

Perspectives in Practice of the UNIDROIT Principles 2016

Views of the IBA Working Group on the
practice of the UNIDROIT Principles 2016



The Unidroit Principles In Practice The Unidroit Principles In Practice

Terry C. Jones



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The UNIDROIT Principles in Practice Michael Joachim Bonell, 2006-09-01 Since fall 2006 a new revised edition of Unidroit Principles in Practice featuring approximately 120 130 cases The UNIDROIT Principles of International Commercial Contracts published in 1994 were an entirely new approach to international contract law Prepared by a group of eminent experts from around the world as a restatement of international commercial contract law the Principles are not a binding instrument but are referred to in many legal matters They are widely recognized now as a balanced set of rules designed for use throughout the world irrespective of the legal traditions and the economic and political conditions of the countries in which they are applied The UNIDROIT Principles in Practice provides a comprehensive collection of international caselaw and bibliographic materials relating to the Principles In particular it contains the text and official comments of the UNIDROIT Principles over 70 decisions by courts and arbitral tribunals worldwide referring to the UNIDROIT Principles a vast bibliography In addition to a general bibliography there are bibliographical references pertinent to individual articles Published under the Transnational Publishers imprint

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An International Restatement of Contract Law Michael Joachim Bonell, 2009-03-01 The Unidroit Principles of International Contracts first published in 1994 have met with extraordinary success in the legal and business community worldwide Prepared by a group of eminent experts from all major legal systems of the world they provide a comprehensive set of rules for international commercial contracts Available in more than 20 language versions they are increasingly being used by national legislatures as a source of inspiration in law reform projects by lawyers as guidelines in contract negotiations and by arbitrators as a legal basis for the settlement of disputes In 2004 a new edition of the Unidroit Principles was approved containing five new chapters and adaptations to take into account electronic contracting This new edition of An International Restatement of Contract Law is the first comprehensive introduction to the Unidroit Principles 2004 In addition it provides an extensive survey and analysis of the actual use of the Unidroit Principles in practice with special emphasis on the different ways in which they have been interpreted and applied by the courts and arbitral tribunals in the hundred or so cases reported worldwide The book also contains the full text of the Preamble and the 180 articles of the Unidroit Principles 2004 in Chinese English French German Italian and Russian as well as the 1994 edition in Spanish

Published under the Transnational Publishers imprint **The UNIDROIT Principles: an Expression of Current Contract Practice** Marcel Fontaine, 2002 *The UNIDROIT Principles in Contemporary Contract Practice* Hilmar Raeschke-Kessler, 2002 **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 , (Non-)conformity in the 1980 UN Convention on Contracts for the International Sale of Goods Sonja Kruisinga, 2004 The 1980 UN Convention on Contracts for the International Sale of Goods CISG unifies the law governing the rights and obligations arising from a contract for the international sale of goods for the seller and the buyer The CISG entered into force on 1 January 1988 The current number of 62 contracting States representing two thirds of the world trade shows the relevance of this Convention Moreover the International Chamber of Commerce ICC has published a model for an international sales contract that presupposes the application of the Convention Since no supranational court exists to safeguard a uniform interpretation of its provisions the case law from different states on the basis of the CISG needs to be compared One of the main obligations for the seller under the Convention is to deliver goods which are in conformity with the contract art 35 CISG With respect to this particular obligation a number of questions have arisen For example do the goods delivered need to comply with any public law requirements in the country where the goods will be used When and how does a buyer have to give notice to the seller of any lack of conformity Is any fault on the part of the seller required for a buyer to be able to rely on this provision Who bears the burden of proof Can a buyer rely on any concurrent claims based on national law alongside his claim based on lack of conformity This book contains an analysis of the case law that has been established on the basis of the CISG concerning the aforementioned questions Special attention has been paid to court decisions in Austria Belgium France Germany the Netherlands and Switzerland as well as to arbitral awards by the ICC Court of Arbitration In this respect the role of the UNIDROIT Principles of International Commercial Contracts in the interpretation of the CISG has also been analysed The

book provides a unique combination because it contains both an analysis of the issue of non conformity as such and an overview of the recent case law on this topic as well as recommendations for international commercial practice Therefore this book will be of interest to both academics and legal practitioners

Review of the Convention on Contracts for the International Sale of Goods (CISG) 2004-2005 Pace International Law Review, 2006 The Review of the Convention on Contracts for the International Sale of Goods CISG is published yearly and features articles written by prominent legal scholars in the field of international sale of goods from around the world In addition to scholarly writings analyzing the various articles of the CISG the book compiles translations of recent decisions as well as commentaries of notable cases relating to the CISG The book provides both a forum for legal discussion within the international legal community in the area of international sales law and as an authoritative source of reference for international scholars This 2004 2005 volume includes articles such as Claiming Damages in Export Trade on Recent Developments of Uniform Law Article 74 of the United States Convention on Contracts for the International Sale of Goods Brown and Causation in Damages The Convention on Contracts for the International Sale of Goods the UNIDROIT Principles of International Commercial Contracts the Principles of European Contract Law

Contract Law Neil Andrews, 2011-05-26 This textbook takes a fresh approach to contract law as a first edition it reflects the subject in the 21st century more accurately than other texts Comprehensive and scholarly it maps the curriculum perfectly but detailed references and further reading sections encourage students to explore the subject further Understanding is paramount and chapter introductions clearly guide students through the material The textbook takes an innovative approach to case law breaking down and discussing individual elements of a case and selecting short key extracts it gives students the tools to read cases independently and with confidence An examination of the historical and theoretical foundations of the subject and a concluding chapter tracking emerging fields ensure the broadest possible perspective Discussion of key recent cases such as Durham Tess Valley Airport 2010 and Chartbrook 2009 make this important new text a must for contract law students

The Yearbook of Consumer Law 2009 Annette Nordhausen, Geraint Howells, 2016-02-17 The Yearbook of Consumer Law provides a valuable outlet for high quality scholarly work which tracks developments in the consumer law field with a domestic regional and international dimension The 2009 volume presents a range of peer reviewed scholarly articles analytical in approach and focusing on specific areas of consumer law such as credit consumer redress and the impact of the European Union on consumer law The book also includes a section dedicated to significant developments during the period covered such as key legislative developments and important court decisions It is an essential resource for all academics and practitioners working in the areas of consumer law and policy

Interest in International Arbitration Matthew Secomb, 2019-01-22 Interest plays a vital and increasing role in international arbitration proceedings with almost every case having an element of interest involved However until now the topic has received very little attention meaning that arbitrators have had very little concrete foundation on which to judge decisions on interest

awards This book is the first authoritative guidance to address this providing a uniform approach to the awarding of interest in international arbitration Interest in International Arbitration aligns arbitrators decisions with standard commercial practice offering a practical and logical approach to how interest should be awarded It sets out traditional approaches that arbitrators have followed in the past such as using conflict of law to apply a statutory rate from a given law or awarding instead a subjectively reasonable rate and examines how these inconsistent approaches have resulted in a variety of awards and decisions The author uses this analysis as a basis for a uniform approach to the issue granting compound interest at appropriate rates unless constrained by truly mandatory law The author sets out the calculation method explores the benefits and limitations and presents a thorough argument for the movement toward a uniform approach to interest awards **Good**

Faith in International Commercial Arbitration Georgios Martsekis,2025-05-06 This book demystifies the effectiveness of good faith in international commercial arbitration law In the growing universe of international commercial arbitration it is more pressing than ever to discuss the role of good faith and challenge residual conservative skepticism regarding its usefulness The book employs principles standards and concepts which are normatively ingrained in good faith These include the principle of pacta sunt servanda the estoppel doctrine the transnational standard of cooperation and fair dealing among merchants It also discusses the pertinence of good faith to corrective justice proportionality prohibition of discrimination and unconscionability international public policy and due process among other concepts This granular approach demonstrates how good faith is integrated into the practice of international commercial arbitration The book sheds light on the technical functions of the principle in parties substantive protection contractual interpretation and arbitral procedure with an ultimate view to reinforcing the soundness and persuasive value of arbitral decision making Throughout the book establishes a uniform and enforceable conceptualization of good faith in transnational disputes The book will be of interest to practitioners and researchers in the fields of commercial law arbitration transnational disputes and international law *General Reports of the XXth General Congress of the International Academy of Comparative Law - Rapports généraux du XXème Congrès général de l'Académie internationale de droit comparé* Katharina Boele-Woelki,Diego P. Fernández Arroyo,Alexandre Senegacnik,2020-12-17 This book explores convergences of legal doctrine despite jurisdictional cultural and political barriers as well as divergences due to such barriers examining topics that are of vital importance to contemporary legal scholars Written by leading experts from all continents its 26 chapters present a comparative analysis of cutting edge legal issues of the 21st century While each of the countries covered stands alone as a sovereign state in a technologically advanced world their disparate systems nonetheless show comparable strategies in dealing with complex legal issues Several of the chapters show how in addition to state normative production and state adjudication a growing panoply of non state instruments and non state adjudication are becoming more and more central to the legal field This book is a key addition to the library of any scholar wanting to keep abreast of the major trends in contemporary law Representing the current state of law in a vast

range of areas it covers each topic from a comparative perspective Cet ouvrage en examinant des sujets d'une importance vitale pour les juristes contemporains traite des convergences de la doctrine juridique malgré les barrières juridictionnelles culturelles et politiques ainsi que des divergences dues ces barrières critiquées par des universitaires de tous les continents ses 26 chapitres présentent une analyse comparative de sujets juridiques majeurs du 21^e siècle Dans un monde technologiquement avancé bien que chaque pays analysé dans cet ouvrage demeure autonome en tant qu'état souverain l'ensemble des systèmes disparates présente néanmoins des stratégies comparables pour traiter des questions juridiques complexes En outre plusieurs chapitres montrent comment en plus de la production normative et de la résolution des différends techniques la panoplie croissante de différents types d'instruments non techniques et de résolution non technique des différends devient de plus en plus centrale dans la sphère juridique Cet ouvrage est un ajout essentiel à la bibliothèque de tout universitaire souhaitant se tenir au courant des principales tendances du droit contemporain Il couvre un vaste domaine de sujets traités d'un point de vue comparatif et représente l'état actuel du droit dans chaque domaine

"Soft Law" in International Commercial Arbitration Felix Dasser, 2021-05-25 Soft law is a current buzzword and considered a panacea for all kinds of issues that arise in international commercial arbitration Very little research has however been done on the dogmatic underpinnings of the concept and its actual legal relevance This course follows the development of the so called soft law from its origins in public international law to commercial arbitration where it is used today as a label for various instruments and phenomena covering both procedural aspects and the applicable substantive law model laws arbitration rules guidelines the UNIDROIT Principles the lex mercatoria and others It presents three particularly well known sets of guidelines by the International Bar Association and discusses the pros and cons of soft law instruments and their potential normativity The analysis suggests that soft law instruments are typically less well recognised in practice than is generally assumed The author explains what such instruments can achieve and what minimum requirements they have to fulfil to at least aspire to some legitimacy He argues ultimately that soft law instruments can be very useful tools but they do not carry any normativity

Good Faith in International Investment Arbitration Emily Sipiorski, 2019 Written by a leading legal researcher this book offers a comprehensive study of the principle a frequently invoked but rarely analysed aspect of investment arbitration It is a thorough and expansive study that considers the application of good faith by arbitral tribunals and parties in international investment disputes encompassing both procedural and substantive aspects of good faith Expertly negotiating a complex principle this book diligently follows the arbitral process from jurisdiction through merits and to cost decisions identifying the various applications of good faith in investment disputes The author offers detailed analyses of the role of good faith in defining nationality and investor as well as in pre dispute admissibility requirements The study then delves into the ways the principle guides parties arguments and informs tribunals decisions regarding evidence substantive protections and costs It further addresses the role of good faith in the behaviour of arbitrators and other actors

This is a guide for anyone wishing to understand this important principle that has accompanied the developing system of international investment law *Revue de Droit Uniforme*, 2000 *The Law and Policy of New Eurasian Regionalization* Anna Aseeva, Jędrzej Górski, 2021-01-25 *The Law and Policy of New Eurasian Regionalization Economic Integration Trade and Investment in the Post Soviet and Greater Eurasian Space* edited by Anna Aseeva and Jędrzej Górski makes several unique contributions to the literature First and foremost most of the current literature is in either economics or politics with only a secondary focus on legal and institutional matters Secondly and consequently the book is accessible and relevant to readers both inside and outside the boundaries of the Eurasian area not only geographical boundaries but also legal geopolitical geoeconomic cultural and indeed disciplinary boundaries Drawing on international transnational and comparative legal scholarship this rich volume offers the insights by a plethora of leading international scholars in economics institutional theory area studies international relations global political economy political science and sociology The contributors come from four corners of the globe including Asia Europe and North America CISG Methodology André Janssen, Olaf Meyer, 2009-04-27 The CISG is now being applied extensively both by international arbitral tribunals and by domestic courts of its more than 70 contracting 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 whilst the number of contracting 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 analysed by leading experts from five continents Whereas some authors provide a thorough analysis of the central topics of interpretation others enter almost uncharted territories

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