide to International Master Franchise Arrangements* in English came in 21st position (0.71%), whereas the Guide in Spanish came in 64th position (0.26%) and the *Model Franchise Disclosure Law* in English came in 37th position (0.42%). The *2009 Geneva Intermediated Securities Convention* was in 36th position with 0.42% of users. A table listing the first 100 pages consulted is to be found in Annex 1.

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

29. Looking at the age groups to which the users of the UNIDROIT website belong, the data supplied in 2016 and 2017 were confirmed, i.e. 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 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

30. 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.

31. 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. Twitter also allows researchers, visiting professionals, interns and other stakeholders to interact with UNIDROIT in a more dynamic manner. 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.

32. 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 8 March 2019, the Institute had 3,646 followers on LinkedIn, 2,768 followers on Facebook, and 337 followers on Twitter who receive several weekly updates on UNIDROIT activities. These figures represent an annual growth rate of 98% for LinkedIn followers and 43% for Facebook followers. In relation to the Institute's "reach" on social media, UNIDROIT content was delivered to 182,894 people on Facebook, while it was displayed on news feeds 263,327 times on LinkedIn, and around 198,000 times on Twitter over the past twelve months. In the year 2018, social media referred 3,397 people to the UNIDROIT website making it one of the largest source of referrals for the website except search engines. 68% of these referrals came from Facebook, highlighting the continued importance of UNIDROIT's presence on that particular platform.

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 platform (iii) diverse 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.

34. None of UNIDROIT's social media accounts require subscription fees. UNIDROIT utilises a program 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. For ease of reference, a list is annexed to this report (Annex 2).

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.*

ANNEX 1

WEBSITE PAGES CONSULTED: FIRST 100 POSITIONS

POS	PAGE CONSULTED	VISITS (%)
1./	1.949(11,66%)	1.409(11,07%)
2.	/instruments/commercial-contracts/unidroit-principles-2016	1.267(7,58%)
3.	/about-unidroit/overview	691(4,13%)
4.	/contracts	487(2,91%)
5.	/instruments/security-interests/cape-town-convention	405(2,42%)
6.	/status-2001capetown	327(1,96%)
7.	/instruments/commercial-contracts/unidroit-principles-2010	261(1,56%)
8.	/instruments/commercial-contracts/unidroit-principles-2010/403-chapter-6-performance-section-2-hardship/1058-article-6-2-2-definition-of-hardship	236(1,41%)
9.	/instruments/security-interests/aircraft-protocol	200(1,20%)
10.	/research-and-internships	195(1,17%)
11.	/about-unidroit/membership	193(1,15%)
12.	/instruments/commercial-contracts/unidroit-principles-2010/403-chapter-6-performance-section-2-hardship/1057-article-6-2-3-effects-of-hardship	176(1,05%)
13.	/instruments/cultural-property/1995-convention	174(1,04%)
14.	/instruments/commercial-contracts/upicc-model-clauses	167(1,00%)
15.	/fr/	166(0,99%)
16.	/civil-procedure	141(0,84%)
17.	/publications/unidroit-publications	140(0,84%)
18.	/about-unidroit/work-programme	139(0,83%)
19.	/instruments/transnational-civil-procedure	124(0,74%)
20.	/publications/513-unidroit-principles-of-international-commercial-contracts	119(0,71%)
21.	/franchise-2nd-other-lang/520-instruments/security-interests/cape-town-convention-aircraft-protocol-2001/depositary-functions-aircraft-2001/declarations-by-article/452-article-xxx-1-declarations-deposited-under-the-protocol-to-the-convention-on-international-interests-in-mobile-equipment-on-matters-specific-to-aircraft-equipment-regarding	118(0,71%)
22.	/status-2001capetown-aircraft	116(0,69%)
23.	/status-cp	111(0,66%)
24.	/work-in-progress/mac-protocol	104(0,62%)

POS	PAGE CONSULTED	VISITS (%)
25.	/instruments/international-will	102(0,61%)
26.	/instruments/international-sales/international-sales-ulis-1964	96(0,57%)
27.	/PRODUCTION/UNI122018/	95(0,57%)
28.	/cultural-property	91(0,54%)
29.	/about-unidroit/secretariat	87(0,52%)
30.	/news	87(0,52%)
31.	/secured-transactions	83(0,50%)
32.	/status-successions	82(0,49%)
33.	/capital-markets	77(0,46%)
34.	/instruments/factoring	74(0,44%)
35.	/89-news-and-events/2571-eli-unidroit-project-annual-joint-steering-committee-and-working-group-co-reporters-meeting-held-in-rome	72(0,43%)
36.	/instruments/capital-markets/geneva-convention	70(0,42%)
37.	/instruments/franchising/model-law	70(0,42%)
38.	/about-unidroit/governing-council	67(0,40%)
39.	/about-unidroit/institutional-documents/statute	64(0,38%)
40.	/fr/instruments/contrats-du-commerce/principes-d-unidroit-2016	63(0,38%)
41.	/meetings/governing-council	63(0,38%)
42.	/instruments/commercial-contracts/unidroit-principles-2010/414-chapter-1-general-provisions	62(0,37%)
43.	/agriculture	61(0,36%)
44.	/meetings/general-assembly	60(0,36%)
45.	/instruments/commercial-contracts/unidroit-principles-2010/403-chapter-6-performance-section-2-hardship	59(0,35%)
46.	/unidroit-principles-2016/unidroit-principles-2016-over	59(0,35%)
47.	/instruments/commercial-contracts/unidroit-principles-2010/414-chapter-1-general-provisions/869-article-1-7-good-faith-and-fair-dealing	57(0,34%)
48.	/instruments/commercial-contracts/unidroit-principles-1994	55(0,33%)
49.	/instruments/leasing/convention-leasing	55(0,33%)
50.	/PRODUCTION/UNI122018/news-and-events-archive	55(0,33%)
51.	/instruments/security-interests/space-protocol	54(0,32%)
52.	/contacts	50(0,30%)
53.	/instruments/commercial-contracts/unidroit-principles-2010/403-chapter-6-performance-section-2-hardship/1059-article-6-2-1-contract-to-be-observed	50(0,30%)

POS	PAGE CONSULTED	VISITS (%)
54.	/publications/uniform-law-review	50(0,30%)
55.	/instruments/leasing/model-law	49(0,29%)
56.	/instruments/agency	48(0,29%)
57.	/instruments/commercial-contracts/unidroit-principles-2004	48(0,29%)
58.	/work-in-progress/transnational-civil-procedure	48(0,29%)
59.	/fr/instruments/biens-culturels/convention-de-1995	47(0,28%)
60.	/instruments/commercial-contracts/unidroit-principles-2010/415-chapter-2-formation-and-authority-of-agents-section-1-formation/895-article-2-1-17-merger-clauses	47(0,28%)
61.	/instruments/security-interests/rail-protocol	47(0,28%)
62.	/instruments/commercial-contracts/unidroit-principles-2010/398-chapter-4-interpretation/936-article-4-6-contra-proferentem-rule	45(0,27%)
63.	/?start=8	44(0,26%)
64.	/franchise-2nd-other-lang/106-publications/unidroit-publications/267-guia-de-unidroit-para-los-acuerdos-de-franquicia-principal-internacional	43(0,26%)
65.	/instruments/capital-markets/netting	43(0,26%)
66.	/meetings/governing-council/2567-98th-session-rome-8-10-may-2019	43(0,26%)
67.	/fr/presentation/presentation	41(0,25%)
68.	/news-archive	41(0,25%)
69.	/instruments/international-sales/international-sales-ulfc-1964-en	39(0,23%)
70.	/about-unidroit/work-programme?id=1625	38(0,23%)
71.	/index.php	38(0,23%)
72.	/status-2001capetown?id=1772	38(0,23%)
73.	/instruments/capital-markets/legislative-guide	37(0,22%)
74.	/official-commentary	37(0,22%)
75.	/instruments/commercial-contracts/unidroit-principles-2010/414-chapter-1-general-provisions/863-article-1-1-freedom-of-contract	36(0,22%)
76.	/meetings/general-assembly/2460-77th-session-rome-6-december-2018	36(0,22%)
77.	/depositary-2001capetown	35(0,21%)
78.	/work-in-progress/agricultural-land-investment	35(0,21%)
79.	/89-news-and-events/2569-unidroit-fao-ifad-legal-guide-on-contract-farming-presented-at-food-for-law-conference-at-mcgill-university	34(0,20%)
80.	/102-instruments/cultural-property/cultural-property-convention-1995/173-unidroit-convention-on-stolen-or-illegally-exported-cultural-objects-1995-rome	33(0,20%)

POS	PAGE CONSULTED	VISITS (%)
81.	/instruments/commercial-contracts/unidroit-principles-2010/404-chapter-7-non-performance-section-1-non-performance-in-general/1050-article-7-1-7-force-majeure	33(0,20%)
82.	/instruments/commercial-contracts/unidroit-principles-2010/415-chapter-2-formation-and-authority-of-agents-section-1-formation/889-article-2-1-11-modified-acceptance	33(0,20%)
83.	/spanish/conventions/1995culturalproperty-overview-sp.pdf	32(0,19%)
84.	/instruments/commercial-contracts/unidroit-principles-2010/415-chapter-2-formation-and-authority-of-agents-section-1-formation/878-article-2-1-4-revocation-of-offer	30(0,18%)
85.	/instruments/contract-farming/legal-guide	30(0,18%)
86.	/library/overview	30(0,18%)
87.	/fr/instruments/contrats-du-commerce/principes-dunidroit-2010-fr	28(0,17%)
88.	/franchise-2nd-other-lang/309-instruments/commercial-contracts/unidroit-principles-2010/unidroit-principles-2010-history/780-michael-joachim-bonell-curriculum-vitae	28(0,17%)
89.	/instruments/commercial-contracts/unidroit-principles-2010/398-chapter-4-interpretation/941-article-4-1-intention-of-the-parties	28(0,17%)
90.	/leasing-ol/leasing-english	28(0,17%)
91.	/fr/instruments/contrats-du-commerce/principes-dunidroit-2010-fr/439-chapitre-11-pluralite-de-debiteurs-et-de-creanciers-section-1-pluralite-de-debiteurs/1116-article-11-1-2-presomption-de-solidarite	27(0,16%)
92.	/fr/instruments/garanties-internationales/convention-du-cap	27(0,16%)
93.	/instruments/commercial-contracts/unidroit-principles-2010/415-chapter-2-formation-and-authority-of-agents-section-1-formation	26(0,16%)
94.	/instruments/franchising/guide/second-edition-2007	26(0,16%)
95.	/fr/etudes/marches-financiers/1396-etude-lxxviii-operations-sur-les-marches-financiers-transnationaux-et-interconnectes	25(0,15%)
96.	/instr-capitalmarkets-legislative-guide	25(0,15%)
97.	/studies/contracts-in-general	25(0,15%)
98.	/362-instruments/successions-convention-washington-1973/successions-convention-overview/1345-convention-portant-loi-uniforme-sur-la-forme-d-un-testament-international-washington-d-c-26-octobre-1973	24(0,14%)
99.	/library/access-and-hours	24(0,14%)
100.	/unidroit-principles-2016/unidroit-principles-2016-overview/english-black-letter	

ANNEX 2**DEPOSITORY LIBRARIES**

Argentina	Corte Suprema de Justicia de la Nación, Secretaría de Investigación de Derecho comparado, Buenos Aires
Australia	National Library of Australia
Austria	Universität Wien, Universitäts Bibliothek, Fachbereichsbibliothek Rechtswissenschaften
Belgium	Ministry of Justice
Bolivia	Biblioteca Central de la Cancillería de la República
Brazil	Serviço de Biblioteca e documentação – SBD, Universidad de São Paulo, Faculdade de Direito
Bulgaria	Bulgarian National Library 'St. Cyrill and St. Methodius'
Canada	Nahum Gelber Law Library, McGill University University of British Columbia Law Library
Chile	Diplomatic Academy of the Republic of Chile
Colombia	Biblioteca Luis Angel Arango
Czech Republic	Library of the International Law Department, Ministry of Industry and Trade, (Ministerstvo průmyslu a obchodu) Prague Charles University in Prague
Egypt	Documentation Center, General Directorate of International and Cultural Co-operation, Ministry of Justice, Cairo
Estonia	National Library of Estonia
Finland	Library of Parliament (Eduskunnan Kurjasto)
France	Bibliothèque Inter-universitaire Cujas
Germany	Staatsbibliothek zu Berlin, Abteilung Amtsdrukschriften und Internationaler Amtlicher Schriftentausch
Greece	Library of the Hellenic Institute of International and Foreign Law, Athens
Holy See	Biblioteca della Facoltà di Giurisprudenza, Libera Università Maria Ss. Assunta, Rome
Hungary	Library of the Hungarian Parliament, Budapest
India	Library of the Indian Society of International Law, New Delhi
Indonesia	Departemen Luar Negeri (Directorate for Economic, Social and Cultural Treaties Affairs, Directorate General of Legal and Treaties Affairs, Ministry of Foreign Affairs), Jakarta
Iran (the Islamic Republic of)	Institute of Comparative Law: Faculty of Law and Political Science of the University of Tehran
Ireland	National Library of Ireland, Dublin
Japan	Ministry of Justice Library (Branch of National Diet Library), Tokyo
Latvia	Department of European and International Law, Ministry of Justice of the Republic of Latvia
Luxembourg	Bibliothèque Nationale, Luxembourg Centre Universitaire de Luxembourg
Malta	Library Services, University of Malta
Mexico	Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México Academia Mexicana de Derecho Internacional Privado y Comparado, México City Biblioteca Loyola, Universidad Iberoamericana Tijuana
Netherlands	Library of the Ministry of Justice
Norway	Det juridiske fakultetsbibliotek, Universitetsbiblioteket i Oslo

Paraguay	Facultad de Derecho y Ciencias Sociales de la Universidad Nacional de Asunción
People's Republic of China	Trade Policy Library, Department of Treaty and Law, Ministry of Foreign Trade and Economic Cooperation (MOFCOM)
Poland	Biblioteka Sejmowa
Portugal	Serviço de Biblioteca e Documentação Diplomática do Ministério dos Negócios Estrangeiros – Instituto Diplomático Gabinete de Documentação e Direito Comparado, Procuradoria Geral da República
Republic of Korea	Library of the Institute for Foreign Affairs and National Security (IFANS), Seoul
Romania	Biblioteca Nationala, Serviciul Primiri, Bucuresti
Russian Federation	Library of the Russian Foreign Trade Academy, Moscow
Slovakia	Právnická fakulta Trnavskej Univerzity, Trnava
Slovenia	Library of the Faculty of Law, University of Maribor
South Africa	Library of the Department of Justice, Directorate: Internal Affairs, Pretoria University of Johannesburg
Spain	Universidad San Pablo CEU, Madrid
Sweden	Library of the Swedish Parliament (Sveriges Riksdag)
Switzerland	Library of the Swiss Institute of Comparative Law
Turkey	Library, Banca ve Ticaret Hukuku Arastirma Enstitüsü (The Research Institute of Banking and Commercial Law), Hukuk Fakültesi, Ankara
United Kingdom	Library of the Institute of Advanced Legal Studies, London
United States of America	Arthur W. Diamond Law Library Columbia University in the City of New York Underwood Law Library, Dedman School of Law, Southern Methodist University, Dallas
Uruguay	Biblioteca, Facultad de Derecho de la Universidad de la República, Montevideo

ANNEX 3**THE UNILEX DATA BASE ON THE UNIDROIT PRINCIPLES AND THE CISG –
RECENTLY REVISED BOTH IN FORM AND SUBSTANCE**

by

Michael Joachim Bonell, Editor-in-Chief, UNILEX

I. ORIGIN AND NATURE OF UNILEX

1. UNILEX – a data base of international case law and bibliography on the UNIDROIT Principles of International Commercial Contracts (hereinafter the UNIDROIT Principles) and the 1980 UN Convention on Contracts for the International Sale of Goods (hereinafter the CISG) – was set up in the mid-nineties by a team of young research fellows of the University of Rome I “Sapienza” under the supervision of the writer of these notes. It can be called an “intelligent” data base, because the decisions collected are recorded not only in their original language in full text (if available) but also in the form of keywords and abstracts in English, summarizing the relevant facts and the *ratio(nes) decidendi* of the case. Even more importantly, from the beginning it provided access to the decisions not only – as other legal data bases in general do – by date, court or arbitral tribunal, and article(s) of the instrument expressly referred to, but also by “issues” listed under each article in a systematic order, thereby making it possible to find out immediately if a particular question concerning the application of the respective provision has already been decided by a court or arbitral tribunal and if so, how.

2. Already soon after its appearance UNILEX received quite significant recognitions not only among academic circles but also in practise. Thus, one of the most eminent American experts in international uniform law described UNILEX as an “exceedingly helpful source for decisions, and related information [...]”⁶, while a United States district court in a case governed by the CISG⁷ was even more explicit: after pointing out that in the light of the Convention’s directive to observe the Convention’s international character and the need to promote uniformity in its application, it had looked also to foreign case-law for guidance in interpreting the relevant provisions of the CISG; it openly stated that, since most of these decisions had been rendered by German, Dutch or Italian courts and had not been translated into English, and therefore could not be cited directly, “[it] had relied upon the detailed abstracts of those decisions provided by UNILEX, an ‘intelligent database’ of international case law on the CISG”.

3. As of 2002, thanks also to the financial support of the Italian National Research Council, UNILEX was made accessible free of charge on the Internet at <www.unilex.org>. Since then, it has become a widely used source of information worldwide. In fact, the number of visits per month has over the years increased more than twenty times and, even more importantly, visitors are located in all five continents.⁸

⁶ John O. Honnold, *Journal of Law and Commerce* 1997-1998, 191 et seq.

⁷ U.S. District Court, North. District, Illinois, East. Div. *Chicago Prime Packers, Inc. v. Northam Food Trading Co* (2004) at <http://www.unilex.info/case.cfm?id=974>

⁸ According to the most recent statistical data available, between March 1, 2018 and March 1, 2019 UNILEX was visited by 74.027 visitors (of which 7.312 in February 2019) located, among others, in cities such as New York, London, Kuala Lumpur, Hong Kong, Moscow, Asunción Sydney, Paris, Milan, Singapore, Nairobi, Rome, Montreal, Melbourne, Los Angeles, Beijing, New Delhi, Kyiv, Chicago, Toronto, Wuhang, Hanoi, Rio de Janeiro, Shanghai, Bogota, Frankfurt, Bucharest and Istanbul.

II. NUMBER OF CASES RELATING TO THE UNIDROIT PRINCIPLES CURRENTLY COLLECTED IN UNILEX

4. The number of decisions referring in one way or another to the UNIDROIT Principles collected in UNILEX has passed from 68 in the first year of operation of the database (2002) to 460 in 2018 and will soon increase further when some 35 or so additional decisions, that are at present in the pipeline, will be included in the new version of UNILEX once completed. These figures may still appear rather modest, if compared to the more than 1000 cases recorded in the CISG section of UNILEX. Yet the difference can easily be explained, firstly, because contrary to the CISG the UNIDROIT Principles, as a non-binding or soft law instrument, apply in practice only if so agreed between the parties or if the adjudicating body considers them to be otherwise relevant in the case at hand; secondly, and even more importantly, most of the decisions referring in one way or another to the UNIDROIT Principles are arbitral awards which, regrettably enough, for the most part remain confidential.

III. RECENT UPDATING AND REVISION OF UNILEX IN FORM AND IN SUBSTANCE

5. Contrary to the legal environment of international commercial contracts, which even over a longer period of time normally does not undergo fundamental changes, in the IT sector, which is subject to continuous structural innovations, only a few years may appear an eternity. Therefore, it came as no real surprise when, not long ago, the IT expert who back in 2001 had developed the current version of the UNILEX database, informed the editors that this version was becoming technically obsolete, with the risk that the database in its present form – though highly appreciated by users worldwide – would in a near future no longer work. Hence the necessity to rewrite the whole system, and this was made possible thanks to a generous gift from a German donor. The new, updated version of UNILEX, which presents significant innovations both in form and in substance, is expected to be available online by the beginning of May 2019, just on time to be presented to the members of the Governing Council of UNIDROIT at its annual session.

6. As to the form, the new version of UNILEX has not only been greatly enhanced graphically, but above all its structure has been considerably improved. Thus, by using the newest standards of technology, the database has been upgraded to permit its use on all devices (smartphones included), and has also been optimised for search-engines such as Google.

7. Yet the most remarkable novelty of the updated version of UNILEX relates to the content. More precisely, in the section devoted to the UNIDROIT Principles, in addition to the original four search functions for case law ("BY DATE", "BY COURT", "BY ARBITRAL TRIBUNAL" and "BY ARTICLE & ISSUES"), four new search functions have been added, namely "BY TYPE OF CONTRACT INVOLVED", "BY NATIONALITY OF PARTIES", "BY DOMESTIC LAW INVOLVED" and "BY INTERNATIONAL LAW INVOLVED". The first of these new search functions provides a list of all the decisions and arbitral awards relating to a particular type of contract, the second a list of all the decisions and arbitral awards involving parties of a particular nationality, the third a list of all the decisions and arbitral awards involving a particular domestic law interpreted by the UNIDROIT Principles and the fourth a list of all the arbitral awards involving international law (be it general international law, B.I.T.s or other international bilateral or multilateral treaties) interpreted by the UNIDROIT Principles. For this purpose, all decisions in the databank have been properly marked by the type of contract involved, the nationality of the parties and, whenever the UNIDROIT Principles were used to interpret a particular domestic law or international law, by the domestic law or the international law involved. As a result, by hitting the respective "keywords", e.g. "Construction contract", "Canadian" or "United States", or "Law of Quebec", it is possible to retrieve all the decisions that relate to a construction contract, where at least one of the parties was from the United States or from Canada, or where the UNIDROIT Principles were used to interpret the law of Quebec as the law governing the contract.

IV. UTILITY OF THE NEW SEARCH FUNCTIONS OF UNILEX

8. Welcomed from their first appearance as “[...] a significant step towards the globalization of legal thinking”⁹, the Principles were recently been defined as “one of the most successful and ambitious [...] soft law instruments”¹⁰. As to international case law, suffice it to quote ICC Award No. 9797 of 28 July 2000,¹¹ in which, in a dispute worth billions of US dollars among the 140 Arthur Andersen member firms operating in 75 different countries, the arbitral tribunal declared that it would apply “general principles of law [...] commonly accepted by the legal systems of most countries”, and that to this effect it would have resort to the UNIDROIT Principles, which it defined as “a reliable source of international commercial law in international arbitration for they contain in essence a restatement of those ‘*principes directeurs*’ that have enjoyed universal acceptance and, moreover, are at the heart of those most fundamental notions which have consistently been applied in arbitral practice’.” No wonder that when, in 2012, the UN Commission on International Trade Law (UNCITRAL) formally endorsed the Principles, it congratulated UNIDROIT “on having made a further contribution to the facilitation of international trade by preparing general rules for international commercial contracts” and unanimously recommended “the use of the UNIDROIT Principles [...], as appropriate, for their intended purposes”.

(a) Search by Type of Contract Involved

9. The findings of the UNILEX database when the new search function of the type of contract involved is used, are that the decisions concern no less than 48 different types of contract, including administrative contracts (11 cases), agency contracts (6 cases), bank guarantees (2), concession agreements (3), consulting contracts (1), construction contracts (23), distribution agreements (18), gas supply contracts (2), insurance contracts (4), joint venture agreement (4), lease contracts (15), licensing agreements (10), loan agreements (11), sales contracts (132), satellite contracts (3), settlement agreements (9), share purchase agreements (11), service contracts (36), state contracts (33), telecommunication service contracts (2) and transport contracts (7). Admittedly, one third of the decisions relate to sales contracts, but - more significantly - the total number of decisions relating to long-term contracts is even higher (142 cases).

(b) Search by Nationality of the Parties

10. As to the nationality of the parties to the disputes, individuals or companies from 92 States of all five continents were involved, ranging from Algeria (1 case) to the West Indies (2 cases) and including countries such as Argentina (14), Australia (16), Austria (9), Belgium (5), Belorussia (7), Brazil (9), Canada (10), China (33), Cyprus (6), France (35), Germany (21), Greece (4), Hong Kong (3), India (8), Iran (10), Italy (37), Japan (16), Lichtenstein (5), Lithuania (16), Mexico (4), New Zealand (5), Netherlands (21), Paraguay (18), Poland (10), Russia (95), Spain (38), Sweden (8), Switzerland (20), Turkey (8), United Kingdom (3), United States (38) and Uruguay (3). Moreover, in disputes concerning so-called State contracts relating to complex and/or long-term investments, the parties involved were, on the one hand, foreign private investors from countries such as the United States (9 cases), the United Kingdom (4 cases), France (2), Italy (1), the Netherlands (1), Kuwait (1), Sweden (1) and Greece (1), and on the other hand Governments (or Government Agencies) of the host countries such as Iran (5), Argentina (2) and the Czech Republic, the Democratic Republic of Congo, Ecuador, Georgia, Kyrgyzstan, Lithuania, Libya, Mexico, Turkey,

⁹ Joseph M. Perillo, UNIDROIT Principles of International Commercial Contracts: The Black Letter Text and a Review, in 43 Fordham Law Review (1994), p. 281 *et seq.* (p. 318).

¹⁰ Henry D. Gabriel, The Role of Soft Law in Institutional International Commercial Law and Why it is a Good Idea, in *Eppur si muove: The Age of Uniform Law. Essays in honour of Michael Joachim Bonell*, Rome 2016, p. 273 *et seq.* (p. 284)

¹¹ See http://www.unilex.info/principles/case/668#INTER-FIRM_AGREEMENT.

Ukraine (1 case each). In addition, in a few cases international organisations, such as the United Nations or one of its Agencies, e.g. the Food and Agriculture Organization of the United Nations (FAO), or even football organisations such as the **Fédération Internationale de Football Association** (FIFA) and the Union of European Football Associations (UEFA), were involved.

(c) Search by Domestic Law involved

11. Finally, considering the use of the UNIDROIT Principles as a “global background law”, or a sort of modern *ius commune*¹² the cases where the domestic law in question was that of a highly developed legal system were as numerous, or more numerous, than cases where the domestic law governing the contract was that of a less developed legal system: for example, the law of Argentina (8 cases), Australia (14), Brazil (4), England (16), France (10), Germany (6), Greece (2), Italy (21), Lithuanian (16), the Netherlands (7), New Zealand (5), Paraguay (18), Quebec (1), Spain (27), Sweden (5), Switzerland (11) and the State of New York (1). Even more importantly, the UNIDROIT Principles were not referred to merely in support of the solution already reached under the applicable domestic law: there are decisions – including decisions of English, Australian, New Zealand, Quebecois and Brazilian courts of second and last instance – that refer to the UNIDROIT Principles as a source of inspiration for revisiting the current law of their country.¹³

1. (d) Search by international Law involved

12. Finally, reference to the UNIDROIT Principles to interpret international law was made in 15 cases, namely general international law alone (4 cases), international law in conjunction with a particular domestic law (2 cases), international law in conjunction with B.I.T.s (7 cases), international law in conjunction with the Dominican Republic - Central America – United States Free Trade Agreement (1 case) and international law in conjunction with the 1981 Claims Settlement Declaration establishing the Iran-United States Claims Tribunal (1 case).

2. V. PROPOSALS FOR THE FURTHER DEVELOPMENT OF UNILEX

13. Informative as the data contained in UNILEX may be, they still represent only a segment of the actual relevance of the UNIDROIT Principles in international contract and dispute resolution practice, and this for manifold reasons.

14. To begin with, contrary to, e.g., CLOUT – the UNICITRAL database on the CISG and the other uniform law instruments adopted by the Commission – which can count on a network of national correspondents designated by States that are parties to the Convention or have enacted legislation based on one of the UNCITRAL Model Laws, UNILEX is basically a private initiative which over the years has had to rely mainly, if not exclusively, on the voluntary work of young research fellows of the University of Rome I or of interns visiting UNIDROIT for a short period of time, thereby restricting the collection of relevant court decisions and arbitral awards to particular countries only.

15. Moreover, even where it was possible to have access to the case law of important countries such as the Russian Federation, the People’s Republic of China or Brazil, quite often language barriers prevented a correct understanding and proper editing of the original documents. As a suggestion going forward, Members of the Governing Council could perhaps consider following the example of Professors Alexander Komarov and José Moreno Rodriguez, and appoint national

¹² So expressly Ralf Michaels, *The UNIDROIT Principles as a Global Background Law*, in *Uniform Law Review* 2014, p. 643 et seq., p. 657 et seq.

¹³ For further references see Michael Joachim Bonell, *The Law Governing International Commercial Contracts and the Actual Role of the UNIDROIT Principles*, in *Uniform Law Review* 2018, p. 15 et seq. (pp. 36-37).

correspondents with the task of transmitting the relevant decisions of their respective countries to the UNILEX database, together with a succinct abstract thereof in English.

16. Finally, since most of the decisions referring in one way or another to the UNIDROIT Principles are arbitral awards, which more often than not remain confidential, the Governing Council may wish to encourage the Secretariat, after consultation with the arbitration centres and in particular with the ICC Court of Arbitration, to explore ways of initiating a closer cooperation with them with regards to the publication of the awards, even if only in form of anonymised excerpts, or provide other basic information of the most significant awards administered by them.

17. A significant step in this direction would be if the arbitration centres were prepared to answer questionnaires of the sort proposed by the Secretary General of the German Arbitration Institute specifically for UNILEX, and which – as she points out – “can safely be answered without violating potential confidentiality obligations”.¹⁴

18. Another possible model for such a cooperation might be the recently established joint venture between the IBA and UNIDROIT, which led to the setting up of an IBA Working Group of 42 specialised practitioners, advocates, arbitrators, professors, former judges and corporate counsel from 25 countries to give their views on the UNIDROIT Principles 2016 as seen from practice. The members of this Working Group, coordinated by Willem Calvoen – a high ranking member of the IBA – have so far provided in their national reports quite a number of summaries of decisions (half of which not yet published), relating in one way or another to the Principles. It is expected that these materials will be published by Oxford University Press before the end of 2019. UNILEX will have a licence to include the new summaries in the database.

¹⁴ Francesca Mazza, A “Safe Harbour”- Tool for UNILEX – A Questionnaire for Arbitral Institutions, Arbitral Tribunals, Counsel or Parties on the Use of the UNIDROIT Principles of International Commercial Contracts in International Arbitration, in *Eppur si muove: The Age of Uniform Law. Essays in honour of Michael Joachim Bonell*, Rome 2016, p. 1535 *et seq.* (pp. 1537, 1538-1541).