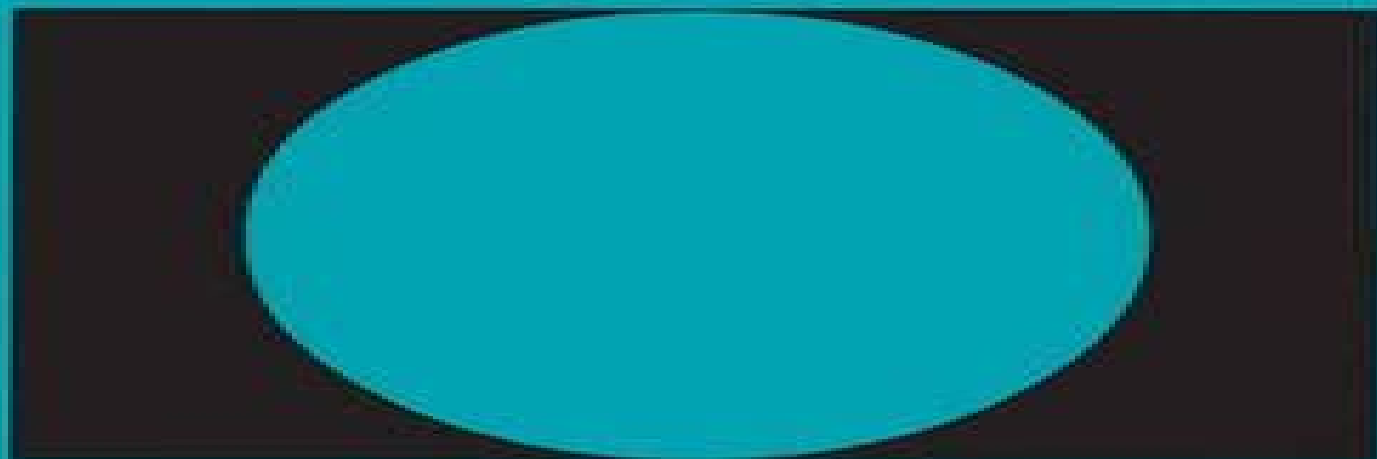


DRAFTING INTERNATIONAL CONTRACTS

An Analysis of Contract Clauses

**Marcel Fontaine
Filip De Ly**



Drafting International Contracts An Analysis Of Contract Clauses

Marcel Fontaine



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International Contracting: Law and Practice Larry A. DiMatteo, 2016-10-25 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 Environmental and Energy Law Karen Makuch,Ricardo Pereira,2012-10-01 Despite bringing prosperity industrialisation generally leads to increasing levels of pollution which has a detrimental impact on the environment In response legislation which seeks to control or prevent such impact has become common Similarly climate change and energy security have become major drivers for the regulatory regimes that have emerged in the energy field Given the global or regional scope of many environmental problems international cooperation is often necessary to ensure such legislation is effective The EU and the UK have contributed to the development of the environmental and energy law regimes currently in force spanning across international transnational and national levels At the same time practical responses to environmental and energy problems have largely been the focus of engineers scientists and other technical experts Environmental Energy Law attempts to bridge the knowledge gap between legal developments designed to achieve environmental and or energy related objectives and the practical scientific and technical considerations applicable to the same environmental problems In particular it attempts to convey a broad range of topical issues in environmental and energy law from climate and energy regulation technology innovation and transfer to pollution control environmental governance and enforcement In addition the book outlines key sector specific legal regimes including water waste and air quality management focusing on issues or topics that are particularly relevant to both environmental and energy lawyers and engineering science and technology oriented professionals and students In this vein the book guides the reader on some basic practical applications of the law within scientific engineering and other practical settings The book will be useful to all those working or studying in the environmental or energy arena including law students legal professionals engineering and science students and professionals By adopting a multi disciplinary approach to environmental and energy law the book embraces all readerships and helps to address the often thorny problem of communication between scientists engineers lawyers and policy makers **Common Frame of Reference and Existing EC Contract Law** Reiner Schulze,2009-04-27 The Draft Common Frame of Reference DCFR is just published Now the creation of the final Common Frame of Reference CFR is one of the most important issues in the field of European Private Law The volume discusses the key question as to what extent the CFR can and should reflect existing EC Contract Law and to what extent the DCFR has already incorporated the *acquis communautaire* The contributions to this volume try to provide answers to this question by analyzing different controversial areas such as the conclusion and content of the contract pre contractual duties non discrimination or withdrawal non performance remedies damages and the relation to International Private Law *Transnationalisation and Legal Actors* Bettina Lemann Kristiansen,Katerina Mitkidis,Louise Munkholm,Lauren Neumann,Cécile Pelaudeix,2019-06-10 Transnational tendencies have led to a pluralistic legal

environment in which emerging and established legal actors regulatory levels and types of legal norms co exist compete and interact in complex ways This challenges and changes not only how legal norms are created applied and enforced but also when these actors norms and processes are considered legitimate The book investigates how states and non state actors interact in transnational settings and pays attention to the understudied question of what effect transnational tendencies have on the legitimacy of legal actors norms and processes It seeks to confront three fundamental questions Has legitimacy significantly changed Who creates norms and with which consequences for legal procedures and norms The book considers the question of legitimacy from a broad range of legal perspectives including environmental law human rights law and commercial law It maps out the contours of legitimacy today with an emphasis on the reactions of central actors like states and courts to transnational tendencies The book thereby provides a conceptually powerful structure within which to further debate the complexity of transnational tendencies in law and proposes innovative approaches to problem solving while designing pathways for further reflection on the development of law in a transnational context

Design(s) for Law

Rossana Ducato,Enguerrand Marique,Alain Strowel,2024-06-25 Legal design has been with us for over a decade Its core idea i e to use design methods to make the world of law accessible to all has been widely embraced by academics researchers and professionals Over time the field has grown expanding its initial problem solving approach to other dimensions of design such as speculative design design fiction proactive law and disciplines like cognitive science and philosophy The book presents a state of the art reflection on legal design evolution and applications It features twelve insightful contributions discussed during the 2023 Legal Design Roundtable on Design s for Law organised within the Erasmus Jean Monnet clinic on EU Digital Rights Law and Design These perspectives from academics and professionals add important nuances to the literature either presenting new approaches applying consolidated practices to new contexts and areas or showcasing actual and potential applications Ideal for academics legal professionals and students this book is a must read for anyone interested in new critical approaches to the law and in the creative construction of fairer and more human friendly legal systems

Drafting Contracts Under the CISG Harry M. Flechtner,Ronald A. Brand,Mark S. Walter,2008 The CISG is the United Nations Convention on Contracts for the International Sale of Goods a treaty ratified by about 70 countries that provides a uniform international sales law The occasion of the CISG s 25th anniversary signals something extremely significant in the world of international commercial law the true coming of age of the CISG as evidenced by and as a result of several thousand available court and arbitration decisions world wide applying the CISG To celebrate this occasion a conference was organized by the University of Pittsburgh s Center for International Legal Education and the United Nations Commission on International Trade Law UNCITRAL Drafting Contracts Under the CISG is a collaborative and important result of that conference This publication brings together the intellectually sophisticated yet extremely practical and original contributions written by leading CISG scholars from around the globe and practitioners experienced in dealing with the CISG Included are

140 sample clauses a complete model sales agreement and contextual analysis of contract drafting issues The CISG is a new reality and is very relevant to US attorneys at the planning and negotiation stages of a sales transaction It is increasingly the case that a lawyer in the US or virtually anywhere else cannot adequately serve a client's needs without knowledge of and skill in using the Convention to help for example prevent transactions from aborting over choice of law conflicts and to offer alternatives that can resolve bargaining impasses International commercial lawyers will find sample clauses dealing with major contract issues under the CISG including opting into the CISG while providing an appropriate gap filling source of law passage of risk of loss right to inspection of goods force majeure warranties and warranty disclaimers limitations on remedies choice of forum pre contractual relationships and prior communications confidentiality of negotiations retention of the power of revocation of an offer strict time limits for acceptance of an offer the battle of the forms the law governing contract validity parole evidence party rights upon breach notice requirements to preserve rights notice of avoidance entitlement to interest specific performance versus damages buyer's right to substitute goods

The Law of International Contracting Larry DiMatteo, 2000-08-25 The approach offered in this book is to review some of the key contract issues unique to various types of contracting such as sale of goods licensing intellectual property transfer and the hiring of foreign agents and representatives This work also attempts to analyze contract clauses and principles common to most international contracting scenarios A number of contract clauses such as the choice of law and the dispute resolution clauses have become universally accepted Along these same lines the principles of good contract drafting are applicable to all types of international contracting Thus this is a book in fundamentals and not for one practicing in a narrow highly specialized area of international business law it is intended for the generalist both legal and non legal It is for anyone interested in some of the more common legal aspects of international business contracting

Farnsworth on Contracts Edward Allan Farnsworth, 2010

Standard Clauses in International Contracts. The Arbitration Clause Joy Mutimba, 2018-05-02 Essay from the year 2018 in the subject Law Miscellaneous grade A Lyon Catholic University course International Contract Law language English abstract The paper discusses the Definition and Purpose of the Arbitration Clause Two Types of Contracts where the Arbitration Clause is typically found Legal Basis Regime Differences in the use and interpretation of the Contract Clause between common law and civil law jurisdictions You may use your home jurisdictions as illustrative and Proper drafting of the Contract Clause and advice to avoid the pitfalls of relying on a boilerplate clause

Current Publications in Legal and Related Fields, 2006

Negotiating and Drafting International Commercial Contracts, 1988

A Short Course in International Contracts 4th Ed., eBook Karla Shippey (C.), 2002

The International Bookbinder, 1924

The British National Bibliography Arthur James Wells, 2006

Inside Supply Management, 2007

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