



INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW  
INSTITUT INTERNATIONAL POUR L'UNIFICATION DU DROIT PRIVE

**IPCLC – IP Case Law Conference**

**EUIPO, Alicante, 5-6 May 2016**

# **Generally recognised principles of civil procedural law**

## **UNIDROIT's experience**

**Prof. Dr. Anna Veneziano**

**Deputy Secretary-General, UNIDROIT**

# UNIDROIT's work on civil procedure

## ➤ **ALI / UNIDROIT Principles of Transnational Civil Procedure**

- Published in 2004
- Joint project between the American Law Institute and UNIDROIT
- Focusing on transnational civil procedure, but also standards for adjudication in general

## ➤ **ELI / UNIDROIT European Rules on Civil Procedure**

- Ongoing work started in 2014
- Joint project with the European Law Institute
- Based on the ALI / UNIDROIT Principles but also on the EU Acquis, the Hague Conference work and modern national trends
- Working Groups representative of diverse legal traditions/professional competences/languages – wide body of institutional observers
- Standards and best practices for European Procedural Law

## ➤ **Proposed work on Principles of Transnational Enforcement (guidelines)**

# EFFICIENCY AND EFFECTIVENESS: A PRACTICAL EXAMPLE

**SERVICE OF DOCUMENTS:** Efficiency & rapidity vs effective protection of defendant/other interested parties

- **Efficiency:** dispense with acknowledgement of receipt in specific circumstances; flexibility of methods; use of modern technology
- **Effective notice:** preference for methods guaranteeing acknowledgement of receipt; hierarchy of methods as opposed to flexibility; limits to the use of modern technology
- **Other issues:**
  - Different rules for commercial and consumer cases?
  - Different rules for cross-border and domestic cases?
  - Need to establish a framework of cooperation at EU level (particularly enabling access to national electronic information systems)



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