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SYNOPSIS OF OPINIONS AND RECENT CASE LAW ON CISG

From Summaries on CLOUT (Case Law on Uncitral Texts) with indication of related articles in CISG and UPICC

1. International contracts - applicable law - international instruments.

- Sales and other contracts - Art. 2 & 3 CISG – CLOUT 1021
- CISG AC Opinion 4
- Applicability of CISG - territorial application - Art. 1 CISG
- CISG Art. 4 - 5: regulated matters
- General contract law - Possible application of UPICC - UPICC Preamble
- CLOUT 907, 930, 943, 1025, 1030 (Hong Kong)

2. Interpretation and supplementation of instrument

- CISG Art. 7, 9
- UPICC Art. 1.6, 1.8; 1.9
- CLOUT 944

3. General rules on juridical acts

- CISG Art. 6, 8 - 13, 24, 27
- UPICC Art. 1.1 - 1.3, 1.7 - 1.10, 4.1. - 4.2.
- CISG AC Opinion 1

4. Formation of contracts; information duties; modification

- CISG Art. 11 - 24, 29
- CLOUT 860, 866, 908, 931, 932, 946, 982, 1017, 1029
- UPICC Chapter 2.1
- CISG AC Opinion 3

5. Authority of agents

- UPICC Ch. 2.2.

- CLOUT 980

6. Validity

- UPICC Ch. 30 - 44, 85 ff.

7. Obligations of seller / delivery / conformity / examination by buyer

- CISG Art. 30 - 44

- CLOUT 862, 863, 866, 867, 909, 910, 932, 934, 938, 939, 941, 944, 977, 988, 989, 992, 994, 1019, 1026, 1027, 1028

- CISG AC Opinion 2

8. Obligations of buyer (incl. L/C)

- CISG 52 - 60

- CLOUT 906, 934, 943, 976, 978, 980, 986

9. Contents and performance in general

- UPICC Ch. 5 and 6

- CLOUT 911, 934, 940, 944

10. Passing of risk

- UPICC 66 - 70

- CLOUT 864, 943, 995

11. Incoterms

- Summary of incoterms

- CLOUT 987

12. Remedies for non-performance - general

- CISG Art. 45, 61-63, 65, 79 - 80, 85-88

- CISG AC Opinion 7
- UPICC Ch. 7.1
- CLOUT 867, 935, 937, 943, 944

13. Specific performance

- CISG 28, 46-48, 62
- UPICC 7.2.

14. Right to suspend

- CISG 71
- CLOUT 936, 944
- UPICC 7.1.3, 7.3.3.

15. Avoidance / termination / price reduction

- CISG 25 - 26, 46 - 47, 49 - 51, 64, 72 - 73, 81 - 84
- CISG AC Opinions 5 and 9
- CLOUT 859, 861, 905, 933, 935, 937, 990
- UPICC 7.3.

16. Damages for non-performance

- CISG 74-78
- CISG AC Opinions 6 and 8
- CLOUT 861, 863, 865, 866, 942, 943, 976, 977, 978, 979, 980, 981, 1029
- UPICC 7.4

17. Prescription / Limitation

- NY Convention 1974
- CLOUT 946
- UPICC Ch. 10

18. Set-Off

- UPICC Ch. 9
- CLOUT 908, 933

19. Documentary letters of credits

- UCP
- UPICC 6.1.7
- CLOUT 864