

Towards a New CISG

*The Prospective Convention
on the International Sale of
Goods and Services*

LEANDRO TRIPODI

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Towards New Cisg Prospective International

Leandro Tripodi



Towards New Cisg Prospective International:

Towards a New CISG Leandro Tripodi, 2015-11-24 In *Towards a New CISG* Leandro Tripodi discusses the aging and need for renovation of the 1980 Vienna Sales Convention. Changes in global political circumstances and to the economy of international sales of goods have rendered the 1980 CISG a dated legal instrument. Its recognized flexibility is not sufficient to cope with past and especially with future changes brought about by the introduction of new technologies affecting all kinds of goods subject to trade. In light of the challenges posed by 21st century commerce Dr Tripodi proposes the adoption of a Convention on the International Sale of Goods and Services CISGS. The idea of a new convention is based on the following facts: 1 goods and services are no longer as distinguishable as they were in 1980; 2 sales of goods and sales i.e. the provision of services are not as easy to apportion as the CISG supposes and can hardly continue to be treated separately by the legal sources of international trade. The Elgar Companion to UNIDROIT Thomas John, Rishi Gulati, Ben

Köhler, 2024-04-12 This comprehensive Companion provides a unique overview of UNIDROIT the primary independent organisation coordinating the practice of international private law across its 65 member states. As the third in the suite of titles covering the three sisters of uniform private law and private international law it considers UNIDROIT's role in the creation of existing uniform law as well as posing questions about its future in the sector. **Routledge Handbook on Transnational Commercial Law** Bruno Zeller, Camilla Baasch Andersen, 2025-02-21 This handbook edited by Zeller and Andersen is an indispensable contribution to the field of transnational commercial law. With an introduction by Sir Roy Goode this book presents perspectives on legal issues of international sales transactions as perceived by world leading experts exposing pragmatic and modern aspects of everything from drafting to uniform laws to dispute resolution. The book divides itself between fundamental knowledge of transnational commercial law e.g. chapters on forum shopping CISG Cape Town Convention etc. and current and topical developments e.g. chapters on blockchain smart contracts metaverse digital assets etc. International or transnational trade during the past twenty years has become more and more important outstripping domestic trade as a hallmark of economic success. Model laws developed by the United Nations and other international bodies are now being transplanted or ratified by countries so a translational element must always be considered as part of any choice of law. Addressing a global audience as the instruments dealt with herein apply to many states in different regions this handbook aims not only at an undergraduate and graduate student audience but also will interest professional lawyers.

EU Private Law and the CISG Zvonimir Slakoper, Ivan Tot, 2021-09-30 *EU Private Law and the CISG* examines selected EU directives in the field of private law and their effects on the national private law systems of several EU Member States and discusses certain specific concepts of the United Nations Convention on Contracts for the International Sale of Goods CISG in light of the CISG's recent fortieth anniversary. The most prominent influence of EU law on national private law systems is in the area of the law of obligations thus the book focuses on several EU private law directives that cover the

issues belonging to contract and tort law as interpreted in the case law of the Court of Justice of the EU EU private law concepts need to be interpreted autonomously and uniformly rather than through the lens of national private law systems The same is true for the CISG which has not only been one of the most successful instruments of the international trade law unification but had also influenced both the EU private law and domestic laws In Part I focused on the EU private law and its effects for national laws chapters examine the recent Digital Content and Services Directive and its likely impact on the contract law of the UK and Ireland the role aggressive commercial practices play in EU banking and credit legislation the applicability of the EU private international law rules to collective redress the unfair contract terms regime of the Late Payment Directive and its transposition into Croatian law the implementation of the Commercial Agency Directive in Denmark Estonia and Germany and disgorgement of profits as remedy provided in the Trade Secrets Directive In Part II dealing with selected CISG issues chapters discuss the autonomous interpretation of CISG s concept of sale by auction and its notion of intellectual property as well as the CISG s principle of freedom of form and the possibility for reservations with the effect of its exclusion The book will be of interest to legal scholars in the field of EU private law and international trade law as well as to the students practitioners members of law reform bodies and civil servants in Europe and beyond

English Sales Law Vs. Vienna Convention On CISG Dr. V.V.L.N. Sastry, 2020-05-04 This research provides an analysis of the comparison between the English sales law and the Vienna Convention on Contracts for the International Sale of Goods CISG The two laws have different features that explain the preference of commercial merchants towards the use of the English sales law It is in this context a secondary study subjected to narrative review into how do the features of the English sales law compare with the features of the CISG Act and what competitive advantages and disadvantages do the English sales law and the CISG Act present over each other and what features distinguish English Sales Law from CISG to make international businesspersons prefer operating under the English sales law to operating under the CISG will help understand the intricacies that make English sales law a preferred choice The ambiguity of the CISG is one of the factors that reduces its attractiveness Uncertainty in the interpretation of CISG is one of the main reasons as to why it is unattractive in facilitating international commercial transactions In some instances the courts may issue contradictory interpretations of the law In addition CISG is a fragmentary law as opposed to English sales law which is a comprehensive body of law The paper also provides a recommendation on how to tackle some of the limitations inherent in CISG Lastly the findings of the study aid in improving the understanding of how best businessmen can make use of and work within the boundaries of the legal English Sales Law as well as of the CISG with an aim to bring about growth in businesses [Balkan Yearbook of European and International Law 2020](#) Zlatan Meškić, Ivana Kunda, Dušan V. Popović, Enis Omerović, 2021-07-05 The second volume of the Balkan Yearbook of European and International Law BYEIL focuses on the United Nations Convention on Contracts for the International Sale of Goods CISG which was signed 40 years ago The contributions analyse a broad range of aspects and

reflect the latest developments those in the permanent sections on European Law and International Law explore contemporary challenges in public and private law disciplines offering fresh new perspectives on established concepts

The Harmonisation of National Legal Systems Antonios E. Platsas, 2017-10-27 This book offers a novel perspective on the leading concept of harmonisation advocating the mutual benefits and practical utility of harmonised law Theoretical models and factors for harmonisation are explored in detail Antonios E Platsas acknowledges a range of additional factors and presents harmonisation as a widely applicable and useful theory

International Sale of Goods Nicolas Nord, Gustavo Cerqueira, 2017-04-19 This book provides an in depth study of Private International Law reasoning in the field of international sale of goods contracts It connects the dots between European and Chinese law and offers an unprecedented transversal and comparative legal study on the matter Its main purpose is to identify the consequences of European rules on Chinese companies and vice versa The first part addresses the conflict of jurisdiction and conflict of law rules while the second part discusses in detail the practical importance and the impact of arbitration which is becoming more common thanks to its flexibility The third part focuses on the Vienna Convention on Contracts for the International Sale of Goods and the Unidroit Principles of International Commercial Contracts and carefully analyses their use The final part examines contracts involving consumers

An International Approach to the Interpretation of the United Nations Convention on Contracts for the International Sale of Goods (1980) as Uniform Sales Law John Felemegas, 2007-01-08 In 1980 the United Nations Convention for the International Sale of Goods CISG came into being as an attempt to create a uniform commercial sales law This book first published in 2007 compares two major restatements the UNIDROIT Principles and the Principles of European Contract Law PECL with CISG articles This work has gathered scholars and legal practitioners from twenty countries who contribute analysis on the various issues covered in the articles of the CISG comparing them with how the issue is treated in the UNIDROIT and PECL restatements The introductory section of the book addresses theoretical and practical issues of the appropriate interpretive methodology as mandated in CISG Article 7 and it is followed by individual analyses of the Convention's provisions

Contratación mercantil Miranda Serrano, Luis María, Pagador López, Javier, 2023-11-01 S los ess jueces C digopenal malversaci n sedici n puigdemont irenemontero todas estas palabras fueron tendencia del 11 al 17 de noviembre de 2023 lamanada seacab rubiales amnist a o lawfare lo fueron antes o despu s de aquella fecha y muchas otras m s lo ser n en el futuro Lo que une a todas ellas es el hacer referencia directa o indirecta al Derecho y a la justicia penal que en la ltima d cada se ha convertido en uno de los temas de discusi n m s habituales en la red social X antes denominada Twitter Pero c mo se comunica acerca de la ley y de la justicia penal en esta red social Qui n y c mo lo hacen y en qu es distinto el debate formal y material al que tiene lugar en otros mbitos Hay una polarizaci n sobre las cuestiones penales en este mbito Hay discusi n dogm tica o pura gresca pol tica Qu es lo que se dice sobre el Derecho penal acerca de su creaci n y de su aplicaci n por parte de los tribunales por gran parte de los usuarios de esta red social El

presente libro aborda el análisis de la comunicación sobre la justicia y la ley penal en la red social X. Lo hace centrándose en una semana en la que el Derecho penal fue trending topic aunque muchas de las reflexiones son aplicables a otros temas y otras tendencias relacionadas con el crimen y la respuesta jurídica. El objetivo es tanto aproximarse al análisis de cómo se está produciendo el debate público en el nuevo ecosistema mediático de las redes sociales como contrastar lo que en ese foro se decía acerca de las leyes penales y su aplicación con la visión técnica de los problemas jurídicos penales y políticos criminales que estas cuestiones plantean. La Ley Orgánica 10/2022 de garantía integral de la libertad sexual y su aplicación por los tribunales, la reforma de los delitos de sedición y malversación, la independencia judicial, al hilo de la renovación del Consejo General del Poder Judicial entre otras cuestiones fueron debatidas y discutidas en una red social que podría estar incidiendo en la visión de la ciudadanía sobre la ley penal y configurando la opinión pública sobre el Derecho penal. Los autores del libro analizan todas y cada una de estas tendencias a partir de la discusión en Twitter entrando en la reflexión jurídica y política criminal sobre cada uno de los temas de fondo. También se reflexiona desde la criminología y la sociología sobre el impacto que una tuitización del discurso público sobre la ley penal podría conllevar a nivel político criminal.

Ex Aequo et Bono as a Response to the 'Over-Judicialisation' of International Commercial Arbitration Nobumichi Teramura, 2020-05-12. Despite its many distinguished proponents over time, ex aequo et bono, the idea of deciding disputes on the basis of what an adjudicator regards as fair and equitable has failed to take hold in international commercial arbitration. ICA Formalisation and fossilisation of arbitral procedure as manifested in the increasing use of litigation style practice unfortunately reign instead. This bold and challenging book argues that parties to an arbitration should be more willing for their cross border disputes to be decided and arbitrators should be more prepared to decide those disputes in accordance with broad principles of equity and fairness rather than by strict adherence to technical rules of law. Putting forward suggestions based on extensive research and doctrinal considerations, this book invites us to confront what ICA was supposed to be, what it now is, and what it can be. In particular, Dr Teramura discusses how, by resorting to ex aequo et bono, arbitrators can construe contractual terms including the limits, apply trade usages, deal with mandatory rules of a given forum or place of performance, minimise the cost and length of time that arbitration takes, avoid the abuse of discretion and ensure predictable results. The book examines significant differences in the way that ex aequo et bono arbitration is understood among various state and international institutions. It attempts to identify a common core of universally accepted concepts underlying those different understandings. The book argues that ex aequo et bono has the potential to reform ICA without undermining its positive aspects. Along the way, it discusses the implications of ex aequo et bono arbitration on the now widely used UNCITRAL Model Law on ICA. It should thus appeal to lay business persons and commercial law practitioners who are looking for an economical and efficient way to solve business disputes within a globalised arbitration framework.

Damages Under the Convention on Contracts for the International Sale of Goods Dr Bruno Zeller, 2009-03-04. Damages Under the Convention on Contracts

for the International Sale of Goods Second Edition presents a practical and detailed analysis of the methods used to determine and calculate damages under the United Nations Convention on Contracts for the International Sale of Goods CISG Incorporating both worldwide judicial and arbitral decisions Damages Under the CISG Second Edition is a unique and comprehensive guide to fully understanding this important area of law It provides authoritative guidance on the differences that exist between uniform international instruments and domestic laws and offers comparative analysis of the calculation of damages under the civil and common law systems The fault system and causation principle are compared with the foreseeability principle one of the key considerations under Article 74 of the CISG Where applicable to understanding damages issues the UNIDROIT Principles and the Principles of European Contract Law are referenced in depth These principles have been updated and the information revamped for the second edition as well as additional information on fundamental breach of contract

Procedure and Evidence in International Arbitration Jeffrey Waincymer, 2012-05-23 Central to the book's purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade offs must be determined Some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse How can arbitration be made efficient and cost effective without undue inroads into fairness and accuracy How does a tribunal do what is best if the parties are choosing a suboptimal process When can or must an arbitrator ignore procedural choices made by the parties The author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors' views He identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to guerilla tactics drafting of arbitration agreements including specialty clauses drafting of required commencement notices and response documents set off fast track arbitration and other efficiency options strategic use of preliminary conferences and timetabling online arbitration multi party multi contract class arbitration amicus and third party funders pre arbitral referees and interim relief witness evidence both factual and expert documentary evidence production obligations and challenges to production identifying applicable law and remedies and costs

A to Z of International Trade Frank Reynolds, 2002 **The International Sale of Goods 5e** Michael Bridge, 2024-02-08 The fifth edition of this leading authority continues to provide comprehensive analysis of the law and practice of sale of goods under English and international law It is an indispensable resource for practitioners scholars and postgraduate students

International Sales Law Larry A. DiMatteo, 2014-02-17 This book brings together the top international sales law scholars from twenty three countries to review the Convention on Contracts for International Sale of Goods CISG and its role in the unification of global sales law It reviews the substance of CISG rules and analyzes alternative interpretations A comparative analysis is given of how countries have accepted

interpreted and applied the CISG Theoretical insights are offered into the problems of uniform laws the CISG's role in bridging the gap between the common and civil legal traditions and the debate over good faith in CISG jurisprudence The book reviews case law relating to the interpretation and application of the provisions of the CISG analyzes how it has been recognized and implemented by national courts and arbitral tribunals offers insights into problems of uniformity of application of an international sales convention compares the CISG with the English Sale of Goods Act and places it in the context of other texts of UNCITRAL and analyzes the CISG from the practitioner's perspective The Elgar Companion to the Hague Conference on Private International Law Thomas John, Rishi Gulati, Ben Koehler, 2020-12-25 This comprehensive Companion is a unique guide to the Hague Conference on Private International Law HCCH Written by international experts who have all directly or indirectly contributed to the work of the HCCH this Companion is a critical assessment of and reflection on past and possible future contributions of the HCCH to the further development and unification of private international law International Sales Law Christiana Fountoulakis, 2007 **UNIDROIT Principles of International Commercial Contracts. An Article-by-Article Commentary** Eckart Brödermann, 2023-05-12 The Unidroit Principles of International Commercial Contracts provide an excellent and practice proven tool for cross border contracts They constitute a neutral and pragmatic business oriented contractual regime for cross border contracts They contain multiple solutions to typical contractual questions regarding the life of a contract often by way of a compromise between civil and common law They have been referenced in hundreds of decisions of arbitral tribunals or national state courts They have been endorsed inter alia by the United Nations Commission on International Trade Law last in 2021 and the Union Internationale des Avocats 2020 bringing together through its bar association and individual members approximately two million lawyers in more than 110 countries Thirty years after their first publication it is arguably malpractice to ignore them In this fully revised and enlarged 2nd edition the commentary continues to analyse the Unidroit Principles article by article from a practical perspective while always discussing alternative courses of action where they apply The commentary includes proposals for choice of the Unidroit Principles clauses and practical guidance for their use as template or to supplement the CISG or national law In addition to arbitral and state court decisions and recent literature the 2nd edition includes an in depth analysis of extensive legislative material The author is a German practitioner with international training and familiarity with both common and civil law He has been admitted to the New York Bar and also teaches at the University of Hamburg as a Professor of Law The author is using the Unidroit Principles for more than 20 years in his commercial and arbitration practice in recent years on a daily basis in multiple industries As he shares his experience under the Unidroit Principles the commentary can also be used as a practical guide and checklist of issues to consider in international contracting Die Unidroit Principles of International Commercial Contracts sind das ideale Instrument für grenzüberschreitende Verträge sie bilden ein neutrales pragmatisches und wirtschaftsorientiertes Regime für grenzüberschreitende Verträge sie enthalten zahlreiche

praxisnahe Lösungen für bliche Vertragsfragen und vers ihnen dabei Civil Law und Common Law Unidroit Principles werden in zahlreichen Entscheidungen von Schiedsgerichten oder nationalen Gerichten zitiert u a bef rwortet von der Kommission der Vereinten Nationen für internationales Handelsrecht zuletzt 2021 und der Union Internationale des Avocats 2020 die ber ihre Anwaltskammern und Einzelmitglieder rund zwei Millionen Anw lte in mehr als 110 L ndern vereinen Nach drei ig Jahren Anwendung in der Praxis kann es sich r chen die Unidroit Principles zu ignorieren Die vollst ndig bearbeiteten und erweiterte 2 Auflage des Kommentars analysiert weiterhin die Unidroit Principles Artikel für Artikel aus Sicht des Praktikers Alternative Handlungsm glichkeiten werden dort er rtert wo sie sinnvoll und anwendbar sind Der Kommentar enth lt Vorschlä ge für die Wahl der Klauseln der Unidroit Principles und praktische Anleitungen für deren Verwendung auch als Vorlage oder zur Erg nzung des CISG oder des nationalen Rechts Neben Schiedsgerichts und staatlichen Gerichtsentscheidungen sowie aktueller Literatur enth lt die 2 Auflage eine eingehende Analyse des umfangreichen Gesetzesmaterials Als deutscher Praktiker mit internationaler Ausbildung ist der Autor mit dem Common Law und dem Civil Law bestens vertraut Er ist als Rechtsanwalt in New York zugelassen und lehrt als Professor für Rechtswissenschaften an der Universit t Hamburg Der Autor wendet die Unidroit Principles seit 20 Jahren in seiner t glichen Handels und Schiedsgerichtspraxis an Aufgrund zahlreicher Berichterstattung aus der Praxis bietet der Kommentar zugleich ein Handbuch und Checklisten zum allgemeinen Schuldrecht in grenz bergreifenden F llen

The Law of Damages in International Sales Djakhongir Saidov, 2008-09-17 The book aims to explore the remedy of damages in international sales transactions Its focus is on the international contract law instruments such as the Convention on Contracts for the International Sale of Goods CISG the UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law The issues addressed in the book include the basis for the right to claim damages definition and purpose of damages the idea of limiting damages principles underlying the award of damages classification of losses and heads of recoverable losses causation foreseeability mitigation standards of proving losses and methods of calculating and determining the amount of damages The book draws on the experience of some major legal systems in dealing with contract damages as well as on the body of cases and scholarly writings on the international instruments In doing so the book attempts to provide a justification for the existing rules on damages highlights the problems in their interpretation and application and proposes solutions to the existing problems in the light of relevant policies and goals pursued by the international instruments The work will be of interest to practitioners involved in international commercial transactions scholars and students interested in international commercial and comparative contract law

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