

Introduction to the CLOUT system: a quick start guide for CLOUT contributors

This document provides in a nutshell the most important information to be considered when starting as a contributor to the CLOUT system. Thorough and comprehensive guidelines are contained in the CLOUT User Guide <https://undocs.org/A/CN.9/SER.C/GUIDE/1/REV.3> See also the dedicated webpage https://uncitral.un.org/en/case_law

The CLOUT system

As the uniform interpretation of international legal instruments is essential to their effective implementation worldwide, a system¹ was designed for the collection and dissemination of information on relevant court decisions and arbitral awards relating to Conventions and Model Laws adopted by UNCITRAL.²

Such information is made available in *abstracts* that are short³ summaries that enable readers to rapidly identify the specific legal points in a given UNCITRAL text that are explained and/or interpreted in the decision or award. They are submitted⁴ to the UNCITRAL Secretariat in one of the 6 official languages of the UN and will be published together with their translation in the 5 other languages.

Selection of decisions

Not all court decisions or awards referring to an UNCITRAL instrument are relevant. Generally, the decisions or awards that are selected are those that interpret, apply or refer to one or more specific provisions of an UNCITRAL legislative text, including those applying a national law that is closely modelled on an UNCITRAL instrument.⁵

Content of the abstract⁶

For consistency and comprehensiveness, all abstracts should follow the same structure.

The first part is dedicated to the identification elements,⁷ i.e. a CLOUT case number; the provisions of the instrument dealt with in the decision or award (indicated in the appropriate format⁸); Country name; Name of the court or tribunal; Case number; names of the parties; date of the decision; its language; where to find it; the name of the abstract's author without any mention of professional or honorary titles.⁹

After this first part, for CLOUT abstracts on cases relating to the UNCITRAL Model Law on International Commercial Arbitration and to the UNCITRAL Model Law on Cross-Border Insolvency, the abstract should indicate between brackets a list of keywords that should assist users of CLOUT in identifying cases relevant to a given issue.¹⁰

The second part of abstracts is dedicated to the substance of the decision or award. It should contain all relevant information on the case and in a specific order with no headings or subheadings:

1. Introductory sentence highlighting the main legal issue addressed (necessary in complex cases),
2. Relevant facts (contractual situation; dispute),
3. Claims of the parties (their legal arguments),
4. Procedural history, if relevant, and
5. Decision by the court/arbitral tribunal which applies/interprets the provision of the UNCITRAL text (with possible reference to existing case law in the given national jurisdictions)¹¹

¹ In 1988, UNCITRAL decided that court decisions and arbitral awards interpreting or referring to the UNCITRAL instruments should be disseminated in the 6 UN languages through a dedicated system designed and monitored by the UNCITRAL Secretariat. The CLOUT system relies on contributions from several partners (national correspondents, voluntary contributors of the legal profession) and staff of the UNCITRAL Secretariat which are published on an online database after editorial harmonization.

² Please note that latest instruments are missing in the list of instruments covered by CLOUT provided in para.3 of the User Guide

³ Usually not longer than one page. Exceptions may be made where a decision or award is particularly complex or deals with several provisions of the relevant UNCITRAL text or represents a landmark ruling (para.24 of the User Guide) and abstracts of such decisions could reach two pages (in the appropriate format, see below at page 2).

⁴ Whenever possible, contributors also send to UNCITRAL secretariat a copy of the original court decision.

⁵ See paras. 8 - 14 of the User Guide for the selection criteria of the decisions and special consideration for the collection of awards.

⁶ Samples of abstracts to be used as template can be made available upon request.

⁷ See paras.20-23 of the User Guide and further details and instructions regarding the format of the abstract at page 2.

⁸ Using the abbreviation in the list included in annex I to the User Guide.

⁹ Abstracts that are prepared internally will be published with no mention of the author's name. However, as it is useful to know who prepared the abstract in case of questions at the review or translation stage; internal staff should also mention their name

¹⁰ For the MAL, please refer to A/CN.9/SER.C/INDEX/4 at https://uncitral.un.org/en/case_law/thesauri . A list for MLCBI is available upon request to the secretariat.

¹¹ See para.15-16 of the User Guide.

Drafting style

As regards the drafting style, kindly refer to the **Checklist for drafting CLOUT abstracts** (Annex III to the User Guide) and to the **Most common terminology in the CLOUT system** (Annex II to the User Guide).

Editing format

In order to facilitate the compiling and editing process, contributors are kindly requested to provide their abstracts, to the extent possible, already formatted according to the usual UN standards as indicated below.

Font: New York Times; **Size:** 10; **Alignment:** Justified; **Indentation:** Before text: 2.25cm; After text: 2.11cm¹²

The identification elements of the CLOUT case should appear as follow:

Case *¹³: MAL 33(1)(a); 33(3); 34(2)(a)(iv); 34(2)(b)(ii)¹⁴**
Hong Kong: High Court of Hong Kong, Court of First Instance¹⁵
Case Nos. 48 and 66 of 2019 ¹⁶
*SC v. OEI & Anor. and OEI & Anor. v. SC*¹⁷
24 August 2020¹⁸
Original in English¹⁹
Published: [2020] HKCFI 2065 ²⁰
Available at:
https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=130515&QS=%2B&TP=JU ²¹

Abstract prepared by [insert name][, National correspondent] ²²

[keywords: *additional award; arbitral awards; award; award – setting aside; award and correction – additional; award and correction – interpretation of; clerical errors; courts; enforcement; errors; procedure*]²³

The contributors may contact the UNCITRAL secretariat with questions regarding the format and structure of the abstracts or the relevance of cases.

¹² A template can be provided upon request.

¹³ The CLOUT case number is attributed by the UNCITRAL secretariat at the editing process and can be left empty.

¹⁴ The title of the abstract should consist of an abbreviation of the instrument (CISG, MAL etc.), plus a listing of each article and paragraph which is referred to by the court or arbitral tribunal. If the decision does not make specific reference to the article, but it is clear that the decision interprets that point, you may include the article in the listing with square brackets around it to indicate that it is an editorial addition.

¹⁵ The full, official name of the court or arbitral institution should be included. Please do not translate the name of the court.

¹⁶ Please include the number, if any, that is used to identify the decision in your jurisdiction. This line may be omitted if such a number is not commonly used to identify the decision.

¹⁷ If your jurisdiction commonly includes the names of the parties in its designation of the decision, please include them, otherwise this line may be omitted.

¹⁸ Please indicate the date of the decision.

¹⁹ Please indicate the original language of the decision.

²⁰ Please include a citation to the printed decision, if possible, by citing an official or other authoritative source. For cases from civil law jurisdictions, you may add references to relevant commentaries.

²¹ Please include a hyperlink to a free source of the full text of the decision on the Internet, where available. You may also wish to include a hyperlink to a translation of the decision into an official United Nations language or languages, if available.

²² Pursuant to a decision affirmed at the 2003 National Correspondent's Meeting, all CLOUT abstracts should include the name of the person who prepared the abstract. In the case of abstracts prepared by national correspondents, the attribution line should include the designation "National Correspondent", however no professional or honorary titles should be used. National correspondents who work with research assistants in the preparation of abstracts may wish to include the name of the assistant(s) in the attribution. Abstracts prepared entirely by persons other than national correspondents should normally be attributed to that person, without including a title or other designation.

²³ In the case of abstracts summarizing decisions interpreting the MAL and the MLCBI, keywords corresponding to the article(s) which have been interpreted by the court or arbitral tribunal should be selected from the available thesauri, see footnote 10 above. CLOUT abstracts on other texts should not have keywords.