

## A Suggested Resource List for Conducting International, Comparative and Foreign Law Research<sup>1</sup>

### ELECTRONIC RESOURCES

- American Society of International Law Guide:  
<http://www.asil.org/resource/home.htm>
- American Society of International Law Guide to Resources for International Commercial Arbitration: <http://www.asil.org/resource/arb1.htm>
- American Society of International Law Guide to Resources for Private International Law: <http://www.asil.org/resource/pil1.htm>
- Collection of Laws for Electronic Access (CLEA): <http://www.wipo.int/clea/en/> The World Intellectual Property Organization's online collection of foreign IP law
- Cornell Law Library, International Resources: [http://www.lawschool.cornell.edu/lawlibrary/International\\_Resources/default.htm](http://www.lawschool.cornell.edu/lawlibrary/International_Resources/default.htm)
- Cornell's Legal Information Institute – Law from Around the Globe: <http://www.law.cornell.edu/world/>
- Electronic Information System for International Law (EISIL): <http://www.eisil.org/> EISIL is a search engine of international law resources that includes more than 1,500 selected sources organized into 13 subject groups.
- Electronic Library on International Trade Law and the CISG (from Pace University): <http://www.cisg.law.pace.edu/>
- EU web portal <http://europa.eu/>
- EUR-Lex: <http://europa.eu.int/eur-lex/lex/en/index.htm> Specific site on EU's web portal dedicated to EU law.
- Global Legal Information Network [www.glin.gov](http://www.glin.gov)
- globalEdge: International Business Resource Desk: <http://globaledge.msu.edu/ibrd/ibrd.asp>

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<sup>1</sup> Edward C. Harris of Chicago-Kent College of Law compiled this suggested reference list in part from several previous lists produced by Tom Gaylord, Debbie Ginsberg and other Chicago-Kent College of Law reference staff. In addition to using the previously created lists, Ed Harris also supplemented and added new reference sources.

- GlobalLex <http://www.nyulawglobal.org/globalex/> Dozens of research guides on topics in international and comparative law, as well as individual country-specific guides, edited and maintained by NYU School of Law
- Governments on the WWW: <http://www.gksoft.com/govt/en/> Links to foreign government Web sites, including Court Web sites (for finding foreign cases) and Parliaments (for finding legislation); many sites have English translations of official documents available.
- Hague Conference on Private International Law: [http://hcch.e-vision.nl/index\\_en.php](http://hcch.e-vision.nl/index_en.php)
- Hieros Gamos [www.hg.org](http://www.hg.org) Law dedicated search engine including international topics.
- International Constitutional Law Page: <http://www.oefre.unibe.ch/law/icl/index.html>  
Full texts of constitutions in English
- International Court of Justice [www.icj-cij.org](http://www.icj-cij.org) Home page of the world court. Contains all foundational documents of the court and both contentious and advisory opinions issued by the court since 1946.
- *Legal Information Institutes*  
Australasian Legal Information Institute: <http://www.austlii.edu.au/>  
British & Irish Legal Information Institute: <http://www.bailii.org/>  
Canadian Legal Information Institute: <http://www.canlii.org/>  
The Commonwealth LII: <http://www.commonlii.org/>  
Cyprus (CyLaw): <http://www.cylaw.org/> (sporadic access)  
Droit Francophone: <http://droit.francophonie.org/> (in French)  
Hong Kong Legal Information Institute: <http://www.hklii.org/>  
Legal Information Institute: <http://www.law.cornell.edu/>  
New Zealand Legal Information Institute: <http://www.nzlii.org/>  
Pacific Islands Legal Information Institute: <http://www.paclii.org/>  
Southern African Legal Information Institute: <http://www.saflii.org/>  
World Legal Information Institute: <http://www.worldlii.org/>
- Lex Mercatoria: <http://www.lexmercatoria.org/> A collection of links to international trade and commercial law Web sites
- Lexis: <http://www.lexis.com> From the area of law by topic link, choose **International Law** or in main directory choose **Global Law**
- LLRX.com Comparative and Foreign Law Guides: <http://www.llrx.com/category/1050> Great general research site and includes tips for doing research, in print and online, for over 40 countries – this link is directly to the research category “Foreign and Comparative Law”

- Transnational Law Database (from the Center for Transnational Law, Germany): <http://www.tldb.de/> Free access to almost 80 principles of transnational commercial law. For each principle and rule, the TLDB provides the user with the black letter text and comprehensive references taken from international arbitral awards, domestic statutes, international conventions, standard contract forms, trade practices and usages, other sample clauses and academic sources. Presented, as far as possible, in full text versions
- U.N. web portal – [www.un.org](http://www.un.org)
- U.N. Documentation Centre: <http://www.un.org/documents/>
- UNIDROIT Principles of International Commercial Contracts: <http://www.unidroit.org/english/principles/contracts/main.htm> The UNIDROIT Principles set forth general rules for international commercial contracts. The Principles have been published in 1994 in a volume containing the text of the provisions ("black letter rules") and the comments thereto
- UNILEX: <http://www.unilex.info/dynasite.cfm?dssid=2375&dsmid=14276> A collection of international case law and bibliography on two of the most important international instruments for the regulation of international commercial transactions: United Nations Convention on Contracts for the International Sale of Goods (CISG) And UNIDROIT Principles Of International Commercial Contracts
- Westlaw: <http://www.westlaw.com> From the Directory, choose **Topical Materials by Area of Practice**, then **Commercial Law and Contracts** or **International Law**
- World Trade Organization: <http://www.wto.org/>

### **SOME TREATISES/HORNBOOKS/NUTSHELLS/LOOSE-LEAFS ON INTERNATIONAL TOPICS AND CONDUCTING INTERNATIONAL AND FOREIGN LAW RESEARCH**

- H. Smit & V. Pachota, A Chart Comparing International Commercial Arbitration Rules, (Juris Publishing 1998).
- Ronald A. Brand, Fundamentals of International Business Transactions: Documents, (Kluwer 2000).
- Yves Derains & Eric A. Schwartz, A Guide to the New ICC Rules of Arbitration, (Kluwer 1998).
- W. Laurence Craig, et al. International Chamber of Commerce Arbitration, (Oceana 2000).

- William F. Fox, International Commercial Agreements: a Primer on Drafting, Negotiating, and Resolving Disputes, (Kluwer1998)
- Michael J. Bonell, An International Restatement of Contract Law: The UNIDROIT Principles of International Commercial Contracts, (Transnational 2005).
- Klaus Peter Berger, The Practice of Transnational Law, (Kluwer 2001).
- Clayton P. Gillette & Steven D. Walt, Sales Law: Domestic and International, (Foundation Press 1999).
- International Encyclopedia of Laws (series); Focuses on specific subject matter and includes info on specific countries; basically, a separate treatise on distinct major legal topics such as: labor, IP, commercial, family, constitutional, and many more
- Modern Legal Systems Cyclopedia, (21 vols. 1984-date); Surveys legal systems of over 170 jurisdictions; depth and quality of treatment varies by jurisdiction; good secondary source intro point to a particular legal system.
- Legal Research in a Nutshell, 8th ed. West 2003. Covers research in general but provides a pretty complete guide for doing both int'l research and research in foreign law – in two separate chapters.
- Jeanne Rehberg and Radu D. Popa, Accidental Tourist and the New Frontier: An Introductory Guide to Global Legal Research, (F.B. Rothman 1998)
- Digest of Commercial Laws of the World, (Oceana.1990)
- Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the World, (F.B. Rothman 1989)
- Guide to the International Sale of Goods Convention, (Business Laws 1987)
- International Handbook on Commercial Arbitration, (Kluwer 1984).
- International Regulation of Finance and Investment, (Oceana 1992)
- The Law of Transnational Business Transactions, (West Group 2003)

*A few country-specific:*

- F. Avalos, The Mexican Legal System (2d ed. 2000)
- Danilenko & Burnham, Law and the Legal System of the Russian Federation, (2d ed. 2000)

- Foster & Sule, German Legal System and Laws (3d ed. 2002) Guide to International Legal Research, put out by the George Washington University Law School International Law Review. - Now updated annually; A comprehensive guide to int'l foreign and comparative research.
- James M. Zimmermann, China Law Deskbook: A Legal Guide for Foreign-Invested Enterprise, (2d ed. ABA Section on International Law and Practice 2005)
- Mark A. Cohen et al., Chinese Intellectual Property Law and Practice, (Kluwer 1999)
- Hyung-Yee Chen, An Introduction to the Legal System of the People's Republic China, (Butterworths 2004)

## LAW JOURNALS

There are simply too many law journals dealing with topics in public international law to list here. This list focuses on some of the larger databases and journals that deal with international commercial law topics.

- Hein Online, Journals (subscription) – “International and Non US Law Journals” database
- Index to Foreign Legal Periodicals – (subscription) Searchable index of articles in foreign legal periodicals; available via the Library's electronic resources collection:
- Columbia International Affairs Online (CIAO) (requires an inexpensive institutional subscription and most US institutions are subscribers) <http://www.ciaonet.org/>
- Northwestern Journal of International Law & Business
- University of Pennsylvania Journal of International Economic Law
- Currents: International Trade Law Journal
- Columbia Journal of Transnational Law
- International Business Law Review
- The International Lawyer (ABA publication).
- Journal of Common Market Studies (focused on European Common Market)
- North Carolina Journal of International Law and Commercial Regulation
- Syracuse journal of International Law and Commerce
- Virginia Journal of International Law (focused on private international commercial issues)

## U.S. TREATY MATERIALS

- U.S. Treaties in Force, U.S. Dept. of State Publication (regularly updated) also available online via GPO Access.

- United States Treaties and other International Agreements (“UST”), Annual Dept. of State publication.
- United States Treaties and other International Acts Series (“TIAS”), Another Dept. of State publication.
- **For more complete runs of UST & TIAS, “Hein-On-Line” contains these, as well as additional treaty databases**
- Senate Treaty Documents,  
<http://www.gpoaccess.gov/serialset/cdocuments/index.html>
- Lexis: [www.lexis.com](http://www.lexis.com) (“U.S. Treaties on Lexis” database)
- Westlaw: [www.westlaw.com](http://www.westlaw.com) (“United States Treaties in Force” database)

**Note that Lexis & Westlaw both have extensive coverage of international & foreign law, including statutes & case law. Check the appropriate databases for coverage.**

## **U.S. FOREIGN RELATIONS LAW**

- Restatement of the Law: The Foreign Relations Law of the United States, published by the American Law Institute 1987.
- Foreign Relations of the United States, Dept. of State publication.
- Cumulative Digest of United States Practice in International Law, Dept. of State publication.

## **NON-U.S. TREATY MATERIALS**

- United Nations Treaty Series (UNTS),
  - **These are available electronically through the United Nations Treaty Collection** <http://untreaty.un.org/English/treaty.asp>
- Multilateral Treaties Deposited with the Secretary General, Annual UN publication.
- Peter H. Rohn, World Treaty Index, 1900 – 1980, (ABC Clio Information Services 1983)
- International Legal Materials (ILM), 1962 –, American Society of International Law bimonthly publication; also available from Hein Online’s Law Journal Library
- Christian L. Wiktor, Multilateral Treaty Calendar, (Kluwer 1998)

## Research Exercise – International/Foreign Law<sup>1</sup>

Your boss hands you a copy of a contract signed by one of the firm's clients, General Construction Supplies, Inc. (GCS) and a German construction company, BRD Baumeister, GmbH (BRD). The contract calls for GCS to ship 80 tons of prefabricated metal studs to BRD who will use the studs in the construction of new office building. The contract contains all essential terms and is in all respects valid. However, in trying to avoid "getting expensive lawyers involved" the parties did not have the contract drafted or reviewed by their respective legal representatives. As a result, the contract contains no provisions as to the law that would govern in case a dispute under the contract arises.

Well, by the time your boss handed you the contract, a dispute has developed. BRD has now claimed that they only received 60 tons of the required studs under contract for the sale of goods. BRD has filed a law suit in the Federal District Court in Chicago claiming breach of contract and damages against GCS. The court, however, is uncertain what law should be applied to the situation and has asked the parties to file briefs on the subject. Given that this is an international sale of goods, your boss has asked you to look into whether there is any international law that the court might apply to the dispute.

*Note to educators: this exercise is aimed at getting students acquainted with the UN Convention on the International Sale of Goods (CISG). This treaty is basically substantive contract law for sale of goods contracts (like our UCC) that involve private contracting parties from nations that have accepted the treaty. The U.S. has accepted this treaty and therefore it would govern a sale of goods contract between a U.S. party and a party in another signatory state – unless the parties to the contract specifically exclude its application.*

1. Based on the above facts, develop a list of possible search terms, adding more targeted terms as you discover them and deleting ones that you determine are not relevant.

Suggested list: international; international law; sale of goods; governing law; breach; contract; contract for sale of goods; parties in foreign countries, etc.

2. In a couple of sentences, describe a research strategy that is likely to yield information necessary to answer to your boss' question.

Suggested answer: First, I would construct several searches and run them on a general internet search engine such as Google or Yahoo using various incarnations of the search terms I developed above. I would isolate web pages from some of the more trustworthy sites such as law school sites, Findlaw and US law firms. Next, I would read a few items picked up in these searches and try to refine my search terms and get a better

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<sup>1</sup> This exercise developed by Edward C. Harris, Chicago-Kent College of Law.

understanding of the issues. At this stage I would also try to identify more useful secondary source material and any primary authority that is mentioned. Finally, I would gather and read any primary authority I can find as well as any more targeted/useful secondary authority.

3. In a general internet search engine, construct some searches using your search terms. Write down the three most useful items you found and, after skimming these items, include a short list of any additional search terms you believe might be helpful.

Some possible results: [www.uncitral.org](http://www.uncitral.org) (UN Commission on International Trade Laws); Lex Mercatoria (web site set up by a consortium of academic institutions primarily in Europe dedicated to international commercial law); [www.cisg.law.pace.edu](http://www.cisg.law.pace.edu) (Pace Law School site, see below)

4. Using Westlaw or Lexis and accessing the law reviews/legal periodicals database(s), perform similar searches to those you did in question three. Name the three best sources you found.
5. From the material you have found thus far, does it seem that there is any primary international legal authority that would govern the facts of this situation? If so, what is it? If you have located some international legal authority, include a list of three provisions of such a document that are likely to be relevant to the dispute.

Answers are the CISG and likely provisions would be Articles 1 and 6 (CISG applicability); 25 (fundamental breach); 35 (conformity of goods); 45 (remedies available to buyer, etc.)

6. Bonus question: Can you locate a free web-based source that provides extensive information on the authority you may have located?

Answer: The Electronic Library on International Commercial Law and the CISG at the Pace Law School site

## Research Exercise – International/Foreign Law<sup>1</sup>

At 4:30 p.m. on a sunny summer afternoon as you get ready to leave work, your boss hauls you into her office and tells you the following story:

One of the firm's major clients, Gigantica Corp. is headquartered in Chicago and has subsidiaries in various countries around the world. Gigantica has recently developed a new line of personal care products (soaps, shampoos, lotions, etc.) to add to their several existing lines and is deciding on the international markets in which to introduce the new products. In this regard, the international marketing director at Gigantica, Mr. Sharpe, has been trying to do some market research in Europe and has encountered a few problems. In attempting to gather information on European consumers and create consumer profiles, Sharpe has requested that the managing director of Gigantica's European subsidiary in The Netherlands, Ms. Groot, gather and forward various items of personal data from European customers and potential customers. Among the items of information sought about customers or potential customers are names, addresses, phone numbers and e-mail addresses as well as purchasing habits, personal income and hobbies/personal interests. Ms. Groot has told Mr. Sharpe that collecting any such data will require the customer or potential customer to execute a consent form and, even after the data is collected, it likely could not be provided to the parent company in Chicago. Groot indicated that this was due to a law about collection and use of personal information and that she believes this law applies in other countries in Europe and not just The Netherlands.

Your boss wants you to find out what this supposed law is, where it is applicable and whether it says what Groot says it says. She wants your answer first thing on Monday morning.

*Note to educators: this exercise is designed to expose students to doing preliminary research on European Union law. Searching in general internet search engines, a student is likely to get numerous "hits" that discuss this particular law ("Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data" or just the "EU Data Privacy Directive"). My experience has been that the first few hits will not be directly to the EU's official website, but will start pointing them in that direction. Once students eventually reach the EU's web portal, they will discover an abundance of useful secondary source material on this EU law as well as primary authority (e.g. the text of the Directive and even European Court of Justice cases that have interpreted it). The aim of this exercise is to get the students digging into the more trustworthy secondary source information and then eventually into the EU web portal containing free electronic access to a wealth of EU legal information.*

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1. Based on the above facts, develop a list of possible search terms, adding more targeted terms as you discover them and deleting ones that you determine are not relevant.

Suggested list: personal or consumer data or information; Europe!; EU; collection or use or processing of personal information; consent; transfer of data to US; consumer profile

2. In a couple of sentences, describe a research strategy that is likely to yield information necessary to answer to your boss' question.

Suggested answer: First, I would construct several searches and run them on a general internet search engine such as Google or Yahoo using various incarnations of the search terms I developed above. I would isolate web pages from some of the more trustworthy sites such as government sites and law school sites, Findlaw and US and/or European law firms. Next, I would read a few items picked up in these searches and try to refine my search terms and get a better understanding of the issues. At this stage I would also try to identify more useful secondary source material and any primary authority that is mentioned. Finally, I would gather and read any primary authority that I can find as well as any more targeted/useful secondary authority.

3. In a general internet search engine Google or Yahoo, construct some searches using your search terms. Write down the three most useful items you found and, after skimming these items, identify and write down any primary authority you suspect might be what Ms. Groot was referring to.
4. Keeping jurisdiction and weight of authority in mind, run additional searches on the internet to determine whether there are any sites that would serve as a comprehensive and authoritative source regarding the law in question. List the URL for the site(s).
5. If you have located a comprehensive and authoritative source for the law in question, skim the source and the primary authority and list three provisions (section or article numbers) of the law which you feel are relevant. In addition, in two or three sentences indicate your preliminary conclusion as to whether Ms. Groot is right about the consent required and the prohibition on transferring the information to the US parent company.

## Research Exercise – International/Foreign<sup>1</sup>

Your business client is interested in entering a foreign market by means of a foreign direct investment, e.g. creating a branch or subsidiary in a foreign country. So far, your client is interested in exploring possibilities in Denmark and Germany. The client would like you to research what types of business entity forms are available in each of these countries.

*Note to educators: this exercise was designed to get students to tap into the vast cache of free legal business and investment information available on the web. It is also designed to teach vetting of sources. Typically, the best sources of information on this topic are from government websites, usually embassy/consular sites or the government ministry in charge of foreign investment, and also chambers of commerce. Law firms often also have useful information on their sites. Students will most often receive reliable secondary source information by consulting the above types of web sites which will often, but not always, point them toward a primary source information, e.g. the Danish Companies Act, etc. Feel free to change the countries in the question, but attempt to locate the specific information before putting the questions to students since the information available varies widely from country to country. Also, the instructor will want to keep in mind that language is often an issue when researching foreign law; however, many countries that are eager to attract foreign investment (or that have had foreign investors for a long time) provide information in several languages including English.*

1. Based on the above facts, develop a list of possible search terms, adding more targeted terms as you discover them and deleting ones that you determine are not relevant.

Suggested terms: foreign investment [in Germany/in Denmark]; invest in [Germany/Denmark] business; business entity; entity forms; business entity types;

2. In a sentence or two, describe a research strategy that is likely to yield information necessary to answer to your client's question.

A suggested strategy would include searching various combinations of the above search terms on the internet and locating trustworthy sites such as the websites of government ministries dealing with foreign investment or embassy/consular sites. Law firms in the foreign jurisdiction that represent foreign business clients might also provide useful information. Once good secondary source information is located and

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skimmed, the student could likely pinpoint the particular legal provisions that set out the answer to the question.

3. List the different business entity types commonly available in each of the above foreign jurisdictions.

## Research Exercise – International/Foreign Law<sup>1</sup>

*Note to educators: this exercise is a combination of several developed primarily by our reference library staff and with some tinkering by me. It is more or less a simple “hunt and find” designed to familiarize students with different research sources in the international context. Almost all, but not quite every, question involves an electronic resource.*

1. Using *U.S. Treaties in Force* online, find out how many bilateral treaties the U.S. has with Côte d’Ivoire regarding agricultural commodities.
  - A. **4 (p. 70) [Note: 5 if counting an amendment to one of the treaties]**
  
2. Using the U.S. Treaties database on Lexis, find a treaty with Fiji regarding trademarks. What is its title and Lexis citation?
  - A. **Continued Application to Fiji of the United States-United Kingdom Declaration of October 24, 1877, 1971 U.S.T. LEXIS 80 (11/4/1971)**
  
3. What section & comment of the Restatement 3d of the Foreign Relations Law of the U.S. deals with forum selection clauses in contracts?
  - A. **§ 421, comment h**
  
4. Go to the UN’s documents page (<http://www.un.org/documents/>) and find a 2003 General Assembly resolution that deals with globalization and human rights. What was the resolution number?
  - A. **A/RES/58/193**
  
5. Go to [www.llrx.com](http://www.llrx.com) and find the page on researching South African law (remember the difference between “foreign” law and “international” law.) Who’s the main author of *South African Mercantile and Company Law*.

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<sup>1</sup> This exercise developed by the reference library staff and Edward C. Harris at Chicago-Kent College of Law.

**A. J.T.R. Gibson**

6. Again, go to [www.llrx.com](http://www.llrx.com) and find the page on researching Lithuanian law (remember the difference between “foreign” law and “international” law.) How many English-Lithuanian law dictionaries are referenced?

**A. 3**

7. Go to the EU’s documents page, EUR-LEX (<http://europa.eu.int/eur-lex/lex/en/index.htm>). Click on “Simple Search”, then “Legislation”, then click the “Search” button. From this search page, find when Commission Directive 94/79/EC was enacted?

**A. December 21, 1994**

8. What is the subject matter of the above recommendation?

**A. The placing of plant protection products on the market**

9. Go to the EU’s law page, EUR-LEX (<http://eur-lex.europa.eu/en/index.htm>). Search the case law and find Office national de l'emploi v Ioannis Ioannidis. When was it decided?

**A. September 15, 2005**

10. According to the bibliographic notice for the case, the parties were of what nationality?

**A. Belgian**