

International Sales Law

18-19 March 2021

Course description:

This course will examine whether the UN Convention on Contracts for the International Sale of Goods (“CISG”), considered the paradigm of uniform substantive law conventions, has succeeded in creating uniform (sales) law that avoids recourse to domestic law. To do so, the course will analyze case law from courts and arbitral tribunals. This analysis will show that the solutions are not as uniform as one might think. This, in turn, will allow course participants to avoid the pitfalls that go hand in hand with the myth of uniformity the success of the CISG has (falsely) created.

Schedule of classes and topics to be covered:

18 March 2021

13.30 - 15.00

The CISG: a uniform substantive law convention

(Reading: Franco Ferrari, *Uniform Law*, in THE MAX PLANCK ENCYCLOPEDIA OF EUROPEAN PRIVATE LAW edited by J. Basedow et al., Oxford, 2012, p. 1732-1735)

15.15 – 17.00

Interpretation of the CISG

(Reading: *The CISG’s Interpretative Goals, Its Interpretative Methods and Its General Principles*. Part I, INTERNATIONALES HANDELSRECHT 2013, 137-155; *Homeward Trend: What, Why and Why Not*, INTERNATIONALES HANDELSRECHT, 2009, 8-24; Tribunale di Forlì, 12 November

2012, INTERNATIONALES HANDELSRECHT, 2013, 161-166; Franco Ferrari, *Autonomous Interpretation versus Homeward versus Outward Trend in CISG Case Law*, UNIFORM LAW REVIEW, 2017, 244-257)

17.15 – 19.00

Sphere of application of the CISG and party autonomy

(Reading: Franco Ferrari, *The CISG's sphere of application: Articles 1-3 and 10*, in THE DRAFT UNCITRAL DIGEST AND BEYOND: CASES, ANALYSIS AND UNRESOLVED ISSUES IN THE U.N. SALES CONVENTION edited by F. Ferrari, H.M. Flechtner and R.A. Brand, Munich, 2004, p. 21-95; Franco Ferrari, *Remarks on the UNCITRAL Digest's Comments on Article 6 CISG*, 25 THE JOURNAL OF LAW AND COMMERCE, 2006, 13-37)

19 March 2021

13.30 – 15.00

Scope of application of the CISG and gap-filling

(Reading: Franco Ferrari, *Scope of application: Articles 4-5*, in THE DRAFT UNCITRAL DIGEST AND BEYOND: CASES, ANALYSIS AND UNRESOLVED ISSUES IN THE U.N. SALES CONVENTION edited by F. Ferrari, H.M. Flechtner and R.A. Brand, Munich, 2004, p. 96-113; Franco Ferrari, *The CISG's Interpretative Goals, Its Interpretative Methods and Its General Principles. Part II*, INTERNATIONALES HANDELSRECHT 2013, 181-197)

15.15 – 17.00

Relevance of private international law in the CISG context

(Reading: Franco Ferrari, *Uniform substantive law and private international law*, in ENCYCLOPEDIA OF PRIVATE INTERNATIONAL LAW edited by F. Ferrari et al., Cheltenham, 2017,

p. 1772- 1779; Franco Ferrari, *PIL and CISG: Friends of Foes?*, INTERNATIONALES HANDELSRECHT, 2012, 89-113)

17.15 – 19.00

Forum shopping in the CISG context

(Reading: Tribunale di Rimini, 26 November 2002, available at <https://cisgw3.law.pace.edu/cases/021126i3.html>; Franco Ferrari; *International Sales Law and the Inevitability of Forum Shopping*, 23 THE JOURNAL OF LAW AND COMMERCE, 2004, 169-192; Franco Ferrari, *Forum Shopping in the International Commercial Arbitration Context: Setting the Stage*, in FORUM SHOPPING IN THE INTERNATIONAL COMMERCIAL ARBITRATION CONTEXT edited by F. Ferrari, Munich, 2013, p. 1-22)