A future between Open Access and Artificial Intelligence: which economic model for legal publishing in Belgium?

LVI 2018 – Florence
From where to where?

I. Where are we and where do we come from?
II. Where are we going? What’s next?
I. Where are we and where do we come from?

- Multi-lingual context and multiple legal systems
- The legal publishing market in Belgium: short history and overview
- What is published? Which sources are published?
- Economic analysis of the legal publishing context
- Publishers or (e-)content providers?
Belgium: multi-lingual context and multiple legal systems
- Belgium = federal country
  - Federal state
  - Flemish Community & Flemish Region
  - French speaking Community
  - German speaking Community
  - Walloon Region
  - Brussels-Capital Region
- a.o.: High education and scientific research = “Language Communities’ competences” (no more federal)
- ≈ 6 legal orders / frameworks
The legal publishing market in Belgium: short history and overview

- several legal systems => several legal publishers
- a prominent linguistic distribution in publishing

**Paper**
- Bruylant
- Larcier

**Electronic**
- Judit (CD-ROM), Wolters Kluwer
- E-publishing
- Platforms
- ebooks
Jean-Baptiste BRUYLANT
(1817-1886)

Ferdinand LARCIER
(1852-1889)
BRUYLANT, rue de la Régence, 67
LARCIER, rue des Minimes, 39
Palais de Justice (arch. Poelaert)
1866-1883
Publication ecosystem: Larcier

Répertoire notarial (1966-...)

Novelles (Corpus iuris belgici) (1931-1989)

Aimed and directed to a « captive audience »
Ferdinand Larcier & Veuve Ferdinand Larcier
mid. XIX° – XX° – early XXI°

Codes E. Picard (1926-...)

Pandectes belges 1878-1933

Bibliographie générale 1881-1887

J.T. (1881) (et revues...)

Pandectes périodiques (1888-1940)

+ collection nationale Bibliotheca juridica (monographs coll°)
Publication ecosystem: Bruylant

- Henri DE PAGE, Traité élémentaire de droit civil belge
- Codes belges (annotés) (Servais & Mechelynck)
- Répertoire décennal de jurisprudence belge (1882)
- Répertoire pratique du droit belge (1928)

Aimed and directed to a "captive audience"

Jean-Baptiste Bruylant
Ets Emile Bruylant

mid. XIX° – XX° – early XXI°
The legal publishing market in Belgium: short history and overview

► Paper
  ▪ Bruylant
  ▪ Larcier

► Electronic
  ▪ Judit (CD-ROM), Wolters Kluwer
  ▪ E-publishing
  ▪ Platforms
  ▪ ebooks
What is published? Which sources are published?

- Legislation
- Case law (jurisprudence)
- Legal scholarly literature (doctrine)
Economic analysis of the legal publishing context

► Concentration (horizontal)
  ▪ Acquisitions
  ▪ Diversification (IT)

► Oligopoly with fringe
  ▪ 2 main players
    › Editions Lefebvre Sarrut Belgium
    › Wolters Kluwer Belgium
  ▪ Small independent structures & medium-sized players

► Internet’s advent & development (OA, public bodies, online service platforms, distribution)
<table>
<thead>
<tr>
<th>Caractéristiques des biens (excluabilité, rivalité)</th>
<th>Excluabilité</th>
<th>Non-excluabilité</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rivalité</td>
<td>Bien privé</td>
<td>Bien commun</td>
</tr>
<tr>
<td></td>
<td>Journal, magazine, livre papier ou cd-rom</td>
<td>Presse gratuite papier, bibliothèques</td>
</tr>
<tr>
<td>Non-rivalité</td>
<td>Bien club</td>
<td>Bien collectif</td>
</tr>
<tr>
<td></td>
<td>Distribution par réseaux</td>
<td>Information publique (Legifrance)</td>
</tr>
<tr>
<td></td>
<td>Données payantes sur Internet</td>
<td>Blog maître « Eolas »</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Portail droit wikipedia</td>
</tr>
</tbody>
</table>

Source: N. Moureau, *Archives de philosophie du droit*, 2011
Legal publishers

- 2 main stakeholders
  - Wolters Kluwer Belgium
  - Éditions Lefebvre Sarrut Belgium

- Small stakeholders:
  - Anthemis
  - Edi.pro
  - Die Keure-La Charte
  - Maklu
  - Vanden Broele
  - Inni
Legal publishers
Publishers or (e-)content providers?

- Meaning of “publishing activities”
- “Captive audience” (Durand & Habrand, 2018)
- “Ecosystem of publications”
- “Auctorial function”
- Lost of power (dilution)
From where to where?

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A second computerisation of law

► What for? Why? Is there any economic reason behind investments in AI?
► What are or will be the products, the outcome and the evolution?
► 2 data availability models: open access & open data
► Which role and job for the doctrine?
What for? Why?
Is there any economic reason behind investments in AI?

► “Captive audience”
► Weakening of the economic model
► IT
► OA
► Published doctrine = non-structured information
Editorial ecosystem: Editions Lefebvre-Sarrut Belgium – digitisation of the law & computerisation

- Published jurisprudence/case law
- Consolidated texts
- Legal scholars writings/opinions
- Content (data)base
- Strada lex
Editorial ecosystem: Editions Lefebvre-Sarrut Belgium – digitisation of the law & computerisation

Indexing + underlaying thesaurus
- RPRJ
- UTU

Full text research
What are or will be the products, the outcome and the evolution?

- Legal research
- Research & analysis of relevant sources
- Search & build solutions – Case management platforms
Legaltech

Legal Education & HR
- lexGO
- lexalert
- LegalNews.be

Legal Research
- Wolters Kluwer
- Jura
- larcier group
- strada
- lex.be
- Curia.eu
- pythagoria
- darts-ip

Practice Management
- DLex
- SECIB
- knowliah
- Wolters Kluwer
- Kleos
- CICERO LawPack
- flexsoft
- LEGADEX
- TOGA ADVOCATENSOFTWARE

Online Legal Service
- lex4u
- LAWBOX
- GOlegal
- LeBonBail
- DeJuristen

Consultancy Law Firm
- to grow
- know
- frahanblonde

Publishing
- KNOPS PUBLISHING
- Wolters Kluwer Libro
- larcier group
- bruyant

Automation
- DELAYED
- CANCELLED
- OVERBOOKED
- CLAIM IT
AIE project (Augmented Intelligence Experience)
AIE project (Augmented Intelligence Experience) (DBIT department)
AIE project (Augmented Intelligence Experience)
AIE project (Augmented Intelligence Experience)
**SOURCE**: Wolters Kluwer Belgium
4 Licenciement non fondé
50%

4 Licenciement fondé
50%

Source: Wolters Kluwer Belgium
Entendu les parties à l'audience du 14.11.1996 en leurs dires et moyens.

II. QUANT A LEUR FONDEMENT.

Le jugement a quo. (5)

Les appels. (4)

Discussion. (7)

PAR CES MOTIFS,
Améliorez Legal Insights

Ce document répond-t-il au casus?

Source: Wolters Kluwer Belgium
2 data availability models:

- Prerequisites
- Open access
- Open data
Which role and job for the doctrine?

- Legal research process
- Opinion
- Determine correlation points
Open access | Open data : legislation

Source: Buyle & van den Branden, 2017
Open access | Open data: case law

Figure 5 – Modèle de disponibilité de la jurisprudence en Belgique

Source: Buyle & van den Branden, 2017
Provisional conclusion

A future between Open Access and Artificial Intelligence?
Classical publishing model

1. Research
2. Submission
3. Peer review
4. Acceptation
5. Publishing contract signing
6. Sometimes, payment of publication costs
7. Journal purchase or subscription
8. Publication & distribution (sales)
9. Author’s work
10. Publisher’s work

Journal purchase or subscription

Sometimes, payment of publication costs
Future “publishing” model?

- Research
- Case management platform
- Legal practitioner evaluation?
- Author’s work
  - Publisher’s work
  - search & build solution - implementation
- Balancing jurisprudence, ontologies, etc.
- Submission
- Peer review?
- Publisher’s review?
Provisional conclusion

- Legal publishers enhance their “documentary capital”
- Legal technologies’ market = locked up (barriers to entry)
- Continuance: computerisation of the law
- New strategies to renew value creation
- “Club goods” & closed ecosystem
- New “doctrinal” work?
  - Legal matters targeting
  - Specific entities
  - Ontologies (“refining”) ; reducing “hazard” (aléa)
  - “Quality insurance”, labels & “black box”
Comments ? Questions ?
Thanks for your attention

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