

(定訳)

爲替手形及約束手形ニ關シ法律ノ或牴  
觸ヲ解決スル爲ノ條約(※)

昭和五年六月七日ジュネーヴで署名

昭和九年一月一日効力發生

昭和五年六月七日署名

昭和七年七月一八日批准

昭和七年八月三十一日批准書寄託

昭和八年二月二六日公布(条約第五号)

昭和九年一月一日効力發生

獨逸國大統領、奧地利共和國聯邦大統領、白耳義國皇  
帝陛下、「ブラジル」合衆共和國大統領、「コロンビ  
ア」共和國大統領、丁抹國皇帝陛下、「ダンチッヒ」  
自由市ノ爲ニ「ポーランド」共和國大統領、「エクラ  
ドル」共和國大統領、西班牙國皇帝陛下、「フィンラ

爲替手形及約束手形ニ關シ法律ノ或牴觸ヲ解決スル爲ノ條約

CONVENTION FOR THE SETTLE-  
MENT OF CERTAIN CONFLICTS  
OF LAWS IN CONNECTION WITH  
BILLS OF EXCHANGE AND  
PROMISSORY NOTES.

*Signed at Geneva, June 7, 1930*

*Entered into force, January 1, 1934*

*Signed, June 7, 1930*

*Ratified, July 18, 1932*

*Instrument of ratification deposited, August 31,*

*1932*

*Promulgated, December 26, 1933*

*Entered into force, January 1, 1934*

THE PRESIDENT OF THE GERMAN REICH; THE FEDERAL  
PRESIDENT OF THE AUSTRIAN REPUBLIC; HIS MAJESTY THE KING  
OF THE BELGIANS; THE PRESIDENT OF THE REPUBLIC OF THE UNITED  
STATES OF BRAZIL; THE PRESIDENT OF THE REPUBLIC OF COLOMBIA;  
HIS MAJESTY THE KING OF DENMARK; THE PRESIDENT OF THE

前  
文

ンド」共和國大統領、佛蘭西共和國大統領、希臘共和國大統領、「ハンガリー」王國攝政殿下、伊太利國皇帝陛下、日本國皇帝陛下、「ルクセンブルグ」國大公殿下、諾威國皇帝陛下、和蘭國皇帝陛下、「ベル」共和國大統領、「ポーランド」共和國大統領、「ポルトガル」共和國大統領、瑞典國皇帝陛下、瑞西聯邦政府、「チェッコスロヴァキア」共和國大統領、「トルコ」共和國大統領、「ユーゴスラヴィア」國皇帝陛下ハ

爲替手形及約束手形ニ關シテ法律ノ或牴觸ヲ解決スル爲ノ規則ヲ採用センコトヲ希望シ左ノ如ク其ノ全權委員ヲ任命セリ

POLISH REPUBLIC, FOR THE FREE CITY OF DANZIG; THE PRESIDENT OF THE REPUBLIC OF ECUADOR; HIS MAJESTY THE KING OF SPAIN; THE PRESIDENT OF THE REPUBLIC OF FINLAND; THE PRESIDENT OF THE FRENCH REPUBLIC; THE PRESIDENT OF THE HELLENIC REPUBLIC; HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY; HIS MAJESTY THE KING OF ITALY; HIS MAJESTY THE EMPEROR OF JAPAN; HER ROYAL HIGHNESS THE GRAND-DUCHESS OF LUXEMBURG; HIS MAJESTY THE KING OF NORWAY; HER MAJESTY THE QUEEN OF THE NETHERLANDS; THE PRESIDENT OF THE REPUBLIC OF PERU; THE PRESIDENT OF THE POLISH REPUBLIC; THE PRESIDENT OF THE PORTUGUESE REPUBLIC; HIS MAJESTY THE KING OF SWEDEN; THE SWISS FEDERAL COUNCIL; THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC; THE PRESIDENT OF THE TURKISH REPUBLIC; HIS MAJESTY THE KING OF YUGOSLAVIA,

Being desirous of adopting rules to settle certain conflicts of laws in connection with bills of exchange and promissory notes, have appointed as their Pleni-

potentaries the following :

*The President of the German Reich :*

M. Leo QUASSOWSKI Ministerial Counsellor in the Reich Ministry of Justice ;

Dr. Erich ALBRECHT, Counsellor of Legation in the Reich Ministry for Foreign Affairs ;

Dr. Fritz ULLMANN, Judge at the Court of Berlin.

*The Federal President of the Austrian Republic :*

Dr. Guido STROBEL, Ministerial Counsellor in the Federal Ministry of Justice.

*His Majesty the King of the Belgians :*

Viscount POULET, Minister of State, Member of the House of Representatives ;

M. J. DE LA VALLÉE POUSSIN, Secretary-General of the Ministry of Science and Arts.

*The President of the Republic of the United States of*

*Brazil :*

M. Deoclecio DE CAMPOS Commercial Attaché at Rome, formerly Professor in the Faculty of Law of Para.

*The President of the Republic of Colombia :*

M. A. José RESTREPO, Envoy Extraordinary and

獨逸國大統領

獨逸國司法省參事官

「レオ、クアソウスキー」

獨逸國外務省公使館參事官

「ドクトル、エーリッヒ、アルブレヒト」

「ベルリン」裁判所判事

「ドクトル、フリッツ、ウルマン」

奧地利共和國聯邦大統領

聯邦司法省參事官

「ドクトル、グイド、シュトロベレ」

白耳義國皇帝陛下

下院議員、國務大臣、子爵「プーレ」

文部省總務長官

「ジィ、ドゥ、ラ、ヴァレー、プーサン」

「ブラジル」合衆共和國大統領

前「パラ」法科大學教授、「ローマ」駐在商務官

「デオクレシオ、デ、カンポス」

「コロンビア」共和國大統領

國際聯盟ニ派遣ノ常任代表委員、特命全權公使

爲替手形及約束手形ニ關シ法律ノ或抵觸ヲ解決スル爲ノ條約

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「アー、ホセ、レストレポ」

丁抹國皇帝陛下

商工省參事官

「アクセル、ヘルベル」

在「コーペンハーゲン」「ブリヴァートバンケ  
ン理事」「ヴァルデマル、エイグトヴェド」

「ダンチヒ」自由市ノ爲ニ「ポーランド」共和國大統領

「ポーランド」國法典編纂委員會委員、

「ボヅナン」大學教授

「ヨセフ、スルコフスキー」

「エクアドル」共和國大統領

「ジュネーヴ」駐在副領事

「ドクトル、アレハンドロ、ガステル」

西班牙國皇帝陛下

司法省法曹團課長

「ドクトル、フアン、ゴメス、モンテホ」

「フィンランド」共和國大統領

「ヘルシンキ」高等行政裁判所評定官、

國務參與

「フィリップ、グレンヴァール」

佛蘭西共和國大統領

Minister Plenipotentiary, Permanent Delegate  
accredited to the League of Nations.

*His Majesty the King of Denmark:*

M. Axel HEPPER, Ministerial Counsellor in the  
Ministry of Commerce and Industry,

M. Valdemar EIGVED, General Manager of the  
“Privatbanken”, Copenhagen.

*The President of the Polish Republic, for the Free City  
of Danzig:*

M. Józef SUKOWSKI, Professor at the Univer-  
sity of Poznan, Member of the Polish Codifica-  
tion Commission.

*The President of the Republic of Ecuador:*

Dr. Alejandro GASTELÚ, Vice-Consul at Geneva.

*His Majesty the King of Spain:*

Dr. Juan GOMEZ MONTERO, Head of Section of  
the Corps of Jurists in the Ministry of Justice.

*The President of the Republic of Finland:*

M. Filip GRÖNVALL, Counsellor of State, Mem-  
ber of the Higher Administrative Court at  
Helsinki.

*The President of the French Republic:*

「パリ」法科大學教授

「エル、ジー、ペルスルー」

希臘共和國大統領

在「ベルヌ」代理公使、國際聯盟ニ派遣ノ常任

代表委員

「エル、ラフアエル」

「ハンガリー」王國攝政殿下

國際聯盟ニ派遣ノ「ハンガリー」國代表部臨時

事務代理

「ゾルタン、バラニアイ」

伊太利國皇帝陛下

全權公使、國務參與

「アメデオ、ジャンニーニ」

日本國皇帝陛下

奧地利國駐劄特命全權公使

大野守衛

大審院判事

島田鐵吉

「ルクセンブルグ」國大公殿下

「ジュネーヴ」駐在領事

「セー、ジェー、ヴェルメール」

爲替手形及約束手形ニ關シ法律ノ或低觸ヲ解決スル爲ノ條約

M. L. J. PERCEUX, Professor in the Faculty of Law of Paris.

*The President of the Hellenic Republic:*

M. R. RAFFAEL, Permanent Delegate accredited to the League of Nations, Chargé d'Affaires at Berne.

*His Serene Highness the Regent of the Kingdom of Hungary:*

M. Zoltán BARANYAI, Chargé d'Affaires *a. i.* of the Hungarian Delegation accredited to the League of Nations.

*His Majesty the King of Italy:*

M. Amedeo GANNINI, Counsellor of State, Minister Plenipotentiary.

*His Majesty the Emperor of Japan:*

M. Morie OHNO, Envoy Extraordinary and Minister Plenipotentiary accredited to the Federal President of the Austrian Republic; M. Tetsukichi SHIMADA, Judge at the "Cour de Cassation" of Tokio.

*Her Royal Highness the Grand-Duchess of Luxembourg:*

M. Ch. G. VERMAIRE, Consul at Geneva.

諾威國皇帝陛下

辯護士「ツェー、ストゥープ、ホルンボー」

和蘭國皇帝陛下

「ウトレヒト」大學名譽教授「ドクトル、ヴェー、エル、ペー、アー、モーレングラーフ」

「ペルー」共和國大統領

國際聯盟ニ派遣ノ「ペルー」國常設事務局長

「ホセ、マリア、バルレト」

「ポーランド」共和國大統領

「ポーランド」國法典編纂委員會委員

「ポヅナン」大學教授

「ヨセフ、スルコフスキ」

「ポルトガル」共和國大統領

「ポルトガル」銀行理事、法科大學教授、「リス

ボン」大學總長

「ドクトル、ジョゼ、カエイロ、ダ、マッタ」

瑞典國皇帝陛下

前外務大臣、「ストックホルム」控訴院長、

男爵「エー、マルクス、フォン、ウユルテンベルグ」

前最高法院判事、前司法大臣、私法委員會議長

「ビルゲル、エケベルグ」

*His Majesty the King of Norway :*

M. C. STUB HOLMBØ, Barrister-at-Law.

*Her Majesty the Queen of the Netherlands :*

Dr. W. L. P. A. MOLINGRAAF, Professor Emeritus of the University of Utrecht.

*The President of the Republic of Peru :*

M. José Maria BARRETO, Head of the Permanent Office of Peru accredited to the League of Nations.

*The President of the Polish Republic :*

M. Józef SUKOWSKI, Professor at the University of Poznan, Member of the Polish Codification Commission.

*The President of the Portuguese Republic :*

Dr. José CAEIRO DA MATTA, Rector of the University of Lisbon, Professor in the Faculty of Law, Director of the Bank of Portugal.

*His Majesty the King of Sweden :*

Baron E. MARKS VON WÜRTEMBERG, President of the Stockholm Court of Appeal, former Minister for Foreign Affairs ;

M. Birger EKEBERG, President of the Civil Legislation Commission, former Minister of

瑞西聯邦政府

瑞西銀行協會主席書記、辯護士及公證人

「ドクトル、マックス、フィッシェル」

「チェッコスロヴァキア」共和國大統領

司法省商法編纂委員會議長、「ブラーグ」大學教授

「ドクトル、カレル、ヘルマン・オタフスキー」

「トルコ」共和國大統領

瑞西聯邦駐劄特命全權公使

「メヘメット、ムニル、ベイ」

「ユーゴスラヴィア」國皇帝陛下

瑞西聯邦駐劄特命全權公使、國際聯盟ニ派遣ノ

常任代表委員

「イリア、シュールメンコヴィッチ」

右各全權委員ハ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左ノ諸規定ヲ協定セリ

Justice, former Member of the Supreme Court.

*The Swiss Federal Council:*

Dr. Max Viscuer, Barrister-at-Law and Notary,  
First Secretary of the Swiss Bankers' Association.

*The President of the Czechoslovak Republic:*

Dr. Karel Hermann-Ořavský, Professor at the  
University of Prague, President of the Codification Commission for Commercial Law in the  
Ministry of Justice.

*The President of the Turkish Republic:*

Mehmed Münir Bey, Envoy Extraordinary and  
Minister Plenipotentiary accredited to the  
Swiss Federal Council.

*His Majesty the King of Yugoslavia:*

M. Ilija Choumenkovitch, Permanent Delegate  
accredited to the League of Nations,  
Envoy Extraordinary and Minister Plenipotentiary,  
accredited to the Swiss Federal Council.

Who, having communicated their full powers,  
found in good and due form, have agreed upon the  
following provisions:

第一條

締約國ハ爲替手形及約束手形ニ關シ次ニ列舉セラルル法律ノ牴觸ヲ解決スル爲次ノ諸條ニ掲ゲラルル規則ヲ適用スルコトヲ相互ニ約ス

本條約に  
規定の國  
際私法の  
原則適用  
の約束に  
て

第二條

爲替手形及約束手形ニ依リ義務ヲ負フ人ノ能力ハ其ノ者ノ本國法ニ依リ之ヲ定ム其ノ本國法ガ他國ノ法律ニ依ルベキモノナリト宣言スルトキハ右他國ノ法律ヲ適用ス

手形行為  
の能力

前項ニ示サルル法律ニ依リテ能力ヲ有セザルベキ者ト雖モ署名ガ何レカノ地域ニ於テ爲サレ其ノ地ニ行ハルル法律ニ依レバ其ノ者ガ能力ヲ有スベキトキハ責任ヲ負フベキモノトス

各締約國ハ自國民ガ爲シタル爲替手形上及約束手形上ノ行爲ニシテ本條前項ノ規定ノ適用ニ依リテノシ他ノ締約國ノ領域内ニ於テ有效ト看做サルベキモノノ效力ヲ認メザルノ權能ヲ有ス

Article 1.

The High Contracting Parties mutually undertake to apply, for the settlement of the conflicts of law herein-after mentioned, in connection with bills of exchange and promissory notes, the rules set out in the following articles.

Article 2.

The capacity of a person to bind himself by a bill of exchange or promissory note shall be determined by his national law. If this national law provides that the law of another country is competent in the matter, this latter law shall be applied.

A person who lacks capacity, according to the law specified in the preceding paragraph, is nevertheless bound, if his signature has been given in any territory in which according to the law in force there, he would have the requisite capacity.

Each of the High Contracting Parties may refuse to recognise the validity of a contract by means of a bill of exchange or promissory note entered into by one of its nationals which would not be deemed valid

in the territory of the other High Contracting Parties otherwise than by means of the application of the preceding paragraph of the present article.

Article 3.

The form of any contract arising out of a bill of exchange or promissory note is regulated by the laws of the territory in which the contract has been signed.

If, however, the obligations entered into by means of a bill of exchange or promissory note are not valid according to the provisions of the preceding paragraph, but are in conformity with the laws of the territory in which a subsequent contract has been entered into, the circumstance that the previous contracts are irregular in form does not invalidate the subsequent contract.

Each of the High Contracting Parties may prescribe that contracts by means of a bill of exchange and promissory note entered into abroad by one of its nationals shall be valid in respect of another of its nationals in its territory, provided that they are in the form laid down by the national law.

手形行為  
の方式

第三條

爲替手形上及約束手形上ノ行爲ノ方式ハ署名ノ爲サレタル地域ノ屬スル國ノ法律ニ依リ之ヲ定ム

尤モ爲替手形上又ハ約束手形上ノ行爲ガ前項ノ規定ニ依レバ有效ナラザルトキト雖モ爾後ノ行爲ノ爲サレタル國ノ法律ニ從ヘルモノナルトキハ前ノ行爲ガ方式上違法ナルノ事實ハ後ノ行爲ノ效力ヲ害スルコトナシ

各締約國ハ自國民ガ外國ニ於テ爲シタル爲替手形上及約束手形上ノ行爲ガ自國ノ法律ニ規定セラルル方式ニ依リ爲サレタル場合ニ限り自國ノ領域内ニ於テ他ノ自國民ニ對シ效力ヲ有スベキコトヲ規定スルコトヲ得

第四條

手形の主  
債務者の  
義務の効  
力

爲替手形ノ引受人及約束手形ノ振出人ノ義務ノ效力ハ  
此等ノ證券ノ支拂地ノ法律ニ依リ之ヲ定ム

爲替手形上又ハ約束手形上ノ他ノ債務者ノ署名ヨリ生  
ズル效力ハ其ノ署名ノ爲サレタル地域ノ屬スル國ノ法  
律ニ依リ之ヲ定ム

第五條

遡求權の  
行使期間

遡求權ノ行使期間ハ一切ノ署名者ニ付證券ノ振出地ノ  
法律ニ依リ之ヲ定ム

第六條

爲替手形  
所持人

證券ノ振出地ノ法律ハ爲替手形ノ所持人が證券ノ振出  
ノ原因ト爲リタル債權ヲ取得スルカ否カヲ決ス

第七條

一部引受

爲替手形ノ支拂地ノ屬スル國ノ法律ハ引受ガ手形金額

Article 4.

The effects of the obligations of the acceptor of a bill of exchange or maker of a promissory note are determined by the law of the place in which these instruments are payable.

The effects of the signatures of the other parties liable on a bill of exchange or promissory note are determined by the law of the country in which is situated the place where the signatures were affixed.

Article 5.

The limits of time for the exercise of rights of recourse shall be determined for all signatories by the law of the place where the instrument was created.

Article 6.

The question whether there has been an assignment to the holder of the debt which has given rise to the issue of the instrument is determined by the law of the place where the instrument was issued.

Article 7.

The question whether acceptance may be res-

及一部  
支払の  
問題

ノ一部ニ制限セラレ得ルカ否カ又ハ所持人ニ一部支拂  
ヲ受諾スルノ義務アルカ否カノ問題ヲ決ス

同一ノ規則ハ約束手形ノ支拂ニ之ヲ準用ス

### 第八條

手形上  
の権利  
行使に  
必要の  
形式

拒絶證書ノ方式及作成期間並ニ爲替手形上及約束手形  
上ノ權利ノ行使又ハ保存ニ必要ナル他ノ行爲ノ方式ハ  
拒絶證書ノ作成セラレ又ハ右行爲ノ爲サルベキ地域ノ  
屬スル國ノ法律ニ依リ之ヲ定ム

### 第九條

手形の  
喪失又  
は盗難  
の場合

爲替手形又ハ約束手形ノ支拂地ノ屬スル國ノ法律ハ爲  
替手形又ハ約束手形ノ喪失又ハ盗難ノ場合ニ執ルベキ  
措置ヲ定ム

### 第十條

本条約に

各締約國ハ左ノ事項ニ關スル限り本條約ニ掲ゲラルル

爲替手形及約束手形ニ關シ法律ノ或牴觸ヲ解決スル爲ノ條約

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tricted to part of the sum or whether the holder is  
bound to accept partial payment is governed by the  
law of the country in which the bill of exchange is  
payable.

The same rule governs the payment of promissory notes.

### Article 8.

The form of and the limits of time for protest, as well as the form of the other measures necessary for the exercise or preservation of rights concerning bills of exchange or promissory notes, are regulated by the laws of the country in which the protest must be drawn up or the measures in question taken.

### Article 9.

The measures to be taken in case of the loss or theft of a bill of exchange or promissory note are determined by the law of the country in which the bill of exchange or promissory note is payable.

### Article 10.

Each of the High Contracting Parties reserves to

爲替手形及約束手形ニ關シ法律ノ或牴觸ヲ解決スル爲ノ條約

一四六二

規定の國  
際私法の  
原則の適  
用を排除  
できる事  
項

國際私法ノ原則ヲ適用セザルノ權能ヲ留保ス

一 締約國ノ領域外ニ於テ爲サレタル行爲

二 此等ノ原則ニ從ヒテ適用セラルベキ法律ニシテ締約國ノ法律ニ非ザルモノ

### 第十一條

條約の適  
用を受け  
ない手形

各締約國ノ領域内ニ於テハ本條約ノ規定ハ本條約ノ效力發生ノ際既ニ振出サレタル爲替手形及約束手形ニ適用セラレザルベシ

### 第十二條

正文、日  
付、署名

本條約ハ佛蘭西語及英吉利語ノ本文ヲ以テ共ニ正文トシ本日ノ日附ヲ有スベシ

本條約ハ爾後千九百三十年九月六日ニ至ル迄國際聯盟ノ何レノ聯盟國及何レノ非聯盟國ノ爲ニモ署名セララル

itself the right not to apply the principles of private international law contained in the present Convention so far as concerns :

1. An obligation undertaken outside the territory of one of the High Contracting Parties,

2. Any law which may be applicable in accordance with these principles and which is not a law in force in the territory of any High Contracting Party.

### Article 11.

In the territory of each of the High Contracting Parties the provisions of the present Convention shall not apply to bills of exchange or promissory notes already issued at the time of the coming into force of the present Convention.

### Article 12.

The present Convention, the French and English texts of which shall be equally authentic, shall bear this day's date.

It may be signed thereafter until September 6th, 1930, on behalf of any Member of the League of Na-

ルコトヲ得

第十三條

批准

本條約ハ批准セラルベシ  
批准書ハ千九百三十二年九月一日前ニ國際聯盟事務總  
長ニ寄託セラルベク事務總長ハ之ガ受領ヲ直ニ國際聯  
盟ノ一切ノ聯盟國及本條約ノ締約國タル非聯盟國ニ通  
告スベシ

第十四條

加入

千九百三十年九月六日以後ハ國際聯盟ノ何レノ聯盟國  
及何レノ非聯盟國モ本條約ニ加入スルコトヲ得

右加入ハ國際聯盟事務總長宛ノ通告ヲ以テ爲サルベク  
該通告ハ事務局ノ記録ニ寄託セラルベシ

事務總長ハ本條約ニ署名シ又ハ之ニ加入シタル一切ノ  
國ニ對シ右寄託ヲ直ニ通告スベシ

tions or non-Member State.

Article 13.

The present Convention shall be ratified.

The instruments of ratification shall be deposited  
before September 1st, 1932, with the Secretary-General  
of the League of Nations, who shall forthwith notify  
receipt thereof to all the Member of the League of  
Nations and to the non-Member States parties to the  
present Convention.

Article 14.

As from September 6th, 1930, any Member of the  
League of Nations and any non-Member State may  
accede thereto.

Such accession shall be effected by a notification  
to the Secretary-General of the League of Nations,  
such notification to be deposited in the archives of the  
Secretariat.

The Secretary-General shall notify such deposit  
forthwith to all States which have signed or acceded  
to the present Convention.

第十五條

効力發生

本條約ハ聯盟國又ハ非聯盟國ノ七國ニシテ國際聯盟理事會ニ常任代表者ヲ有スル聯盟國ノ三國ヲ含ムモノノ爲ニ批准セラレ又ハ加入セラルルニ至ル迄ハ効力ヲ生ゼザルベシ

効力發生ノ日ハ國際聯盟事務總長ガ本條第一項ニ從ヒ第七ノ批准又ハ加入ヲ受領シタル後九十日目タルベシ

國際聯盟事務總長ハ第十三條及第十四條ニ規定セラルル通告ヲ爲スニ當リテハ本條第一項ニ掲ゲラルル批准又ハ加入ガ受領セラレタル旨ヲ特ニ示スベシ

第十六條

條約發効  
後におけ  
る批准又  
は加入の

第十五條ニ從ヒ本條約ガ効力ヲ生ジタル後爲サルル各批准又ハ加入ハ國際聯盟事務總長ガ之ヲ受領シタル日ノ後九十日目ヨリ其ノ効力ヲ生ズベシ

Article 15.

The present Convention shall not come into force until it has been ratified or acceded to on behalf of seven Members of the League of Nations or non-Member States, which shall include three of the Members of the League permanently represented on the Council.

The date of entry into force shall be the ninetieth day following the receipt by the Secretary-General of the League of Nations of the seventh ratification or accession, in accordance with the first paragraph of the present article.

The Secretary-General of the League of Nations, when making the notifications provided for in Articles 13 and 14, shall state in particular that the ratifications or accessions referred to in the first paragraph of the present article have been received.

Article 16.

Every ratification or accession effected after the entry into force of the Convention in accordance with Article 15 shall take effect on the ninetieth day fol-