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**Draft Convention on the Use of Electronic Communications
in International Contracts****Comments received from Member States and international
organizations****Addendum****Note by the Secretariat****Contents**

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* Submission of this note was delayed because of its late receipt.



II. Compilation of comments

A. States

14. Azerbaijan

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1. To incorporate the following new paragraph in article 2:

“The Convention does not apply to the contracts requiring by law the involvement of activities of courts, public authorities or professions exercising public authority; notaries or equivalent professions to the extent that they involve a direct and specific connection with the exercise of public authority; the representation of a client and defense of his interests before the courts.”

2. To delete the definitions “communication” in article 4 and incorporate the following new definitions:

“‘commercial communication’ means any form of communication designed to promote, directly or indirectly, the goods, services or image of a parties pursuing a commercial, industrial or craft activity or exercising a profession. The following do not in themselves constitute commercial communications: information allowing direct access to the activity of the parties, in particular a domain name or an electronic-mail address; communications relating to the goods, services or image of the parties compiled in an independent manner, particularly when this is without financial consideration”.

“‘Intermediary’ with respect to a particular data message, means a person who, on behalf of

another person, sends, receives or stores that data message or provides other services with respect to that data messages.”

3. To amend paragraph 2 of article 10 to read as follows:

“Unless otherwise agreed between the originator and the addressee, the time of receipt of an electronic communication is the time when it enters the designated information system if the addressee has designated an information system for the purpose of receiving commercial communication. If the addressee has not designated an information system the time of receipt of an electronic communication is the time when the commercial communication is retrieved by the addressee or enters an information system of the addressee. An electronic communication is presumed to be capable of being retrieved by the addressee when it reaches the addressees.”

4. To incorporate the following new paragraph in article 11:

“The parties which permit unsolicited commercial communication by electronic mail shall ensure that such commercial communication by an intermediary established in their territory shall be identifiable clearly and unambiguously as such as soon as it is received by the recipient. The parties shall take measures to ensure that an intermediary undertaking unsolicited

commercial communications by electronic mail consult regularly and respect the opt-out registers in which natural or legal persons not wishing to receive such commercial communications can register themselves.”
