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The CISG Convention and Domestic Contract Law

HARMONY, CROSS-INSPIRATION OR DISCORD?

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Andre Janssen, Olaf Meyer

The CISG Convention and Domestic Contract Law Joseph M. Lookofsky, Mads Bryde Andersen, 2014 The University of Copenhagen Center for Commercial Law is proud to present the papers in this volume which cast new light on the interrelationship between key features of the United Nations Convention on Contracts for the International Sale of Goods CISG and domestic sales and contract law The Nordic region has a special interest in this project as 2014 marks the 25th anniversary of the ratification of the CISG in most of the Nordic Countries But the interaction between the CISG and domestic law is not merely a Scandinavian concern CISG Article 7 expressly requires that in the interpretation of the CISG regard is to be had to its international character and to the need to promote uniformity in its application With particular emphasis on issues relating to Contract Formation Conformity of Goods and Hardship the authors discuss how CISG rules and principles impact on or are influenced by domestic sales and contract law both in the Nordic region and elsewhere Unedited summary from book cover Understanding the CISG Joseph Lookofsky, 2022-08-09 The 1980 United Nations Convention on Contracts for the International Sale of Goods CISG regulates the rights of buyers and sellers in international sales The Convention is the first sales law treaty to win acceptance on a worldwide scale and the impressive list of nearly one hundred Contracting States accounts for more than three fourths of all world trade The importance of the CISG in the international arena is underlined by thousands of reported decisions where the CISG has been held to apply thus evidencing the conduct of countless international traders who by default or by express choice regularly subject their sales contracts to the Convention regime The CISG treaty demands an international interpretation and this extensively updated Sixth Edition draws upon the full range of primary as well as secondary sources of CISG law including clear and concise reports of the latest decisions arbitral awards and scholarly opinion Numerous concrete examples are provided throughout With this book as their guide lawyers and students who need to understand international sales law will confidently navigate key topic areas such as these determining when the CISG applies freedom of contract opting out interpretation of CISG treaty and CISG contracts formation validity defenses to enforcement obligations of the parties remedies for breach liability exemptions hardship and disclaimers agreed remedies Convention on Contracts for the International Sale of Goods (CISG) Joseph Lookofsky, 2022-01-21 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of contracts in Convention on Contracts for the International Sales of Goods CISG and Wales covers every aspect of the subject definition and classification of contracts contractual liability relation to the law of property good faith burden of proof defects penalty clauses arbitration clauses remedies in case of non performance damages power of attorney and much more Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology application and procedure from one legal system to another as well as the international aspects of contract law Throughout the book the treatment emphasizes drafting considerations An introduction in which contracts are defined and contrasted to

torts quasi contracts and property is followed by a discussion of the concepts of consideration or cause and other underlying principles of the formation of contract Subsequent chapters cover the doctrines of relative effect termination of contract and remedies for non performance The second part of the book recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it describes the nature of agency sale lease building contracts and other types of contract Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in Convention on Contracts for the International Sales of Goods CISG and Wales will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative Forum Shopping Despite Unification of Law Franco Ferrari, 2021-08-16 Watch the interview with Franco contract law Ferrari on Forum Shopping Despite Unification of Law According to some commentators forum shopping is an evil that must be eradicated It has been suggested that the unification of substantive law through international conventions constitutes one way to achieve this outcome This book shows that the drafting of uniform substantive law convention cannot prevent forum shopping The reasons are classified into two main categories convention extrinsic and convention intrinsic reasons The former category comprises those reasons upon which uniform substantive law conventions do not have an impact at all These reasons range from the costs of access to justice to the bias of potential adjudicators to the enforceability of judgments The convention intrinsic reasons on the other hand are reasons that relate to the nature and design of uniform substantive law conventions and include their limited substantive and international spheres of application as well as their limited scope of application the need to provide for reservations etc This book also focuses on another reason why forum shopping cannot be overcome the impossibility of ensuring uniform applications and interpretations of the various uniform substantive law Uniform Law Jürgen Basedow, 2024-11-04 Unified rules and principles are increasingly encountered in conventions various sectors of private law Jurgen Basedow conducts a comprehensive and overarching analysis of the general framework of uniform law considering the continuous expansion as a legal response to globalisation Nordic Law in European Context Pia Letto-Vanamo, Ditlev Tamm, Bent Ole Gram Mortensen, 2018-12-12 Nordic law is often referred to as something different from other legal systems At the same time it is a common belief that the Nordic countries share more or less the same legal tradition and are very similar in their approach to the law Considering both of these points of view the book tells a story of how Nordic law and Nordic legal thinking differ from other legal systems and how there are many particularities in the law of each of the Nordic countries making them different from each other The idea of Nordic law also conceals national features The basic premise of the book is that even if strictly speaking there is no such thing as a Nordic common law it still makes sense to speak of Nordic law and that acquiring a more than basic knowledge of this law is interesting not only for

comparative lawyers but also helpful for those working with Nordic lawyers and dealing with questions involving law in the Nordic countries Il contratto nel diritto comparato Fabio Valenza, 2023-01-16 L opera evidenziando tanto la funzione scientifica quanto il ruolo formativo della comparazione giuridica si rivolge a tutti gli studiosi del diritto contrattuale studenti accademici professionisti accompagnandoli nella rivisitazione critica sul piano comparato di tutti gli istituti del contratto dalla formazione all interpretazione ed integrazione dall esecuzione ai rimedi nella ricerca del difficile punto di equilibrio di volta in volta trovato dai vari ordinamenti nazionali europei ed internazionali nel corso della loro evoluzione storica tra i valori di libert e giustizia contrattuale e certezza del diritto anche alla luce dei recenti drammatici eventi della pandemia da Covid 19 e della guerra tra Russia ed Ucraina e dei loro impatti negativi sulla dinamica contrattuale La trattazione si sviluppa attraverso una combinazione ponderata del metodo casistico applicato anche ed in particolare premettendo ad ogni capitolo l analisi approfondita di un caso e della e relativa e decisione i e di quello sistematico ricostruttivo privilegiando comunque un approccio diretto alle fonti ed ai formanti di ciascun ordinamento che vengono messi a disposizione del lettore in modo ragionato ma sempre ove possibile e ritenuto utile nell espressione linguistica originale in modo da stimolare lo sviluppo di un autonoma capacit di analisi L opera giunge alfine a tratteggiare i contorni di una prospettiva ad un tempo nuova ed antica nella soluzione dell'eterno dilemma tra diritto e giustizia **The CISG and its Impact on National Legal Systems** Franco Ferrari, 2009-04-27 In force in 70 countries around the world and covering more than two thirds of world trade the 1980 United Nations Convention on Contracts for the International Sale of Goods CISG is considered to be the most successful convention promoting international trade According to many commentators this success is due among others to the fact that the Convention does not directly impact on the domestic law of the various legal systems as it applies only to international as opposed to purely domestic contracts The Convention in other words does not impose changes in the domestic law which makes it easier for States to adopt the Convention This does not mean however that the Convention does not have any impact on the domestic law at all This book analyzes through 24 country reports as well as a general report submitted to the 1st Intermediate Congress of the International Academy of Comparative Law held in November 2008 in Mexico City to what extent the Convention de facto influences domestic legal systems In particular the book examines the Convention s impact on the practice of law the style of court decisions as well as the domestic legislation in the area of contract law CISG Methodology Andre Janssen, Olaf Meyer, 2009 The Convention on Contracts for the International Sale of Goods CISG is now being applied extensively both by international arbitral tribunals and by domestic courts of its more than 70 Member States But do they also apply it in the same manner Although Article 7 of the CISG underscores the need to promote uniformity in its application it gives little guidance as to how to achieve this goal Each judge and arbitrator is influenced by the legal methodology of his home jurisdiction Therefore it is somewhat of a paradox that while the number of Member States is constantly increasing so too is the threat of variation in application In this book the most important issues of the CISG s

methodology are analyzed by leading experts from five continents Some contributors provide a thorough analysis of the central topics of interpretation while others enter almost uncharted territories Uniformity in the Application of CISG Provisions Daniel Fritz, 2009-07-15 Inhaltsangabe Introduction Problems facing cross border transactions and possible solutions The main prerogative for the international trader is to implement the business transaction as conveniently and quickly as possible Besides choosing reliable business partners a governing body of law that facilitates the transaction successfully is required International business transactions are rarely conducted under a tailor made law and are therefore dependent on the law that governs the transaction in terms of the rules of private international law Determining the applicable law of the contract is one of the major problems facing a cross border transaction One way in which this question can be addressed is by means of the rules of private international law Yet these rules are rather complex and often subject to uncertainties Even unification of the rules of private international law is unlikely to serve the needs of modern international business If the proper law is determined at least one of the parties to the transaction will be faced with an unknown body of rules This party is forced to act in alien surroundings under a law with which it is unfamiliar An alternative is to unify law on the domestic level This would avoid the difficulties in applying the rules of international private law However to harmonise domestic law on world wide basis is a matter of impossibility Some divergences based on settled legal traditions are irreconcilable Furthermore there is the obstacle that a harmonised law may affect the concepts of another area of law For example the issue of sales law affects the issue of transfer of property an area of law with fundamentally varying concepts The adoption of uniform sales law at the international level represents a third approach These rules only apply to a particular range of sales transactions and therefore do not compel a State to abandon all of its own legal traditions The UN Convention on Contracts for the International Sale of Goods has established a uniform international law of this character The overall goal of the CISG is to harmonise domestic laws for international sales transactions A precondition for this goal is the achievement of uniformity The achievement of uniformity comprises a two fold process The mere adoption of the Convention is the first step towards the ultimate aim of achieving the broadest degree of uniformity in the law of international sales The second step is the

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