

MADS DRYDE ANDERSEN
RENÉ FRANZ HENSCHKE (eds.)

A Tribute to
JOSEPH M. LOOKOFSKY

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Tribute Joseph M Lookofsky

César Manuel Ferreira Pires



Tribute Joseph M Lookofsky:

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

A Tribute to Joseph M. Lookofsky Mads Bryde Andersen, René Franz Henschel, 2015 This festschrift is an international tribute to Professor Joseph M Lookofsky honoring his work as an internationally respected scholar within the areas of private law comparative law and private international law It contains contributions from a wide range of respected scholars and colleagues from around the globe on topics like the United Nations Convention on the International Sale of Goods the CISG and Arbitration and Private International Law Joseph M Lookofsky was born in 1945 in New York where he studied economics B A Economics Lehigh University 1967 and law J D New York University School of Law 1971 After graduation he became a member of the New York State Bar and started his professional career as an attorney for the United Artists Corporation specializing in contract law and copyright law In 1973 he moved to Denmark and took a Danish law degree cand jur at the University of Copenhagen where he was later affiliated as a junior researcher Joseph M Lookofsky is a National Correspondent for the United Nations Commission on International Trade Law UNCITRAL the United Nations Convention on the International Sale of Goods CISG and the United Nations Model Law on Arbitration MAL He is the General Secretary for the Danish Committee on Comparative Law Titular Member of the International Academy of Comparative Law Académie Internationale de Droit Comparé and has been a visiting professor or lecturer at among others Duke University New York University School of Law Most chapters are in English but two are in Danish and one in Swedish Subject Private Law Comparative Law International Law

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 contract law

Forum Shopping Despite Unification of Law Franco Ferrari, 2021-08-16 Watch the interview with Franco 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 conventions

Cambridge Compendium of International Commercial and Investment Arbitration Stefan Kröll, Andrea K. Bjorklund, Franco Ferrari, 2023-03-02 The Compendium like an encyclopedia contains entries for most of the foundational principles and concepts underlying arbitration Each entry takes a holistic view of international arbitration as they tackle core concepts from both a commercial and an investment arbitration perspective focusing on the fundamental issues underlying the various

topics rather than on the solutions adopted in any particular jurisdiction thus making the Compendium a truly cross border transnational resource This innovative approach will allow readers to identify the commonalities as well as the differences between commercial and investment arbitration whether and where cross fertilization has taken place and what consequences it can have This approach allows the Compendium to be a tool in promoting the creation of a culture of international arbitration that considers commercial arbitration and investment arbitration as part of a whole but with certain distinct features particular to each

European Insolvency Regulation 2015 Ulrich Magnus, 2025-06-30 The youngest volume of the renowned series of European Commentaries edited by Ulrich Magnus and Peter Mankowski covers the European Insolvency Regulation This Regulation in its recast version of 2015 is of great practical importance It primarily regulates when courts in the EU are competent to deal with insolvency proceedings which have transborder effects which law is applicable in such proceedings the conditions under which insolvency proceedings are to be recognized in other EU States and how courts and insolvency practitioners should cooperate in transborder situations The Commentary provides an in depth presentation and discussion of each article and pays particular attention to the insolvency decisions of the European Court of Justice but also to national case law The team of authors is as well truly European It is formed of outstanding experts from all over Europe

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

Internationale Schiedsgerichtsbarkeit Dieter Krimphove, 2022-10-15 Die Schiedsgerichtsbarkeit nimmt nicht nur bei nationalen Gerichten eine Konkurrenzstellung zur herkömmlichen streitigen Gerichtsbarkeit ein Ihre inhaltliche prozessuale Flexibilität Sachnähe die Gewährung von Geschäfts- und Betriebsgeheimnissen sowie die kürzere Dauer der Schiedsprozesse machen sie für die Parteien juristisch wie wirtschaftlich interessant Dies gilt insb für internationale Streitigkeiten denn dort tritt zu den materiellrechtlichen Fragen oftmals die schwer zu entscheidende Frage nach der Geltung eines bestimmten nationalen Sachrechts Das Werk wendet sich ebenso an international tätige Unternehmen bzw Anwaltskanzleien internationale Schiedsrichter wie auch an interessierte Rechtswissenschaftler Schiedsgerichte Gerichte Mediatoren Verbraucherstreitschlichter sowie berufständische Organisationen und Verbände Es informiert aus wissenschaftlicher wie praxisorientierter Sicht über die bestehenden aktuellen Möglichkeiten der Schiedsgerichtsbarkeit nicht nur aus juristischer sondern auch aus ökonomischer und vertragsgestalterischer Sicht

International Commercial Arbitration Gary B. Born, 2020-11-23 International Commercial Arbitration is an authoritative 4 250 page treatise in three volumes providing the most comprehensive commentary and

analysis on all aspects of the international commercial arbitration process that is available The Third Edition of International Commercial Arbitration has been comprehensively revised expanded and updated To include all legislative judicial and arbitral authorities and other materials in the field of international arbitration prior to June 2020 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law The revised 4 250 page text contains references to more than 20 000 cases awards and other authorities and will enhance the treatise's position as the world's leading work on international arbitration The first and second editions of International Commercial Arbitration have been routinely relied on by courts and arbitral tribunals around the world including the highest courts of the United States United Kingdom Singapore India Hong Kong New Zealand Australia the Netherlands and Canada and international arbitral tribunals including ICC SIAC LCIA AAA ICSID SCC and PCA e g U S Supreme Court GE Energy Power Conversion France SAS Corp v Outokumpu Stainless USA LLC 590 U S U S S Ct 2020 BG Group plc v Republic of Argentina 572 U S 25 U S S Ct 2014 Canadian Supreme Court Uber v Heller 2020 SCC 16 Canadian S Ct Yugraneft Corp v Rexx Mgt Corp 2010 1 R C S 649 661 Canadian S Ct U K Supreme Court Jivraj v Hashwani 2011 UKSC 40 78 U K S Ct Dallah Real Estate Swiss Federal Tribunal Judgment of 25 September 2014 DFT 5A_165 2014 Swiss Fed Trib Indian Supreme Court Bharat Aluminium v Kaiser Aluminium C A No 7019 2005 138 39 142 148 49 Indian S Ct 2012 Singapore Court of Appeal Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Servs Ltd 2019 2 SLR 131 Singapore Ct App PT Perusahaan Gas Negara Persero TBK v CRW Joint Operation 2015 SGCA 30 Singapore Ct App Larsen Oil Australian Federal Court Hancock Prospecting Pty Ltd v Rinehart 2017 FCAFC 170 Australian Fed Ct Hague Court of Appeal Judgment of 18 February 2020 Case No 200 197 079 01 Hague Gerechtshof Arbitral Tribunals Lao Holdings NV v Lao People's Democratic Republic I Award in ICSID Case No ARB AF 12 6 6 August 2019 Gold Reserve Inc v Bolivarian Republic of Venezuela Decision regarding the Claimant's and the Respondent's Requests for Corrections ICSID Case No ARB AF 09 1 15 December 2014 Total SA v The Argentine Republic Decision on Stay of Enforcement of the Award ICSID Case No ARB 04 01 4 December 2014 Millicom Int'l Operations B V v Republic of Senegal Decision on Jurisdiction of the Arbitral Tribunal ICSID Case No ARB 08 20 16 July 2010 Lemire v Ukraine Dissenting Opinion of J rgen Voss ICSID Case No ARB 06 18 1 March 2011

A Transferência do Risco na Venda internacional de Mercadorias César Manuel Ferreira Pires, 2023-05-05 A palavra risco usada com mais do que um sentido em rela o ao contrato de venda O risco pode ser risco contratual risco econ mico risco de mercado risco de pre o risco da presta o ou da contrapresta o mas tamb m risco de perda deteriora o ou perecimento das mercadorias De acordo com o que procuro defender na venda internacional de mercadorias nem todos os detalhes relativos transfer ncia do risco s o identific veis com o olhar dirigido apenas a este contrato Outros contratos como o contrato de transporte o contrato de seguro ou os cr ditos document rios permitem identificar um concreto risco no contrato de venda quando est em causa transfer ncia do risco e delinear melhor o crit rio para a sua aloca o Um lapso de detalhe na cria o do crit rio para a transfer

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