

# Geneva Round Table on the Questions of Private International Law Raised by Electronic Commerce and the Internet

*By: Fred Blum*

Chairperson, International Relations Committee

This past September 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>, 1999, I was invited to participate in a commission organized by the University of Geneva and Hague Conference on International Law (*HCPIL*). The commission was one of seven regarding the legal needs in relation to civil and commercial transactions concluded on the Internet. The goal of the Round Table was to establish recommendations for future work on various legal subjects regarding the Hague Service Convention. The HCPIL organized this Round Table of over one hundred experts from around the world to make recommendations in their respective fields. I was invited as an expert to represent the process servers of the United States. The working languages were French and English. The HCPIL will take the recommendations from the seven commissions and prepare a report that will be adopted in the future.

I was a rapporteur on Commission V: Service of Process Abroad. Our commission's moderator was Thomas Bishof, Esq. from Berne, Switzerland. There were three repertoires, including Marie-Therese Caupain - Vice-President of the Union International of Huissiers of Justice and Judicial Officers (*UIHJ*) from Charleroi, Belgium, Luc Claes - executive committee member of the UIHJ and NAPPS member from Brussels, Belgium and myself. Also in attendance was our President Susan Collins, Christophe Bernasconi - Secretary at the Permanent Bureau of the Hague Conference of Private International Law, Florence Borcy - from the Belgium Ministry of Justice, Professor Juergen Harms - an Internet expert from the University of Geneva, Evie Georgiou-Antoniou - Counsel to the Government of Cyprus and Youn Zhu, from the Foreign Ministry of China.

The recommendations that our commission made will have a long-lasting effect on the way that process service is handled throughout the world. Our commission agreed that the forwarding of papers between central authorities may be handled through e-mail. The most important recommendation was on Article 15(1)(b) of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. The text of the current article reads as follows: " Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present convention, and the defendant has not appeared, judgment shall not be given until it is established that- (b) the document was actually delivered to the defendant or to his residence by another provided for by this convention". Our commission made the following recommendation" It is felt that the term "*actually delivered*" refers to physical delivery of a document in paper form. Consequently, service by electronic means would not satisfy the requirements of article 15(1)(b)". This is a very positive outcome from the commission regarding our industry.

I want to emphasize the importance of the reputation NAPPS has achieved in the United States and around the world as a professional organization. The attendance of various board members throughout the years at national and international meetings, has given us the opportunity to participate in important meetings such as this, which are imperative to the strength and growth of our association.