

Icc Guide To Incoterms 2010

Anyone involved in trade law knows the time-consuming nature of obtaining primary source material and consulting each of the main trade laws. Now in its fourth edition, *Basic Documents in International Trade Law* solves this problem by assembling, in a single, easy-to-use resource, a very comprehensive collection of the most important and frequently used documents on the law of international trade. In addition to its obvious practical value, this work reveals much about the process of harmonization in international trade law and the operation of the key international trade bodies. This makes the book a helpful reference for international business lawyers, researchers, legislators and government officials in the field. Since the successful publication of the previous editions of the book, the appearance of new conventions and model laws has considerably enriched the law of international trade, and the present edition contains a wealth of new material. The book has been substantially revised and several new instruments have been included. Among the most significantly important improvements to this new edition are new chapters added to different parts of the book, a redesigned and thoroughly revised Part 6 reflecting the expansion of intellectual property rights under the framework of treaties administered by World International Property Organization, and bibliographies and other research resources updated and enlarged to include an extraordinarily rich collection of books and articles in many trading languages besides English, including, for the first time, major Chinese works in the international trade law field. As the late Prof. Clive M. Schmitthoff commented on the first edition, the book 'is not only of practical usefulness but has also considerable jurisprudential value', and 'reveals the methodology of the harmonization process in the area of international trade law'. The *International Business Lawyer* first commented in 1987 that the book 'can only be described as a "vade mecum" for every international business lawyer', an assessment that now seems more merited than ever.

Principles of International Trade (Import-Export): The first step toward globalization by Dr. Chase C. Rhee is a comprehensive book for international trade (Import-Export). This book is intended for college students who study international trade and business people who want to engage in international trade. The book covers major subjects necessary for a successful import-export business: Antidumping and countervailing duties ATA Carnet Classical theories of international trade Customs brokers Customs clearance Drawback Establishing an import business Export credit insurance Export entry strategies & export intermediaries Export pricing Financing exports Financing imports Foreign Corrupt Practices Act and Antiboycott Laws Foreign trade zones Free trade agreements Harmonized Tariff Schedule of the United States IC-DISC, FSC, ETI Act, and AJCA Import quotas Inspection of imported goods Interactions between an exporter and an importer International freight forwarder & automated export system International organizations: GATT, WTO, ICC, & OECD International trade terms International transportation Locating products to export and export markets Locating products to import Marine cargo insurance Markings of imported goods Negotiation of shipping documents Overseas agents and distributors Packing of imported goods Pricing of imported goods Safeguard measures Sales contracts Shipping documents Special tariff treatment programs Temporary free importations Terms of payments Transaction value U.S. Governments export controls U.S. Governments export supports U.S. Governments import restrictions

This three-volume *Manual on International Maritime Law* presents a systematic analysis of the history and contemporary development of international maritime law by leading contributors from across the world. Prepared in cooperation with the International Maritime Law Institute, the International Maritime Organization's research and training institute, this a uniquely comprehensive study of this fundamental area of international law. Volume II: *Shipping Law* provides a detailed understanding of the historical development of shipping law looking at concepts, sources, and international organisations relating to shipping law; nationality, registration and ownership of ships; ship sale and shipping contracts; ship management and ship finance; arrest of ships; international trade and shipping documents; carriage of goods, passengers and their luggage by sea; maritime labour law; law of maritime safety; law of marine collisions; law of salvage; law of wrecks; law of general average; law of towage; law of harbours and pilotage; limitation of liability for maritime claims; and law of marine insurance. Volume II published in October 2014 addresses the major issues which arise in the law of the sea. The forthcoming Volume III will provide analysis of marine environmental law and maritime security law. The full three-volume *Manual* will set out the entirety of international maritime law, re-stating and re-examining its fundamental principles, how it is enacted, and the issues that are shaping its future. It will be a superlative resource for those working with or studying this area of law.

International Trade Law offers a clear overview of the complexities of an international sale transaction through informed analysis of case law, legislation, and international conventions and rules. Fully updated with changes to the law and new directions in legal debate, this new edition considers: • Standard trade terms including INCOTERMS 2010, the Convention on International Sales of Goods 1980 and the UNIDROIT Principles for International Commercial Contracts 2004 • E-Commerce issues, including electronic bills of lading • Insurance and payment mechanisms, such as letters of credit and the UCP 600 • International transportation of cargo, including the Rotterdam Rules • Dispute resolution, incorporating jurisdiction, applicable law, arbitration and mediation • Corruption and anti-corruption conventions, including the UK Bribery Act 2010 In addition to clarifying a range of topics through tables and diagrams, the book directs readers to relevant further reading and online resources throughout, offering students an accessible resource to this often challenging area of the law.

The *ICC Guide to Export/Import* is all you need in order to succeed in international markets. This easy-to-understand introduction to international trade is at the same time a detailed handbook for the experienced practitioner. Completely updated, the fourth edition of this much acclaimed volume contains an extended analysis of new rules and regulations including ICC's Incoterms® 2010, URDG and others as well as crucial topics like online documentation and e-commerce, customs and intellectual property.

Exploring the advantages and disadvantages of codifying contract law, this book considers the question from the perspectives of both civil and common law systems, referring in detail to issues of international and consumer law. With contributions from leading international scholars, the chapters present a range of opinions on the virtues of codification, encouraging further debate on this topic. The book commences with a discussion on the internationalization imperative for codification of contract law. It then turns to regional issues, exploring first codification attempts in the European Union and Japan, and then issues relevant to codification in the common law jurisdictions of Australia, New Zealand and the United States. The collection concludes with two chapters which consider the need to draw upon both private and comparative international law perspectives to inform any codification reforms. This book will be of interest to international and comparative contract law academics, as well as regulators and policy-makers.

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.

Incoterms are critical to the process when concluding any contract that involves buying and selling across international borders. Brian Chikwava's handbook, *Sustaining Contractual Business: An Exploration of the New Revised International Commercial Terms - Incoterms®2010*, is a practical guide to understanding the use of the latest Incoterms for any of the following who are involved with contracts involving inter-country trade in goods:

- Contract negotiators or traders
- Execution operatives in export organisations
- Logistics operatives in transport, shipping and freight forwarding companies
- Trade finance officers
- Export/import consultants and advisors
- Finance and risk professionals
- Inhouse cargo insurance specialists
- Lawyers advising any of the above and international bankers

This book offers an original academic study of the Rotterdam Rules. It analyses the salient articles that will have an impact on international sale contracts governed by English law, including the most popularly used international law instruments, terms and standard sale contracts. Looking beyond the legal relationship of carrier-shipper and carrier-receiver, this book examines the important articles of the Rotterdam Rules that affect the ability of the trading protagonists to perform their sale contract.

This is the second of a three-volume set which will bring together the law of the sea, shipping law, maritime environmental law, and maritime security law. This volume focuses on shipping law, providing a detailed assessment of this area of law by leading practitioners and eminent scholars.

Business Insider calls *The ENTREPRENEUR'S GUIDE* "perhaps the most useful business book you can ever read" and lists it among twenty-five must-read books for entrepreneurs. *THE ENTREPRENEUR'S GUIDE TO LAW AND STRATEGY, 5E* examines stages of starting a business -- from start-up and growth to public offering, while highlighting legal preparations and pitfalls. Cutting-edge examples show how legally astute entrepreneurs can strategically increase realizable value, deploy resources, and manage risk. The book discusses leaving a job, hiring former coworkers, competing with a former employer, workplace legislation, product liability, and bankruptcy. You examine current issues including today's workforce in the "gig" economy, "crowdsourcing" capital and social media, computer hacking and identity theft. Legal discussion integrates with core strategic concepts, such as Porter's Five Forces, the resource-based view of the firm, the value proposition, activities in the value chain and more. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

Buyers and sellers engaging in the cross-border sale of goods are well-advised to be conversant with the United Nations Convention on Contracts for the International Sale of Goods (CISG), which governs international sales contracts. The CISG has been ratified by 89 states, which together account for over three-quarters of all world trade. This practically-oriented, article-by-article commentary on the CISG will be useful to legal practitioners, counsel and arbitrators dealing with international sales contracts. The in-depth annotations deal extensively with the legal issues likely to arise under each CISG article. The annotations include up-to-date analyses of state court and arbitral decisions, the legal doctrines derived from these decisions, and relevant scholarship to date. Among the issues and topics discussed are the following: interface with national laws; scope of application; obligations of seller and buyer; non-conforming goods and duty to notify; breach of contract and remedies; damages; force majeure exemption; and termination of contract and its consequences. This book is an updated translation of the second German edition of a valued resource in Germany, Switzerland, and Austria, and an authority regularly cited by the Swiss Supreme Court. The commentary is influenced by legal authorities from both civil law and common law backgrounds. Throughout, the contributors refer to the *cisg-online.ch* database, enabling users to locate decisions easily. User-friendly, focused on practical questions, concise but comprehensive, this article-by-article commentary provides a quick and trenchant overview of existing legal opinions and court/arbitral decisions. It will prove immensely valuable to legal practitioners, facilitating their formulation of reliable solutions to legal problems involving the CISG.

This book has been written for experienced managers and students in postgraduate programs, such as MBA or specialized Masters programs. In a systematic yet concise manner, it addresses all major issues companies face when conducting business across national and cultural boundaries, including assessing and selecting the most promising overseas markets, evaluating market entry alternatives, examining the forces that drive adaptation versus standardization of the marketing mix. It looks at the various global marketing challenges from a strategic perspective and also addresses topics not usually found in international marketing texts, such as aligning marketing strategies with global organizational structures, managing the relationship between national subsidiaries, regional headquarters and global headquarters, as well as corporate social responsibility challenges, and pertinent future trends that are likely to affect global business.

This wide-ranging and authoritative dictionary contains over 7,100 entries covering all areas of business and management, including marketing, organizational behaviour, business strategy, law, and taxation. In its sixth edition, it features the very latest developments, such as those relating to information technology (including mobile technology), and the financial crisis and the subsequent sovereign debt crisis. Entries have been updated to refer to recent events and news in the field, for example the LIBOR scandal. Over 100 new entries have been added including bitcoin, Cog's Ladder, mobile commerce, Six Sigma, social media, theory of institutional deficiencies, and zero-hours contract. Furthermore, there is expanded coverage of areas such as financial regulation and corporate social responsibility, with a number of new entries offering insight into these topics, including aw-shucks defence and Financial Conduct Authority. The new edition of this established bestselling dictionary elucidates modern financial and management jargon, defining entries in a clear, concise, and accessible manner. With recommended web links for many entries, accessible and kept up to date via the Dictionary of Business and Management companion website, this edition is more informative than ever. This A-Z reference work is essential for business students, teachers and professionals, and useful for anyone needing a guide to business terminology.

If you have been struggling to get the reputation and fame of a world-class global buyer, you are fortunate. I have written this self-help guide to help you become that world-class buyer. In less than three to four years (depending on your education level), if you read this book and apply the attributes, you will achieve your career goals and earn the reputation of being world-class. In this self-help book, you will learn the thirteen specific skills required to become a world-class buyer, such as transportation, billing terms, cash flow, profit, long-term contracts, partnering versus strategic alliance, mentoring, ethics and morals, business modeling, and effective presentations, just to name a few. Also included in the book are the eight steps in supply category management, negotiating for damages, seven key attributes for success, and the fifteen common traits of winners. Last but certainly not the least are very helpful hints found after each chapter, which are summarized in the closing chapter 25. I hope you had as much pleasure reading the book as I had writing it. Look for my upcoming sequel, *The Definitive Guide to Obtaining a 100% Investment Return*. Enjoy!

" Unlike conventional direct taxes, the application and administration of value-added tax (VAT) depends to a considerable extent on the exchange of information between the taxable person and his transaction counterparts. In practice, the taxable person often fails to obtain necessary information from his transaction counterparts, giving rise to information asymmetries that can induce VAT assessments, sanctions, and audits. In its up-to-date overview of European Union (EU) VAT law, this book assesses legislation, case law, and practice at EU and national levels, in the process of examining how to minimize the risks and negative consequences associated with information asymmetries. As a result of his in-depth treatment of the subject, the author establishes the following: – to what extent information asymmetries in EU VAT have legal implications (e.g., VAT assessments, fines) for the taxable person; – to what extent information asymmetries should have legal implications for the taxable person, taking into account the legal principles applicable in EU VAT; – to what extent positive EU VAT law indeed implies the risk of information asymmetries and any associated unjustified legal implications; and – to what extent legal remedies should be employed to avoid or to reduce information asymmetries for the taxable person. This is the first book to conduct thorough research into the causes and legal implications of information asymmetries, as well as the instruments which can be employed to counter their materialization. As such, it will be of inestimable value to practitioners, legislators, policymakers, entrepreneurs, judicial professionals, and academics concerned with EU VAT law. "

A critical evaluation of the latest reform in Chinese law that engages legal scholarship with research of Chinese legal historians.

English summary: Largely unnoticed by the law, the maritime trade sector has developed private mechanisms of norm-making, adjudication, and enforcement which can be called transnational law. In this context especially the participation of stakeholders provides legitimation of privately made norms and standards in international maritime trade. German description: In der Rechtswissenschaft werden unter den Stichworten aNeue Lex Mercatoria und aTransnationales Recht seit Jahrzehnten Konzepte eines globalisierten Rechts jenseits des Nationalstaats diskutiert. Weitgehend unbeachtet von derartigen Debatten hat die Seehandelsbranche aufgrund ihrer eigenen Internationalität die Globalisierung bereits seit langem tatsächlich vollzogen. Der grenzüberschreitende Seehandel hat dabei Institutionen im Bereich von Rechtsetzung, Rechtsprechung und Rechtsdurchsetzung entwickelt, die aufgrund privater Setzung ein transnationales Seehandelsrecht begründen. Regeln entstehen dabei in Verfahren, die unter breiter Beteiligung von allen Interessenträgern des Seehandels zustande kommen. Diese dienen als Beispiel für die Legitimation eines transnationalen Rechts, das mit staatlichem Recht interagiert und so einen hybriden Rechtskörper - eine Lex Maritima - bildet.

For well over a decade this prized guide has served practitioners handling the legal ramifications of international contracting projects. The fourth revised and expanded edition thoroughly describes the new and ever-changing concepts and procedures that continue to redefine the researching, drafting, and execution of international contracts. More profoundly, it takes fully into account the hugely increasing volume of international trade and its ongoing expansion into more and more countries worldwide, and the concomitant need for businesspersons and transactional lawyers to be aware of the numerous recent international conventions and supranational responses to facilitate trade. All the invaluable features of earlier editions are of course still here, including analysis of key contract issues unique to various types of contracting, common contract clauses (such as choice of law and dispute resolution clauses), contract checklists, insights gleaned from actual cases and arbitral proceedings, and clear explanation of the principles of good contract drafting. The major relevant international conventions, model laws, pertinent national laws, legal guides, and other documents and instruments are all covered, with primary texts provided in appendices. Among the numerous issues and topics that arise are the following: • incorporation of standard terms; • difficulties of multiple language contracts; • lex mercatoria; • liability based upon preliminary agreements; • issues of termination; • regulation of Internet sales; • role of model or uniform laws; • sale of services; • national law restrictions on the cross-border sale of services; • intellectual property transfer and licensing agreements; • franchising and joint ventures; • electronic contracting; and • confidentiality, nondisclosure agreements, and covenants not to compete. More than merely an accessible reference that can be used as a framework tool in the negotiating and drafting of international contracts, this volume offers expert insights regarding the reasonableness of many contract clauses and the likelihood of their enforcement in a foreign jurisdiction. Because knowledge of the nuances of international transactional law cannot be overstated, this book is not only valuable but necessary. An adroit combination of contract theory and contract practice, the book continues to provide guidance to the law practitioner and student alike.

Machiavelli Had it Easy is an engaging text for the emerging discipline of governance. Gaps arise when directors and managers come together from diverse vocational and cultural languages and interests. Compressed information streams in the digital age, yet few reconcile silos of business, legal expertise and regulatory public-interests for informed decisions. This text presents research and a market-tested decision-framework for comparative law, market practice, and human nature in the vital strategic-oversight role of governance. Informed by cognitive science, business practice and legal duties, one conclusion is that bias and self-interests are instinctive but reconciling best-interests is not. Too often lessons learned from centuries of law are overlooked. The chapters are a dozen inquiries into recurring problems in the boardroom. Part one is an entry-level technical reference of law and governance principles. Unique appendices of keywords and case notes will aid those new to markets governed by the western rule-of-law and those tripping on gaps in comparative jargon. Part two is a series of practical hot-topics in the context of law and governance; part three looks to next steps in accountability and liability. The text will help accountants, engineers, lawyers, and business operations and market-policy experts from around the world work together, and; professors, professionals and students anticipate change. After drilling through accountability and liability for hybrid organizations, typical crises are revealed to be from a lack of aligning interests and related information churn. Conclusions of the how and why of governance systems link the human condition and the rule-of-law in the digital age.

Global Supply Chain Security and Management: Appraising Programs, Preventing Crimes examines the relationship between securing a supply chain and promoting more efficient worldwide trade. Historically, the primary goal of supply chain security was guarding against theft and damage. Today, supply chains are also on the frontlines in the fight against terrorism. This book showcases industry leaders and their best practices, also exploring how the government is both a policing organization and a

supply chain partner. In addition, it covers the critical roles that various technologies play, focusing on how Big Data is collected and turned into knowledge. By using the tools provided, readers will gain a stronger understanding of the challenges and opportunities faced by any organization that imports or exports products. Outlines the latest technologies being used to secure infrastructures Leverages game theory to express the strategic interactions of government and business Covers the latest U.S. regulations and provides analytical tools to help make sense of these regulations Incorporates the latest theories and techniques of industrial organization, economics, and security

This book consists of edited versions of the papers delivered at the Institute of International Shipping and Trade Law's 11th International Colloquium, held at Swansea Law School in September 2015. Featuring a team of contributors at the top of their profession, both in practice and academia, these papers have been carefully co-ordinated so as to ensure to give the reader a first class insight into the issues surrounding international sale and carriage contracts. The book is set out in three parts: Part I offers a detailed and critical analysis on emerging issues and unresolved questions in international sales and the carriage contracts affected to facilitate such sales. Part II critically and thoroughly analyses the legal issues that often arise in the context of security over goods, letters of credit and similar documents. Part III is dedicated to a critical and up-to-date discussion on matters concerning cargo insurance in this context. With its breadth of coverage and high-quality analysis, this book is vital reading for both professional and academic readers with an interest in international trade and carriage of goods.

This second edition represents a substantial revision to the first edition first published in 1999. Readers will find this book an update of the adoption of UCP-600 and new practices of the services by ECIC and major trade promotion institutions in Hong Kong. Major differences between Incoterms 2000 and 2010 will also be discussed. Published by City University of Hong Kong Press. ????????????

Il mercato esige la disponibilità immediata della merce e pertanto i trasporti devono essere sempre più veloci e ridurre ogni occasione di interruzione del flusso logistico. Purtroppo però, trasporti veloci e trasbordi frequenti (funzionali alla intermodalità) sono le premesse dell'aumento di sinistrosità e sinistralità curabili solo con una completa visione del risk management che non può prescindere da una più consapevole e sapiente strategia assicurativa. Ora, per fortuna, i ceti mercantili dispongono di prodotti assicurativi moderni, completi e di quasi illimitata magnitudine, ma proprio perché così sofisticati, c'è il rischio che i "non-addetti ai lavori" vi si smarriscano nella ricerca della migliore opzione: Polizza Italiana o Polizze inglesi? Polizze danni o di Responsabilità? Rischio Base o Pieno Rischio? Assicurazioni in proprio o contingency? E per i più pregiudizievoli danni immateriali esistono forme di ristoro, posto che le Assicurazioni Trasporti coprono solo i danni diretti e materiali? A questi e ad altri spinosi interrogativi sul mondo delle assicurazioni, dà risposta il volume con l'analisi dei prodotti attuali e più moderni (Polizza italiana 1998, Institute Cargo Clauses 2009, ecc.), completo ora della Guida Ragionata agli Incoterms® 2010, e analizzando di ognuno degli undici termini i collegamenti con le assicurazioni e quindi i riflessi assicurativi della compravendita internazionale con linguaggio convincente, com'è nel suo stile, anche nei passaggi più cruciali. STRUTTURA LE ASSICURAZIONI TRASPORTI INCOTERMS® 2010 E RIFLESSI ASSICURATIVI APPENDICE

In today's developing world, international trade is a field that is rapidly growing. Within this economic market, traders need to implement new approaches in order to satisfy consumers' rising demands. Due to the high level of competition, merchants have focused on developing new transportation and logistics strategies. In order to execute effective transportation tactics, decision makers need to know the fundamentals, current developments, and future trends of intercontinental transportation. The Handbook of Research on the Applications of International Transportation and Logistics for World Trade provides emerging research exploring the effective and productive solutions to global transportation and logistics by applying fundamental and in-depth knowledge together with current applications and future aspects. Featuring coverage on a broad range of topics such as international regulations, inventory management, and distribution networks, this book is ideally designed for logistics authorities, trading companies, logistics operators, transportation specialists, government officials, managers, policymakers, researchers, academicians, and students. Although negotiation still lies at the heart of international commercial agreements, much of the detail has migrated to the Internet and has become part of electronic commerce. This incomparable one-volume work??now in its sixth edition??with its deeply informed emphasis on both the face-to-face and electronic components of setting up and performing an international commercial agreement, stands alone among contract drafting guides and has proven its enduring worth. Following its established highly practical format, the book's much-appreciated precise information on a wide variety of issues??including those pertaining to intellectual property, alternative dispute resolution, and regional differences??is of course still here in this new edition. There is new and updated material on such matters as the following: • the need for contract drafters to understand and to use the concepts of "standardization" (i.e., the work of the International Organization for Standardization (ISO) as a contract drafting tool); • new developments and technical progress in e-commerce; • new developments in artificial intelligence in contract drafting; • the possible use of electronic currencies such as Bitcoin as a payment device; • foreign direct investment; • special considerations inherent in drafting licensing agreements; • online dispute resolution including the innovations referred to as the "robot" arbitrator; • changes in the arbitration rules of major international organizations; and • assessment of possible future trends in international commercial arrangements. Each chapter provides numerous references to additional sources, including a large number of websites. Materials from and citations to appropriate literature in languages other than English are also included. In its recognition that a business executive entering into an international commercial transaction is mainly interested in drafting an agreement that satisfies all of the parties and that will be performed as promised, this superb guide will immeasurably assist any lawyer or business executive to plan and carry out individual transactions even when that person is not interested in a full-blown understanding of the entire landscape of international contracts. Business executives who are not lawyers will find that this book gives them the understanding and perspective necessary to work effectively with the legal experts.

Global Arbitration Review's The Guide to Energy Arbitrations is an essential desk-top reference tool for energy companies, their advisers and arbitrators, bringing together a number of pre-eminent authors and pulling together the

latest and best approaches to the myriad issues confronted in today's energy disputes. J William Rowley QC of 20 Essex St, acts as General Editor, editors are Doak Bishop of King & Spalding and Gordon Kaiser, with contributions from leading firms across the world. The book has 18 chapters split into 4 sections: I. Investor-State Disputes in the Energy Sector II. Commercial Disputes in the Energy Sector III. Contractual Terms IV. Procedural Issues in Energy Arbitrations. "The Guide to Energy Arbitration is a very useful and unique contribution to the literature in the area...it...assembles the views and insights of leading counsel and arbitrators on many of the key issues and trends in the energy arbitration world. It should be a valuable guide to energy companies and their internal and external counsel, in addition to being of interest to commercial and litigation lawyers generally." - Glenn Zacher, Partner, Stikeman Elliot

This book focuses on the law of commercial contracts as constructed by the U.S. and UK legal systems. Leading scholars from both sides of the Atlantic provide works of original scholarship focusing on current debates and trends from the two dominant common law systems. The chapters approach the subject areas from a variety of perspectives - doctrinal analysis, law and economic analysis, and social-legal studies, as well as other theoretical perspectives. The book covers the major themes that underlie the key debates relating to commercial contract law: role of consent; normative theories of contract law; contract design and good faith; implied terms and interpretation; policing contract behavior; misrepresentation, breach, and remedies; and the regional and international harmonization of contract law. Contributors provide insights on the many commonalities, but more interestingly, on the key divergences of the United States and United Kingdom's approaches to numerous areas of contract law. Such a comparative analysis provides a basis for future developments and improvements of commercial contract law in both countries, as well as other countries that are members of the common law systems. At the same time, insights gathered here should also be of interest to scholars and practitioners of the civil law tradition.

This book provides a detailed examination of the issue of conformity of goods and documents under the United Nations Convention on Contracts for the International Sale of Goods 1980 (CISG). This issue lies at the heart of sales law and is one of the most frequently litigated. The book explores: the Convention's requirements as to quality, quantity, description and packaging of the goods (conformity); the requirements flowing from the need for the goods to be free from rights or claims of third parties; and the questions of what documents the seller must deliver to the buyer and what constitutes a 'good' document under the CISG. The book engages extensively with a substantial body of cases decided under the CISG and academic commentary. It systematises the Convention's experience to date with a view to turning it into an integrated, comprehensive and distinctive CISG legal regime on conformity of goods and documents. The analysis is comparative and draws on the experience of some major domestic legal systems, such as English and US law. The focus is both analytical and practical. The book will be of interest to legal practitioners, academic lawyers and students with an interest in international and comparative sales, commercial and contract law.

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