

# LRC Research Training for the USD VICAM TEAM



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Foreign & Intn'l Law  
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# What we will cover

- Catalogs: Sally, Circuit, & Worldcat
- Useful Websites: Pace, UNILEX, ICSID
- Databases: Kluwer, Practical Law Company
- Exercises



# SEARCHING THE CATALOGS: SALLY, CIRCUIT & WORLDCAT



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**Sally:** named after Sister Sally Furay, a former USD provost, Sally is USD's online catalog. It contains records for items contained in the LRC and also in the Copley Library collection.

- Remember that Sally can be used to find not just materials in our print collection, but it also provides direct access to materials in our subscription databases, and it also links to websites!
- You can link to Sally off of the LRC's webpage, or by clicking [here](#).



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## Details

<b>Published</b>	München : Sellier, c2007
<b>Description</b>	viii, 260 p. ; 25 cm
<b>Note</b>	Includes bibliographical references
<b>Contents</b>	Pt. 1. Articles. How the fact of accepting good faith as a general principle of the CISG will bring more uniformity / Gary Bell -- Defective performance in contracts for international sale of goods : a comparative analysis between the Brazilian <b>law</b> and the 1980 United Nations Convention on Contracts for the International <b>Sales</b> of Goods / Custavo Vieira da Costa Cerqueira -- Canadian jurisprudence and the <b>Uniform</b> Application of the UN Convention on Contracts for the International Sale of Goods / Peter J. Mazzacanno -- Good faith in the CISG : the interpretation problems of Article 7 / Benedict Sheehy -- pt. 2. Case commentaries. Compliance with local <b>law</b> : seller's obligations and liability : annotation to German Supreme Court Decision of 2 March 2005 / Peter <b>Schlechtriem</b> -- Case text (English translation) Queen Mary case translation programme : Bundesgerichtshof (German Federal Supreme Court) 2 March 2005 [VIII ZR 6704] -- Casenote on the decision of Court of First Instance of Tudela (Spain) / Peter <b>Schlechtriem</b> and Pilar Perales Viscasillas -- Case text (English translation) Queen Mary case translation programme : Cerámica Tudelana, S.A. v. Wassmer Gruppe Spezial Maschinen GmbH, Juzgado de Primera Instancia e Instrucción No. 3 de Tudela (Court of First Instance, Spain) 29 March 2005 -- pt. 3. CISG opinion. CISG Advisory Council Opinion No. 5 : the buyer's right to avoid the contract in case of non-conforming goods or documents CISG Advisory Council
<b>Subject</b>	<u>United Nations Convention on Contracts for the International Sale of Goods (1980)</u> <u>Export <b>sales</b> contracts</u>
<b>Corp Author</b>	<u>Pace International <b>Law</b> Review</u>
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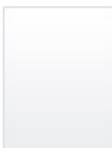
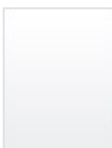

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Michigan Law Review, Jun 01, 2009; Vol. 107, No. 8, p. 1583-1599

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[Changing Contract Lenses: Unexpected Supervening Events in English, New Zealand, U.S., Japanese, and International Sales Law and Practice.](#)

Indiana Journal of Global Legal Studies, Jul 01, 2007; Vol. 14, No. 2, p. 385-418

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Edition	2nd ed
Published	The Hague ; New York : Kluwer Law International ; Frederick, MD : Sold and distributed in North, Central, and South America by Aspen Publishers, c2004
Description	xi, 214 p. ; 25 cm
Note	Includes bibliographical references (p. 199-206) and index
Summary	<p>More than 60 countries, including the United States of America, have ratified the Convention on Contracts for the International Sale of Goods (<b>CISG</b>). Since <b>CISG</b> Contracting States account for more than two-thirds of all world trade, the Convention clearly represents a key aspect of American commercial law</p> <p>By drawing comparisons with domestic (UCC) sales law, the author explains the <b>CISG</b> in terms familiar to American jurists, just as special emphasis is placed on <b>CISG</b> decisions rendered by U.S. courts and the <b>Article</b> 95 reservation made by the United States. But since the <b>CISG</b> treaty demands an international interpretation, this expanded and fully updated Second Edition continues to draw upon the full range of <b>CISG</b> sources, including the increasingly numerous decisions and awards rendered by courts and arbitrators worldwide. Concrete examples and illustrations are provided throughout. Five appendices offer a wealth of reference material, including the complete text of the Convention and an extensive table of cases and arbitral awards</p>
Contents	<p>1.1. When Does the <b>CISG</b> Apply? p. 1. 1.2. Brief Historical Perspective; <b>CISG</b> Ratification &amp; Implementation p. 3. 1.3. <b>CISG</b> Parts I-IV: A Nutshell Overview p. 4. 1.4. The <b>CISG</b> in Transnational Perspective: Substance, Procedure and Conflict of Laws p. 6. Chapter 2. Field of Application and General Provisions p. 11. 2A. Field of Application p. 11. 2.1. Determining Whether the <b>CISG</b> Applies p. 11. 2.2. <b>Article</b> 1(1): Internationality p. 11. 2.3. <b>Article</b> 1(1)(a): Parties in Different Contracting States p. 12. 2.4. <b>Article</b> 1(1)(b) and <b>Article</b> 95 Declarations p. 14. 2.5. Articles 1, 2 and 3: Sale of Goods p. 15. 2.6. Issues not Covered. Domestic Law &amp; Concurrent Remedies p. 22. 2.7. Contractual Freedom Under <b>Article</b> 6 p.</p>

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by Thomas Neumann

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Publisher: Berlin : Sellier. european law publishers, 2012.

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2.



### [Drafting contracts under the CISG](#)

by Harry M Flechtner; Ronald A Brand; Mark S Walter; Center for International Legal Education, University of Pittsburgh School of Law.;

 Book

Language: English

Publisher: New York : Oxford University Press, 2009 [i.e. 2008].


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3.



### [State of play : the 3rd Annual MAA Schlechtriem CISG conference, 14 April 2011, Vienna : conference in honour of Peter Schlechtriem, 1933-2007](#)

by Ingeborg H Schwenzer; Lisa Spagnolo; Peter Schlechtriem;

 Book : Conference publication

Language: English

Publisher: The Hague, The Netherlands : Eleven International Publishing ; Portland, OR, USA : Sold and distributed in USA and Canada [by] International Specialized Book Services [2012] ©2012

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### [Article 79 CISG : a critical analysis](#)

by Lygeri Androutsou

 Thesis/dissertation : Thesis/dissertation

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5. [L'exonération de responsabilité dans l'article 79 CISG en comparaison avec le droit allemand, anglais, français et belge](#)

by Léo Van Den Hole

 Thesis/dissertation : Thesis/dissertation

Language: French

Publisher: Paris : L'auteur, 1997.

6. [Force Majeure and CISG Article 79 : Competing Approaches and some Drafting Advice](#)

by Alejandro M Garro

 Article

Language: English

Publication: Drafting contracts under the CISG Drafting Contracts under the CISG / ed.: Harry M. Flechtner, Ronald A. Brand, Mark S. Walter, ISBN 9780195340747, , P. 379-382 , P. 379-382

Publisher: New York, NY : Oxford University Press, 2008.

7. [Exemption and Hardship : Remarks on the Manner in which the Principles of European Contract Law \(Articles 6:111 and 8:108\) may be used to interpret or supplement CISG Article 79](#)

by Dionysios Flambouras

 Article

Language: English

Publication: An international approach to the interpretation of the United Nations Convention on Contracts for the International Sale of Goods (1980) as uniform sales law An International Approach to the Interpretation of the United Nations Convention on Contracts for the International Sale of Goods (1980) as Uniform Sales Law / ed. by John Felemegas, ISBN 0521868726, , P. 499-505 , P. 499-505

Publisher: New York, NY [etc.] : Cambridge University Press, 2007.

8. [Hardship as an impediment to performance in terms of article 79 of the CISG](#)

by Victoria Cecilia King; North-West University (South Africa). Potchefstroom Campus.

 Thesis/dissertation : Document : Thesis/dissertation : eBook  Computer File

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9. [Article 79 of the United Nations Convention on Contracts for the International Sale of Goods \(CISG\) as Rorschach Test : the Homeward Trend and Exemption for Delivering Non-Conforming Goods](#)

by Harry Fletcher

 Article

Language: English

Publication: Pace international law review Pace International Law Review, Vol. 19, No. 1, p. 29-51, Vol. 19, No. 1, p. 29-51,



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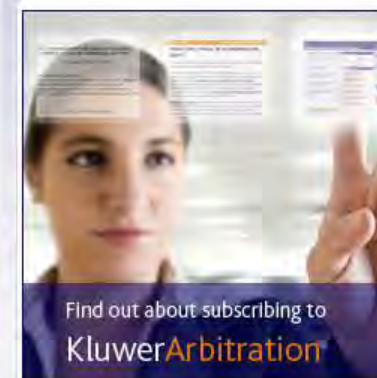
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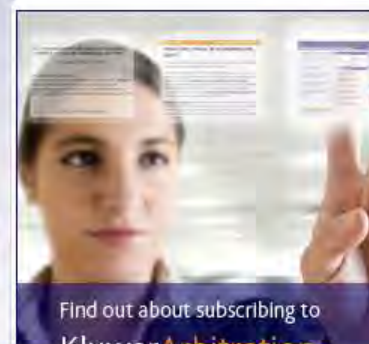
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effectiveness of the arbitration agreement. For example, article 23 of the LCIA Rules provides that any plea to the arbitral jurisdiction should be made no later than in the Statement of Defence, otherwise it will be treated as having been irrevocably waived.




Top

## Challenging or resisting enforcement of an award on the grounds of illegality

Having pleaded an illegality defence, a dissatisfied party can challenge or seek to prevent enforcement of an award either by:

- Seeking to have the award set aside by the courts of the seat of the arbitration. 
- Challenging the award in court enforcement proceedings brought by the claimant in the jurisdiction where enforcement is sought.

## Grounds for challenging an award or resisting enforcement

There are various grounds on which an award can be set aside or enforcement refused, all of which are permissive, rather than mandatory. Article 34 of the Model Law sets out the possible grounds for challenging an award. These are effectively the same as the grounds (albeit in slightly different language) set out in article V of the New York Convention for refusing to recognise or enforce an award. The most relevant for the purposes of a claim of illegality is an argument that confirming, recognising or enforcing the award would be contrary to the public policy of the country in which enforcement is being sought (*article 34(2)(b)(ii), Model Law; article V(2)(b), New York Convention*).  ssion, see *Practice note, Enforcing arbitration awards in England*. Such provisions are often reflected in domestic arbitration legislation (see, for example, [section 103\(3\)](#) of the Arbitration Act 1996).

## Reasons for setting aside the award

An award can be set aside if the arbitral tribunal lacks substantive jurisdiction to arbitrate the dispute (*article 34(2)(b)(i), Model Law*). However, most claims of illegality are likely, in practice, to be considered arbitrable ([section 67, Arbitration Act 1996](#)) (see *Issues of arbitrability* and *Practice note, Challenging the award under s67 of the English Arbitration Act 1996: jurisdiction*).

An award which is in conflict with public policy is liable to be set aside (*article 34(2)(b)(ii), Model Law*). In France, the Code of Civil Procedure allows an international arbitral award to be set aside only if the recognition or execution is contrary to "international public policy" (*article 1502.5, French Decree Law No 81-500 of 12 May 1981*). Most other jurisdictions do not have such a requirement, but allow domestic public policy to be considered. Although different states have their own conceptions of public policy, an award is most likely to be set aside where the conduct is highly immoral or objectionable.

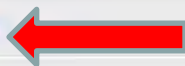
In England and Wales, the [Arbitration Act 1996](#) permits the setting aside of an award for serious irregularity, which includes "the award or the way in which it



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