

## The Roots and Fruits of Good Faith in Domestic Court Practice

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December 2018

## The Roots and Fruits of Good Faith in Domestic Court Practice

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## THE ROOTS AND FRUITS OF GOOD FAITH IN DOMESTIC COURT PRACTICE

Thomas Neumann\*

### ABSTRACT

*Good faith—most lawyers have an opinion on these two words. While the notion of good faith may play specific roles at domestic and regional levels, it remains an elusive siren at the international level. The concept was subject to controversy at the birth of the 1980 United Nations Convention on Contracts for the International Sale of Goods (CISG) and has been debated by scholars ever since. Considering that the Convention has now been in force for over thirty years, it is agreed that time is ripe for “a call to arms for further research into a uniform standard of good faith. This Article contributes to such further research as it unravels the life of good faith in court practice on a scale never before seen.*

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## I. PURPOSE: TO SURVEY THE USE OF GOOD FAITH BY COURT

Based on the controversial drafting history (Section II.A), the subsequent scholarly discourse (Section II.B), and resting on the premise that no common domestic core of good faith exists (Section II.C), this Article extracts some salient features of both the roots and the fruits of the concept of good faith. These features are then used to survey domestic court decisions with the purpose of teasing out how these features have developed in practice (Section III).<sup>1</sup> A previously conducted cursory study of nearly 300 domestic court decisions from Germany and China showed differences in both how often the concept of good faith was referred to, how it was justified, and how it was utilized.<sup>2</sup> This Article aims to provide a more nuanced picture of the use of good faith in practice and to shed light whether a uniform approach to it has developed among courts.

## II. MORE THAN THIRTY YEARS OF CONTROVERSY AND DEBATE

A. *Drafting and Definition*

Article 7(1) of the 1980 United Nations Convention on Contracts for the International Sale of Goods (“CISG” or “Convention”) states that the Convention text is to be interpreted in good faith. The provision reads:

In the interpretation of this Convention, regard is to be had to its international character and to the need to promote uniformity in its application and the observance of good faith in international trade.

This is the only article in which good faith is mentioned in the Convention and the concept is not defined any further. A plain reading of the words “good faith” adds very little to the

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<sup>1</sup> Camilla Andersen, *Good Faith? Good Grief!*, 17 INT’L TRADE & BUS. L. REV. 310, 321 (2014) (noting where the need for reconsidering the utility of good faith is called for).

<sup>2</sup> See Thomas Neumann, *Is the Albert Kritzer Database Telling Us More Than We Know?*, 27 PACE INT’L L. REV. 119 (2015).

understanding of it and so a further interpretation is needed to fully understand the concept.<sup>3</sup> From a literal interpretation of the words “[i]n the interpretation of this Convention . . .” the concept of good faith could be seen strictly as a tool for interpreting the Convention text; however, it has also been asserted that subsequent development shows that the concept reaches further than that insofar as it governs also the rights and duties of the trading parties.<sup>4</sup> This is echoed in the UNCITRAL Secretariat’s commentary on the draft of the Convention that stated the provision which later became article 7(1) should be interpreted and applied in a way that promotes good faith.<sup>5</sup> Though the literal interpretation could suggest this too, as this would *promote* the observance of good faith, such a positive standard of behavior imposed on the trading parties is at least not spelled out as it is for example in instruments like the Principles of European Contract Law,<sup>6</sup> the UNIDROIT Principles,<sup>7</sup> or the Translex-Principles.<sup>8</sup>

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<sup>3</sup> See, e.g., *Good Faith*, BLACK’S LAW DICTIONARY (10th ed. 2014) (“A state of mind consisting in (1) honesty in belief or purpose, (2) faithfulness to one’s duty or obligation, (3) observance of reasonable commercial standards of fair dealing in a given trade or business, or (4) absence of intent to defraud or to seek unconscionable advantage.”); *good faith*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/good%20faith#legalDictionary> (last visited Nov. 20, 2018) (“[H]onesty, fairness, and lawfulness of purpose : absence of any intent to defraud, act maliciously, or take unfair advantage.”).

<sup>4</sup> Bruno Zeller, *The Observance of Good Faith in International Trade*, in CISG METHODOLOGY 148 (Andre Janssen & Olaf Meyer eds., 2009).

<sup>5</sup> U.N. GOAR, proposals, reports, and other documents, J, part I, art. 6, ¶ 1, U.N. Doc. A/CONF.97/19, Part One, J, annex 1 (Mar. 10, 1980–Apr. 11, 1980).

<sup>6</sup> COMM. ON EUROPEAN CONTRACT LAW, THE PRINCIPLES OF EUROPEAN CONTRACT LAW 113, art. 1:201 para. 1 (Ole Lando & Hugh Beale eds., 2000) (“Each party must act in accordance with good faith and fair dealing.”).

<sup>7</sup> UNIDROIT PRINCIPLES OF INTERNATIONAL CONTRACTS 17, art. 1.7 para. (2016) [hereinafter UNIDROIT] (“Each party must act in accordance with good faith and fair dealing in international trade.”).

<sup>8</sup> TRANSLEX-PRINCIPLES, *Principle No. 1.1.1 - Good faith and fair dealing in international trade*, <https://www.trans-lex.org/901000> (last visited Dec. 15, 2018) (“Parties to international business transactions must act in accordance with good faith and fair dealing in international trade. This standard applies to the negotiation, formation, performance and interpretation of international contracts.”).

The historical context adds very little to interpretation as the predecessors of the Convention did not contain an article with a general obligation for the parties to behave in good faith thus making the concept novel to the Convention.<sup>9</sup> The Secretariat did note that several of the CISG's provisions are manifestations of good faith,<sup>10</sup> meaning there is support for the view that good faith is a principle underlying the Convention, especially when the Secretariat also pointed out that good faith is a concept broader than the sum of the all its manifestations and that it applies to all aspects of the Convention's interpretation and application.<sup>11</sup>

However, the existence of a positive standard of behaviour imposed on the parties does not echo in all parts of the drafting history of the Convention as the delegates discussed, but never reached agreement, on the further utilization of good faith. Some delegates suggested that it would be useful to include a provision on good faith as an express example of good faith in commercial contracts<sup>12</sup> and others supported the view, but stated that a similar rule would be achievable under the concept of good faith contained in the current text of article 7.<sup>13</sup> While other delegates had their reservations in this regard,<sup>14</sup> numerous scholars have subsequently noticed a connection between some of the provisions in the Convention and the concept of good faith,<sup>15</sup> as also pointed out by

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<sup>9</sup> Good faith is mentioned merely once in the two instruments, being in article 5(2) of the Uniform Law Formation regarding revocation of offer. CESARE MASSIMO BIANCA & MICHAEL JOACHIM BONELL, COMMENTARY ON THE INTERNATIONAL SALES LAW 68 (1987).

<sup>10</sup> See, e.g., United Nations Convention on Contracts for the International Sale of Goods, Apr. 11, 1980 art. 16, ¶ 2(b), 21 ¶ 2, art. 29, ¶ 2, arts. 37, 38, 40, art. 49, ¶ 2, art. 64, ¶ 2, arts. 82, 85, 88, 1489 U.N.T.S. 3 [hereinafter CISG].

<sup>11</sup> U.N. GOAR, *supra* note 5, proposal reports and other documents, art. 1, ¶¶ 1–4, 17–18.

<sup>12</sup> U.N. GOAR, *supra* note 5, 28th plen. mtg. ¶¶ 56 (It.), 61 (Rom.).

<sup>13</sup> *Id.* ¶ 55 (Switz.).

<sup>14</sup> *Id.* ¶ 58 (Den.); *id.* ¶ 59 (Neth.).

<sup>15</sup> See, e.g., ROLF HERBER & BEATE CZERWENKA, INTERNATIONALES KAUFRECHT: KOMMENTAR ZU DEM ÜBEREINKOMMEN DER VEREINTEN NATIONEN VOM 11. APRIL 1980 ÜBER VERTRÄGE ÜBER DEN INTERNATIONALEN WARENKAUF [INTERNATIONAL SALE OF GOODS: COMMENTARY TO THE UNITED NATIONS CONVENTION OF APRIL 11, 1980 ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS] 359 (2010); Ingeborg Schwenzer, *Article 80*, in SCHLECHTRIEM &

the Secretariat. However strong the opinion was to include an obligation for the parties to act in good faith, suggestions to revise the wording of article 7(1) with the purpose of making this clear was rejected.<sup>16</sup> The ambiguous wording of article 7(1) remained in the final version and it has later been described that the deliberations resulted in a “statesmanlike compromise”<sup>17</sup> in which the controversy of good faith was given “an honorable burial.”<sup>18</sup> Since the drafters made no clear decision regarding the content and role of the concept, it is impossible to say whether the “potentially mischievous concept is part of the final product” or not.<sup>19</sup> Thereby a great deal of discretion is left with the interpreter—which would be the domestic court judges unless the parties have agreed otherwise. The concept’s utility in practice must be the most important for the

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SCHWENZER: COMMENTARY ON THE UN CONVENTION ON THE INTERNATIONAL SALE OF GOODS (CISG) 1088 (Ingeborg Schwenzer ed., 3rd ed. 2010); JOHN FELEMEGAS, AN INTERNATIONAL APPROACH TO THE INTERPRETATION OF THE UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS 246, 506 (1980) AS UNIFORM SALES LAW (2007); MARÍA DEL PILAR PERALES VISCASILLAS, EL CONTRATO DE COMPRAVENTA INTERNACIONAL DE MERCANCIAS (CONVENCIÓN DE VIENA DE 1980) [CONTRACT FOR THE INTERNATIONAL SALE OF GOODS (VIENNA CONVENTION OF 1980)] (2001), <https://www.cisg.law.pace.edu/cisg/biblio/perales1.html> (original Spanish version); M. KAROLLUS, KOMMENTAR ZUM UN-KAUFRECHT: ÜBEREINKOMMEN DER VEREINTEN NATIONEN ÜBER VERTRÄGE ÜBER DEN INTERNATIONALEN WARENKAUF (CISG) [COMMENT ON THE UN SALES CONVENTION: UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS (CISG)] 994–95 (Heinrich Honsell ed., 1997); FRITZ ENDERLEIN & DIETRICH MASKOW, INTERNATIONAL SALES LAW: UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS, CONVENTION ON THE LIMITATION PERIOD IN THE INTERNATIONAL SALE OF GOODS 335 (1992); BERNARD AUDIT, LA VENTE INTERNATIONALE DE MERCHANDISES [INTERNATIONAL SALE OF GOODS] 179 (L.G.D.J. ed., 1990).

<sup>16</sup> BIANCA & BONELL, *supra* note 9, at 71.

<sup>17</sup> Allan E. Farnsworth, *Duties of Good Faith and Fair Dealing Under the UNIDROIT Principles, Relevant International Conventions, and National Laws*, 3 TUL. J. INT'L & COMP. L. 47, 55 (1995).

<sup>18</sup> Troy Keily, *Good Faith and The Vienna Convention on Contracts for the International Sale of Goods (CISG)*, 3 VINDOBONA J. INT'L COM. L. & ARB. 15, 20 (1999).

<sup>19</sup> Arthur Rosett, *Critical Reflections on The United Nations Convention on Contracts for the International Sale of Goods*, 45 OHIO ST. L.J. 265, 290 (1984).



trading parties, hence the survey of domestic court practice could be fruitful in understanding the development of good faith thirty years after the entry into force of the Convention and the controversial concept contained in article 7(1).

Most will probably agree that any attempt to define good faith would result in rather vague descriptions and it is tempting to tie good faith to a standard of morality.<sup>20</sup> Such standards may change over time and be heavily dependent on the interpreter, hence such morality standards have been considered impossible or at least ill-suited for being controlled by law.<sup>21</sup> Though one could at least see the duty imposed by a good faith standard as demanding absence of bad faith,<sup>22</sup> we often end up concluding that any attempt to define good faith is in vain. Again, the discretion of the judge becomes salient if we attempt to advise an internationally trading client.

One thing is more certain—that in the search of the meaning of good faith within the Convention, one must observe the autonomous interpretation method, prohibiting alignment of the Convention's concepts with domestic ones.<sup>23</sup> Any domestic definition or understanding of good faith thus has no place within the Convention. While there may not be any autonomous source of good faith, it is possible to observe it in international principles, case law, usages, and standard contracts, but eventually it is up to the adjudicator to evaluate whether they are expressions of good faith.<sup>24</sup>

Considering that the goal of the Convention is to establish a uniform sales law, it is persuasive when it is argued that the

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<sup>20</sup> Keily, *supra* note 18, at 15.

<sup>21</sup> JOHN PETER ANDERSEN, OM AT LOVGIVE FOR MORALEN [TO LEGISLATE FOR MORALITY], in HYLDESTSKRIFT TIL JØRGEN NØRGAARD [FESTSCHRIFT FOR JØRGEN NØRGAARD] (Torsten Iversen, et al., eds., 2003).

<sup>22</sup> Paul J. Powers, *Defining the Undefinable: Good Faith and The United Nations Convention on Contracts for the International Sale of Goods*, 18 J.L. & COM. 333, 350 (1999) (“Good faith is defined by what it is not. The concept of bad faith can be relied upon to show what is not good faith performance.”).

<sup>23</sup> See Bruno Zeller, *Good Faith—The Scarlet Pimpernel of the CISG*, 6 INT’L TRADE & BUS. L. ANN. 227 (2001).

<sup>24</sup> See, e.g., Schwenzer, *supra* note 15, at 128–29 (Ingeborg Schwenzer ed., 3rd ed. 2010); SCHLECHTRIEM & SCHWENZER, COMMENTARY ON THE UN CONVENTION ON THE INTERNATIONAL SALE OF GOODS (CISG) 100–01 (Ingeborg Schwenzer ed., 2nd ed. 2005) [hereinafter SCHLECHTRIEM & SCHWENZER 2005].

Convention should not be confined to its historical vacuum, but be understood autonomously and be allowed to reflect an internationally recognized concept of good faith.<sup>25</sup> Thus, it is curious to see whether the default dispute resolution mechanism of the Convention—the domestic courts—in fact openly utilise good faith (frequency), how they justify its use (roots), and in which way they use it (fruits).<sup>26</sup> Before turning to the survey of domestic court practice it is necessary to address two points. First, the two schools of thought: those in favour of reading the CISG in a way that imposes a positive duty for the trading parties to act in good faith and those against it. The discourse sparks the desire to see whether any of these schools have support in domestic court practice at a general level. Second, the survey rests on the premise that no common global core of good faith has developed since the conclusion of CISG. Both these points are elaborated below.

### B. *The Ongoing Debate*

The controversy during the drafting of article 7 was between those in favour of adopting a general good faith obligation applicable to the parties and their contract, and those against it. Granted that the debate is more nuanced than that, the decade long debate can be simplified in terms of two schools of thought. One is the opponents of good faith. They argue that the Convention does not impose on the parties an obligation to act in good faith. The essence of the opponents' view can be recapitulated along the lines of it being "a perversion of the compromise to let a general principle of good faith in by the back door."<sup>27</sup> They argue that while good faith was discussed in the working group<sup>28</sup> with most of the

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<sup>25</sup> Keily, *supra* note 18, at 39–40; *see also* BIANCA & BONELL, *supra* note 9, at 84 (discussing how the Convention should be autonomous); JOSEPH LOOKOFKY, UNDERSTANDING THE CISG: A COMPACT GUIDE TO THE 1980 UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS 37 (3rd ed. 2008); ENDERLEIN & MASKOW, *supra* note 15, at 56–57 (discussing uniform sales law and an internationally recognized concept of good faith).

<sup>26</sup> *See infra* Sections III.B., III.C.

<sup>27</sup> Farnsworth, *supra* note 17, at 56.

<sup>28</sup> U.N. GOAR, *supra* note 5, 5th plen. mtg. ¶ 40.

members being in support of an obligation of good faith and fair dealing, the actual wording was a controversial topic.<sup>29</sup> The vague notion of good faith and fair dealing would require a long period of judicial interpretation, would be applied to varying effect, and have no consequences for its breach.<sup>30</sup> No general good faith obligation can be found when interpreting the text of article 7(1) literally, and neither can it be extracted from underlying principles. Instead, any duty to act in good faith must follow from the applicable domestic law.<sup>31</sup> Article 7(1) and its mention of good faith is a tool for courts to avoid reaching inequitable results and it does not extend to the individual contract.<sup>32</sup>

The other group is the proponents. They argue that good faith governs both the Convention's provisions as well as the parties' contract and their conduct towards each other<sup>33</sup> since it is "logically impossible to apply good faith to the Convention as a whole without influencing or affecting the behavior of the parties."<sup>34</sup> Though suggestions made during the drafting to clarify that good faith should apply to both the interpretation and performance of the parties were in vain, the drafting history is of mere historical interest.<sup>35</sup> Interpretation of the Convention's provisions in a way that promotes good faith as called for by article 7(1) makes it inconsistent to permit parties to speculate at the other party's

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<sup>29</sup> U.N. COMM'N ON INT'L TRADE L., at 27, 28, U.N. Doc. A/CN.9/SER.A/1978, U.N. Sales No. E.78.v.7 (1978). The members of the working group were Austria, Brazil, Czechoslovakia, France, Ghana, Hungary, India, Japan, Kenya, Mexico, Philippines, Sierra Leone, Soviet Union, United Kingdom, Northern Ireland and USA, *see id.* at 61.

<sup>30</sup> *Id.* at ¶¶ 67, 74–76; U.N. GOAR, *supra* note 5, 6th plen. mtg. ¶ 47 (U.K.), ¶ 50 (U.S.); JOHN HONNOLD & HARRY M. FLECHTNER, UNIFORM LAW FOR INTERNATIONAL SALES UNDER THE 1980 UNITED NATIONS CONVENTION 133–34 (Harry M. Flechtner, ed., 4th ed. 2009).

<sup>31</sup> CISG, *supra* note 10, art. 7, ¶ 2; Farnsworth, *supra* note 17, at 56.

<sup>32</sup> SCHLECHTRIEM & SCHWENZER 2005, *supra* note 24, at 95.

<sup>33</sup> *See, e.g.*, BRUNO ZELLER, THE UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS: A METHODOLOGY FOR ITS INTERPRETATION AND APPLICATION 255–56 (2001); BIANCA & BONELL, *supra* note 9, at 84; FELEMEGAS, *supra* note 15, at 45–46.

<sup>34</sup> ZELLER, *supra* note 33, at 102.

<sup>35</sup> *Id.*

expense<sup>36</sup> and warrants that a party may be stopped from asserting rights and remedies in some situations.<sup>37</sup> While both sides of the debate can provide court decisions supporting their view, it is curious to see whether domestic court practice actually utilises good faith, and if it does—whether the concept of good faith has crystallised in one form or another as one author puts it.<sup>38</sup> The survey further below rests on the presumption that no common domestic core of a good faith obligation exists since this could allow the introduction of such a, now no longer controversial, concept into the Convention.

### C. *No Common Domestic Core of Good Faith*

A lot can happen in thirty years, and in those thirty years a common domestic core of a good faith obligation could possibly be developed. Considering the possibility of a domestic core is relevant since “[i]f the domestic law . . . is changing to now recognise good faith in contractual relations, should this change be reflected in CISG?”<sup>39</sup> Assuming that it should, the question is, therefore, whether the domestic laws position on good faith has changed since the drafting of the CISG in a way that common law courts and scholars increasingly recognize good faith.<sup>40</sup> If we posit that a common core of good faith exists in domestic legal systems, it should be unproblematic to apply such a common concept to international disputes governed by CISG since the Convention’s uniformity requirement only prohibits reading domestic concepts into the Convention.<sup>41</sup> However, upon closer examination of domestic law, two problems appear. First, that the historical reticence of common law countries towards the notion of good faith has not developed to such extent that it resembles the concept generally utilized in civil law jurisdictions. Second, that even though good faith is generally embraced by civil law jurisdictions,

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<sup>36</sup> HONNOLD & FLECHTNER, *supra* note 30, at 135–36.

<sup>37</sup> BIANCA & BONELL, *supra* note 9, at 84.

<sup>38</sup> FELEMEGAS, *supra* note 15, at 14.

<sup>39</sup> Keily, *supra* note 18, at 17.

<sup>40</sup> *Id.* at 36.

<sup>41</sup> HONNOLD & FLECHTNER, *supra* note 30, at 134–35.

it is not clear that a common core of the concept exists among civil law legal systems at all.

### 1. Common Law Development is Insufficient

In English law, we see a very narrow view on good faith requiring absence of bad faith which does not hinder a party pursuing harm-inflicting self-interest.<sup>42</sup> This narrow view on the concept of good faith is tied to the fact that the United Kingdom historically has been the center of international commodity trade in which the certainty of English law is well-suited and uncertain concepts like good faith are therefore frowned upon.<sup>43</sup> Even though the United Kingdom is not a CISG state, it is part of the common law family from which other common law countries have developed. Some common law countries have developed to accept good faith, while others still await the confirmation of such a concept.<sup>44</sup> The point being—the common law countries are developing differently from the traditional English approach, thus undermining the position that a common core exists among domestic common law systems.

In U.S. law, good faith is adopted by inspiration from Germany, but the concept in the U.S. is predominantly applicable

<sup>42</sup> See, e.g., *Union Eagle Ltd. v. Golden Achievement Ltd.* [1997] AC 514 (PC) (appeal taken from the Court of Appeal of Hong Kong); Ole Lando, *Is Good Faith An Overarching General Clause in the Principles of European Contract Law?*, in *LIBER AMICORUM GUIDO ALPA: PRIVATE LAW BEYOND THE NATIONAL SYSTEMS* 608 (Mads T. Andenæs et al. eds., 2007); Alberto M. Musy, *The Good Faith Principle in Contract Law and The Precontractual Duty To Disclose: Comparative Analysis of New Difference in Legal Cultures*, in 1 *Global Jurist Advances* 10 (2001); Ewan McKendrick, *The Meaning of 'Good Faith,'* in *LIBER AMICORUM GUIDO ALPA: PRIVATE LAW BEYOND THE NATIONAL SYSTEMS* 698 (Mads T. Andenæs et al., eds., 2007); H.C. GUTTERIDGE, *COMPARATIVE LAW: AN INTRODUCTION TO THE COMPARATIVE METHOD OF LEGAL STUDY AND RESEARCH* 96–97 (1946) (stating that, rather, good faith translates to English law into honesty and fair dealing).

<sup>43</sup> Alstair Mullis, *Twenty-Five Year On – The United Kingdom, Damages and the Vienna Sales Convention* in Reinhard Zimmermann, *Symposium: CISG—the 25th Anniversary: Its Impact in the Past and its Role in the Future*, *RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT* [RABEL J. COMP. & INT'L PRIV. L.] 36–37 (2007).

<sup>44</sup> See Keily, *supra* note 18, at 37–38 (referring to US and Canada).

only to the performance of the contract and does not extend, for example, to the negotiation period.<sup>45</sup> While the concept can be found in the U.S. Uniform Commercial Code<sup>46</sup> and the U.S. Second Restatement of Contracts,<sup>47</sup> there is no clear consensus on its function since courts and scholars have developed various approaches to the concept.<sup>48</sup> This is probably due to the U.S. legal tradition which still prefers more narrow doctrines,<sup>49</sup> whereas the German concept of good faith is a wide one.<sup>50</sup>

In Australia, the concept of good faith is still being debated.<sup>51</sup> While it is often seen as an implied duty<sup>52</sup> and several state courts have considered it,<sup>53</sup> the concept still has no backing by

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<sup>45</sup> Allan E. Farnsworth, *The Concept of Good Faith in American Law*, Lecture at Saggi, Conferenze e Seminari, Centro di Studi e Ricerche di Diritto Comparato e Straniero [Center for Comparative and Foreign Law Studies] (Apr. 1993) (transcript available at <https://www.cisg.law.pace.edu/cisg/biblio/farnsworth3.html>).

<sup>46</sup> U.C.C. § 2-103, <https://www.law.cornell.edu/ucc/2/2-103> (last visited Feb. 7, 2019) (“Good faith . . . means honesty in fact and the observance of reasonable commercial standards of fair dealing[.]”).

<sup>47</sup> RESTATEMENT (SECOND) OF CONTRACTS § 205 (AM. LAW INST. 1981) (“Every contract imposes upon each party a duty of good faith and fair dealing in its performance and its enforcement.”); see BRIAN A. BLUM, *CONTRACTS: EXAMPLES AND EXPLANATIONS* 30–31 (4th ed. 2007) (stating that the Restatement may be derived from case law, but may also express rules as the drafters would like to see them).

<sup>48</sup> See, e.g., Farnsworth, *supra* note 45.

<sup>49</sup> Harry Flechtner, *Comparing the General Good Faith Provisions of The PECL and the UCC: Appearance and Reality*, 13 PACE INT'L L. REV. 295, 336–37 (2001).

<sup>50</sup> See *id.* at 308 (noting “robust application of the good faith principle”).

<sup>51</sup> See, e.g., Bruno Zeller & Camilla Baasch Andersen, *Good Faith—The Gordian Knot of International Commerce*, 28 PACE INT'L L. REV. 1, 10 (2016); Justice Robert McDougall, *The Implied Duty of Good Faith in Australian Contract Law*, 108 AUSTRALIAN CONSTRUCTION LAW NEWSLETTER, 28, 36 (May/June 2006).

<sup>52</sup> Zeller, *supra* note 23, at 229–234; Zeller & Andersen, *supra* note 51, at 10.

<sup>53</sup> See, e.g., *Hughes Aircraft Sys Int'l v. Airservs Austl.* [1997] 76 FCR 151 (Austl.) (stating the existence of an implied pre-contractual duty of good faith reasoned by it being recognised in foreign jurisdictions and in international contract according to UNIDROIT Principles), *aff'd*, *Aiton v Transfield* [1999] 153 FLR 236 (Austl.); see also *GEC Marconi Sys Pty Ltd. v. BHP Info Tech. Pty Ltd*

either the Australian legislature or the highest court of the country. While case law and some scholars suggest that good faith is part of Australian law, others argue that the country still has “[t]o adopt a definitive principle of good faith in contract law[.]”<sup>54</sup> The fact that good faith is debated in both scholarship and case law underlines the difficulty in extracting a common good faith core among common law countries, let alone it being similar to a core found in civil law countries.

## 2. No Common Core Among the Civil Law Countries

One may generally be of the impression that civil law countries all embrace the concept of good faith, but this is not entirely true. This makes it even harder to imagine a common domestic law core. First, not all continental codes utilise the good faith concept in the same way and some CISG jurisdictions do not even rely on civil codes, such as the Nordic ones.<sup>55</sup>

Both the civil code of France<sup>56</sup> and the civil code of Germany<sup>57</sup> contain a general provision of good faith. However, where the French courts are generally suspicious towards judicial discretion being too broad<sup>58</sup> and would rather give preference to party autonomy,<sup>59</sup> the German courts have embraced the domestic good faith concept (*Treu und Glauben*). Over a century, the concept

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[2003] 128 FCR 1 (Austl.) (stating with reference to Principles of European Contract Law and UNIDROIT Principles that an implied duty of good faith and fair dealing exist in Australian law); Zeller & Andersen, *supra* note 51, at 10 (containing a recent analysis of case law).

<sup>54</sup> *National Monographs–Australia*, INT’L ENCYCLOPAEDIA FOR CONTRACTS 1, 38 (Oct. 2016).

<sup>55</sup> GUTTERIDGE, *supra* note 42, at 97; Musy, *supra* note 42, at 2.

<sup>56</sup> CODE CIVIL [C. CIV.] [CIVIL CODE] art. 1134 (Fr.) (“They must be performed in good faith”), *translated in* [https://www.legifrance.gouv.fr/content/download/1950/13681/version/3/.../Code\\_22.pdf](https://www.legifrance.gouv.fr/content/download/1950/13681/version/3/.../Code_22.pdf).

<sup>57</sup> BÜRGERLICHES GESETZBUCH [BGB] [CIVIL CODE], § 242, *translated in* [https://www.gesetze-im-internet.de/englisch\\_bgb/englisch\\_bgb.html#p0731](https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p0731) (last visited November 19, 2018).

<sup>58</sup> Musy, *supra* note 42, at 3.

<sup>59</sup> Lando, *supra* note 42, at 606.

has been developed to perform several functions not clearly dealt with in the German civil code.<sup>60</sup>

Consequently, it would be too hasty to conclude that a common domestic core regarding good faith exists, since the controversy arising out of different domestic views at the drafting does not seem to have been overcome. Admittedly though, the present preliminary research is not sufficient to finally refute the thesis that a common core exists, though it appears unlikely. Hence, this Article rests on the presumption that no common domestic core of a good faith obligation exists.

### III. SURVEY OF COURT PRACTICE

#### A. *Sample and Survey*

Based on the drafting history and subsequent scholarly discourse, this Article aims to unravel the frequency, justification, and utilization of the concept of good faith in domestic court practice. More than a decade ago, a study of all publicly available court decisions relating to article 7 concluded that no pattern had developed in court practice and that the concept still needed time to crystallise.<sup>61</sup> The present author's own cursory study of court decisions from two countries in 2015 suggested the same, but included only the decisions rendered in two countries.<sup>62</sup> As a result, the desire for a large-scale survey was born. In order to conduct such a survey, it is necessary to have a large sample of domestic court decisions and know what to look for.

The sample already exists. As has been accounted for extensively elsewhere, the court decisions collected in the Albert H.

<sup>60</sup> Peter Schlechtriem, Good Faith in German and Uniform Laws, Lecture at Saggi, Conferenze e Seminari, Centro di Studi e Ricerche di Diritto Comparato e Straniero [Center for Comparative and Foreign Law Studies] (Feb. 1997) (transcript available at <https://cisgw3.law.pace.edu/cisg/biblio/schlechtriem16.html>); Lando, *supra* note 42, at 604; Musy, *supra* note 42, at 4–5.

<sup>61</sup> Benedict C. Sheehy, *Good Faith in the CISG: Interpretation Problems in Article 7* 1, 3 (Berkeley Coll. Elec. Press (BEPRESS) Legal Series, Working Paper No. 339, 2004), <http://law.bepress.com/cgi/viewcontent.cgi?article=1815&context=expresso>.

<sup>62</sup> Neumann, *supra* note 2, at 147–60.



Kritzer Database may serve as the sample.<sup>63</sup> Hence, the more than 3,000 decisions reported to the database form the initial sample of the present Article. However, not all decisions are relevant. As the present survey relates to domestic court practice, the sample must be stripped from all arbitration awards. Furthermore, the sample has been stripped from all decisions not applying the CISG, not rendering a final decision for technical reasons, and decisions not translated or rendered in the English language. These criteria render a sample of 793 domestic court decisions, which have all been surveyed for the frequency, justification, and utilisation of good faith.<sup>64</sup> Though the concept's utilisation in arbitration would be both relevant and interesting, it is beyond the scope of the present survey to compare the utilisation across dispute resolution mechanisms. Hence, it is confined to the default mechanism of domestic court litigation.

Each of the 793 domestic court decisions have been surveyed for the court's open reference to good faith, its justification (roots), and its utilisation (fruits). For this purpose, a coding form has been used according to which each court's decision has been indexed. The registration encapsulates the various possibilities extrapolated from the drafting and scholarly discourse of the concept. The extrapolation of characteristics to be surveyed have also been accounted for extensively elsewhere<sup>65</sup> and in short, they rely on the development accounted for above in this Article. Therefore, the frequency of the use of the concept of good faith required registration of the jurisdiction of the decision and whether open reference to good faith was made by the court as opposed to legal counsel. In cases where the court referred to the concept of good faith, it was registered whether a justification for doing so was made. If so, it was registered whether the concept's application was justified as a principle underlying the Convention,<sup>66</sup> a domestic

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<sup>63</sup> *Id.* 135–47.

<sup>64</sup> See *infra* Appendix 2 for a list of decisions forming part of the sample.

<sup>65</sup> Neumann, *supra* note 2, at 134–60.

<sup>66</sup> See, e.g., BIANCA & BONELL, *supra* note 9, at 80, 85; SCHLECHTRIEM & SCHWENZER 2005, *supra* note 24, at 106 (explaining that good faith is a justified principle, and one that is required to prevent an “all too hasty resort to domestic regulations and legal custom”); ENDERLEIN & MASKOW, *supra* note 15, at 56

principle gap-filling the Convention,<sup>67</sup> or an internationally recognised principle<sup>68</sup> of trade being read into the Convention or a combination of such justifications—all possibilities extrapolated from the drafting and scholarly discourse accounted for above. In decisions where good faith was referred to by the court, its utility was registered as either being used to impose a positive duty of behaviour on the trading parties,<sup>69</sup> being used as merely requiring absence of bad faith,<sup>70</sup> being used as a tool to interpret the Convention text,<sup>71</sup> being used in another way, or in a combination of ways. Registering these characteristics has provided a novel view of the patterns of good faith in the Convention as seen by the domestic courts both in regard to how often the concept is being referred to by domestic courts, how it is justified, and the form in which it is being used. The results of the survey are accounted for immediately below. The registrations made on each jurisdiction are to be found in Appendix 1 and a list of court decisions forming part of the sample used is found in Appendix 2.

### *B. Observations and Frequency*

The sample consists of court decisions from 13 domestic court systems, and in this lies a limitation, since the sample does not indicate any trends regarding countries not forming part of it. Looking at the sample of 793 domestic court decisions available, it can be observed that the domestic courts openly utilize good faith in 79 decisions, meaning one decision out of 10. However, there are large variations in the frequency of the use of good faith when

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(explaining that the provisions of the Convention themselves are an expression of good faith and have been interpreted as such); *see also infra* Sections II.A., II.B.

<sup>67</sup> *See, e.g.,* HONNOLD & FLECHTNER, *supra* note 30, at 134–35; *see infra* Sections II.A., II.B.

<sup>68</sup> *See, e.g.,* UNIDROIT, *supra* note 7; *see infra* Sections II.A., II.B.

<sup>69</sup> Keily, *supra* note 18, at 24; ZELLER, *supra* note 33, at 102; *see also infra* Sections II.A., II.B.

<sup>70</sup> *See, e.g.,* Powers, *supra* note 22, at 350–51; *see infra* Sections II.A., II.B.

<sup>71</sup> MARK E. VILLIGER, COMMENTARY ON THE 1969 VIENNA CONVENTION ON THE LAW OF TREATIES 426 (2009) (discussing how good faith is used to interpret the Convention text); *see infra* Sections II.A., II.B.

looking across jurisdictions. One group (consisting of Russia and Slovakia where 22 and 58 decisions were surveyed respectively) has never openly utilised good faith (0%). On the other end of the scale, we find a group with more than one out of ten court decisions openly utilizing good faith. The group consists of Austria with 6 out of 59 (10%) decisions referring to good faith, Germany with 32 out of 247 (13%), Italy with 4 out of 26 (15%), Switzerland with 17 out of 109 (16%), and Netherlands with 4 out of 25 (16%) decisions. In the middle group, we find China with 1 out of 42 (2%) decisions openly referring to good faith, United States of America with 5 out of 94 (5%), France with 4 out of 56 (7%), and Belgium with 4 out of 44 (9%) decisions. The jurisdictions of Argentina and Mexico have contributed less than ten court decisions each to the sample surveyed, thus making it unreliable to speak of a proportion of decisions openly referring to good faith. They have been excluded from the overview in this regard, but the observations made in these jurisdictions can still be seen in Appendix 1.

Already on this basis can it be concluded that the concept of good faith by no means is dead. Being referred to in one out of ten cases it does seem to play a role. However, it is curious that there are large local variations and one would immediately think that courts familiar with good faith from domestic legislation might be more likely to utilise a similar concept in international disputes. In this regard, it is worth pointing out that most of the decisions in which the courts openly utilised good faith are rendered by German or Swiss courts. Their share of the pool of decisions openly utilizing good faith is 49 out of the total of 79 (62%). One could perhaps speak of a ‘germanification’ of the pool of CISG decisions. One might also think that it confirms a homeward trend—that German and Swiss courts are likely to utilize good faith since they are very much familiar with such a concept in domestic law.<sup>72</sup>

It could be said against this proposition that China, Slovakia, and Russia have a concept of good faith that imposes a positive duty on the trading parties in domestic law, yet, at the same time

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<sup>72</sup> See generally CORINNE WIDMER LÜCHINGER, SWITZERLAND, *reprinted in* INTERNATIONAL SALES LAW—A GLOBAL CHALLENGE 3, 468 (Larry A. DiMatteo ed. 2014).

rendering no CISG decisions to this effect.<sup>73</sup> But then again, the domestic laws of these states are reasonably young and do not carry a long and well-established tradition of developing the concept as in Germany and Switzerland—so perhaps what we do see in regard to good faith in CISG disputes is a homeward trend. On another note, the concern that domestic courts will escape into the general clauses since it is easier to justify a decision relying on general terms rather than specific ones<sup>74</sup> cannot be affirmed for the jurisdictions of China, Slovakia, and Russia.<sup>75</sup> Thus, the lack of delivery of justice otherwise indicated in large surveys carried out by the World Justice Project<sup>76</sup> and the World Bank's Governance Indicators<sup>77</sup> cannot be reaffirmed at present. According to these general large-scale surveys, Germany and Switzerland should be more reliable in the delivery of justice,<sup>78</sup> but perhaps this is not true when it comes to the specific issue of applying good faith. However, this would of course depend on the justification made by the courts.

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<sup>73</sup> See generally JOSEF FIALA ET AL., CONTRACT LAW IN SLOVAK REPUBLIC 26 (2010); see MARIA YEFREMOVA ET AL., CONTRACT LAW IN RUSSIA 46 (2014); MO ZHANG, CHINESE CONTRACT LAW THEORY AND PRACTICE 76 (2006).

<sup>74</sup> JUSTUS WILHELM HEDEMANN, DIE FLUCHT IN DIE GENERALKLAUSELN. EINE GEFAHR FÜR RECHT UND STAAT [THE FLIGHT TO THE GENERAL CLAUSES. A DANGER TO LAW AND STATE] 66–73 (1933) (pointing out that the comfort of using generally worded clauses leads to uncertainty and arbitrariness in the application of the law).

<sup>75</sup> See Appendix I and II.

<sup>76</sup> WORLD JUSTICE PROJECT, WJP RULE OF LAW INDEX 2017–2018 69, 130.

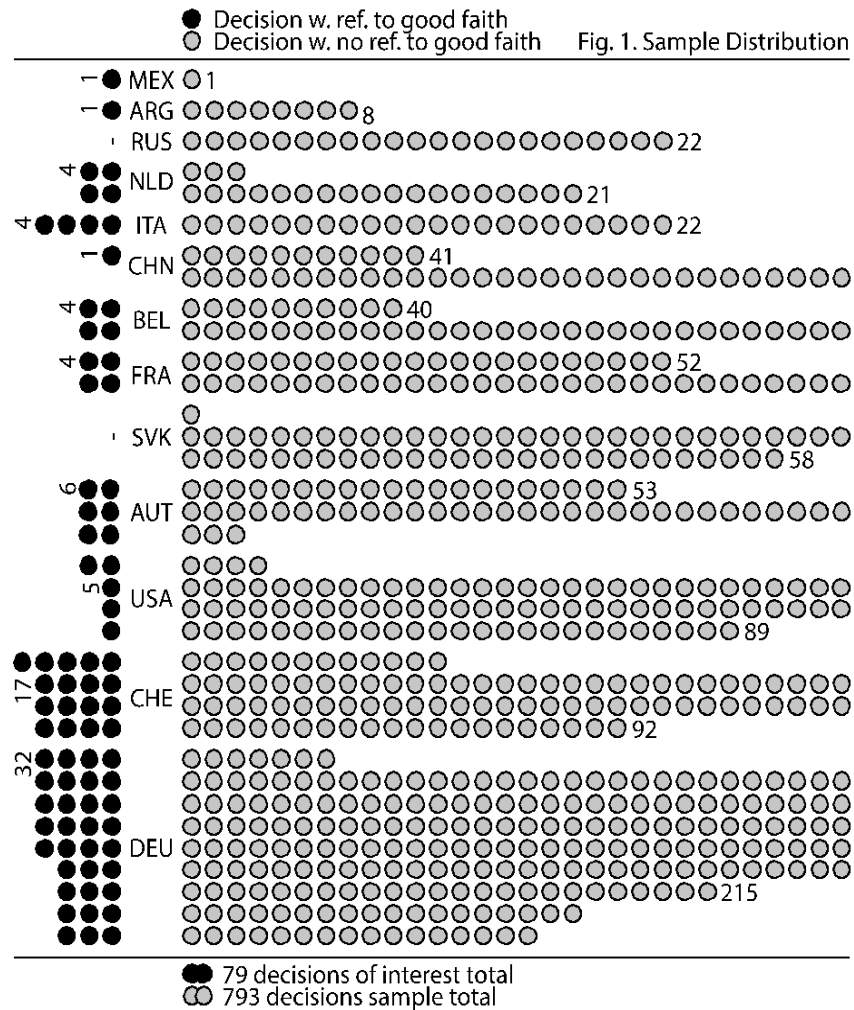
<sup>77</sup> *Worldwide Governance Indicators*, THE WORLD BANK (last visited Dec. 28, 2018), [http://databank.worldbank.org/data/reports.aspx?Report\\_Name=WGI-Table&Id=ceea4d8b](http://databank.worldbank.org/data/reports.aspx?Report_Name=WGI-Table&Id=ceea4d8b) (compiling 2017 aggregate and individual governance indicators for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence/Terrorism; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption).

<sup>78</sup> WORLD JUSTICE PROJECT, *supra* note 76.

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## C. Observations on Justification (Roots)

The use of good faith is not always justified by the courts. When courts justify their use of good faith, the survey shows that it is most often done by referring to good faith as an underlying principle of the Convention. This was the case in 49 of the decisions (62%) where the court openly utilized good faith. In 26 decisions (33%), the justification was made by referring to good faith as an applicable domestic principle, and in 3 decisions (4%) the justification was made by reference to good faith as an

internationally accepted principle. Consequently, there is a strong pattern in practice of good faith being rooted in a principle underlying the Convention. However, once again we see that Germany and Switzerland dominate more than half of the decisions where good faith is considered an underlying principle. 27 (55%) of the 49 decisions justifying good faith as being a principle underlying the Convention are rendered by these two countries alone. Either the courts of these two countries are good at applying the Convention's underlying principles or they (perhaps subconsciously) read such a principle into the Convention because this is what judges are trained to do when applying domestic law. If the latter is the case, an inappropriate homeward trend has been detected, though the present survey can neither confirm nor reject this. It can however be established that it is by no means far-fetched to say that good faith is a principle underlying the Convention when one considers domestic court practice.

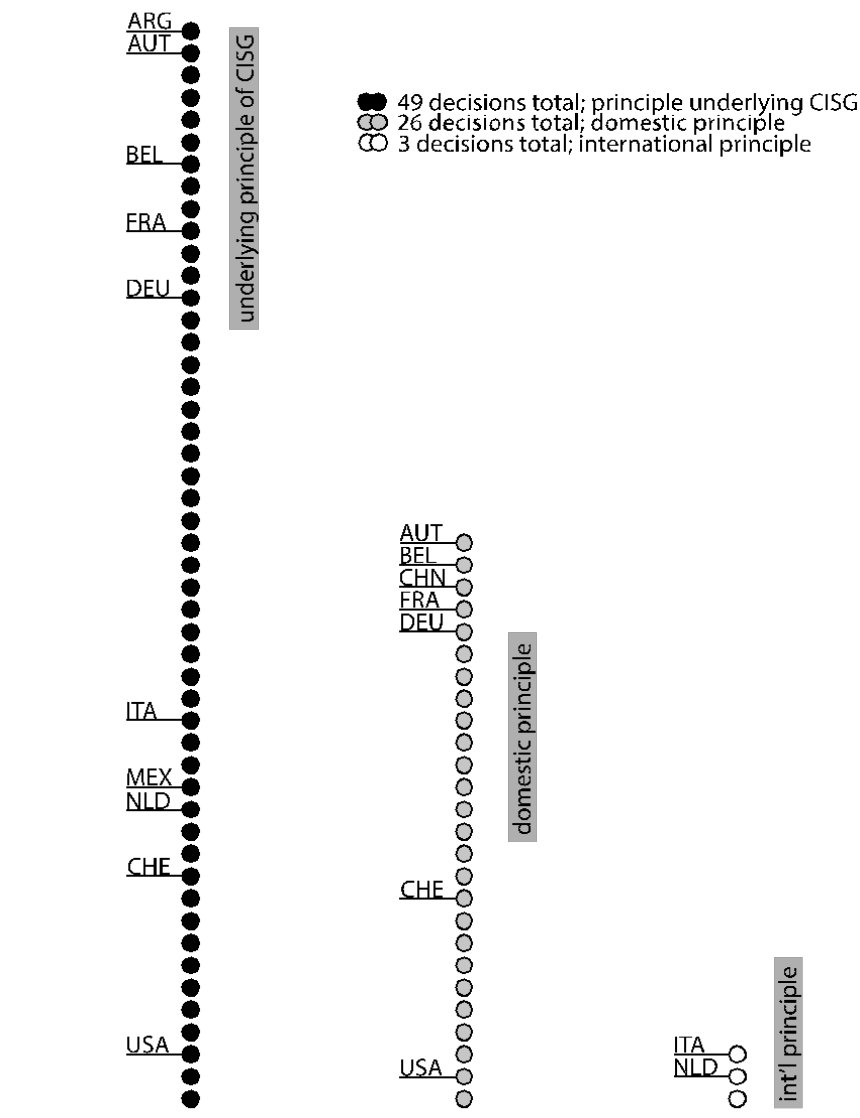
One should be careful jumping to the conclusion that the influence from German and Swiss courts is inappropriate as this of course depends on the specific circumstances of each decision. While it is a fact that Germany and Switzerland contribute with many good faith decisions to the sample, it is also a fact that they contribute the most decisions to the sample in general. The sample contains approximately 200 and 100 decisions respectively from the two countries and hence these two countries are expected to contribute with more decisions on good faith too.

Looking at the proportionate contribution, it is curious to see that Germany and Switzerland are finding good faith relevant more often than other jurisdictions. With between 50 and 100 decisions in the sample, Germany and Switzerland has rendered decisions using good faith in 41% and 22% of decisions respectively. Out of those decisions, good faith was considered an underlying principle in 59% and 47% respectively. By comparison, in almost 100 decisions by US courts, reference to good faith was made in merely 6% of decisions, but still around half (60%) of those decisions considered good faith a principle underlying the Convention. This roughly matches the average across all jurisdictions where it is seen that 62% of all decisions find good faith to be a principle underlying the Convention. In sum, the decisions from Germany and Switzerland use good faith more often than any other jurisdiction.

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However, in all jurisdictions the application of good faith is justified as a principle underlying the Convention and to a lesser extent by reference to domestic law and almost never by reference to internationally accepted principles.

Fig. 2. The Roots of Good Faith





*D. Observations on Utilisation (Fruits)*

Looking at the sample of 793 domestic court decisions, it is possible to observe that domestic courts refer to the concept of good faith in 79 of these decisions, amounting to 10% of the total decisions surveyed. When domestic courts utilize the concept of good faith they most often impose a standard of behaviour on the parties. This happened in 43 of the decisions, constituting 54% of the decisions in which good faith was relied upon by the court. In another 9 decisions (11%), the courts utilized the concept of good faith to demand absence of bad faith. In 5 decisions (6%), the courts utilized the concept for another purpose, *e.g.*, to assist in interpreting the parties' contract or to find the parties' intentions, and in merely 1 decision (1%) the court referred to the concept of good faith as an aid to interpret the Convention text itself. This shows that the literal interpretation of the Convention's article 7(1), which favours a narrow utility of good faith, has very little support in domestic court practice. In fact, the most common utilization of good faith is to impose a standard of behaviour on the trading parties, and knowing that most decisions justify doing so with reference to good faith as an underlying principle of the Convention, the proponents of good faith as accounted for above do find some support in domestic court practice.

It is interesting to see that in 21 decisions (27%) where good faith is openly referred to, the court does not clearly indicate a particular use of the concept. One may wonder whether courts refer to good faith without a particular utilization perhaps as an additional justification of a particular interpretation of a specific provision of the Convention. It has not been possible to decipher any particular use of good faith in these decisions, hence they are not indexed as "other".

The concept of good faith is most commonly used to impose a standard of behaviour on the parties and it can be observed that Germany and Switzerland contribute heavily to this pool of decisions with 16 (37%) and 10 (23%) decisions respectively. Considering that the standard of behaviour imposed on the parties is not defined in the Convention and only vaguely defined elsewhere,

as accounted for above, the discretion of the judge is salient.<sup>79</sup> One can only hope that German and Swiss judges are not subconsciously reading their very developed and long-standing domestic equivalents into the Convention. The value of these decisions as an interpretational aid under the judicial dialogue required by article 7 would depend on the extent to which each decision expressly indicates observation of the autonomous interpretation rule itself. It is beyond the scope of the survey to go into detail about every decision made since the purpose of the survey is to detect general patterns. As also pointed out in regards to the roots of the concept, it cannot be rejected that some degree of unconscious homeward trend is taking place when taking into account that the domestic legal systems in Germany and Switzerland rely on a heavily developed concept of good faith according to which duties can be imposed on contracting parties.<sup>80</sup> By contrast, we know that the U.S. prefers a narrower doctrine of good faith and that French law is critical towards wide judicial discretion.<sup>81</sup> It is therefore interesting to observe that the U.S. and France have contributed only 1 (2%) and 2 (4%) decisions respectively out of the 43 decisions that impose a positive standard of behaviour on the parties. This may point to some degree of homeward trend in the German and Swiss decisions. Both the U.S. and French courts generally utilise the concept of good faith less than the German (41%) and Swiss (22%) ones. The US contributed 5 (6%) decisions and France contributed 4 (5%) decisions in the total pool of decisions relying openly on good faith.

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<sup>79</sup> See *supra* Section II.A.

<sup>80</sup> See generally LÜCHINGER, *supra* note 72, at 468; Schlechtriem, *supra* note 60; Lando, *supra* note 42, at 604; Musy, *supra* note 42, at 6.

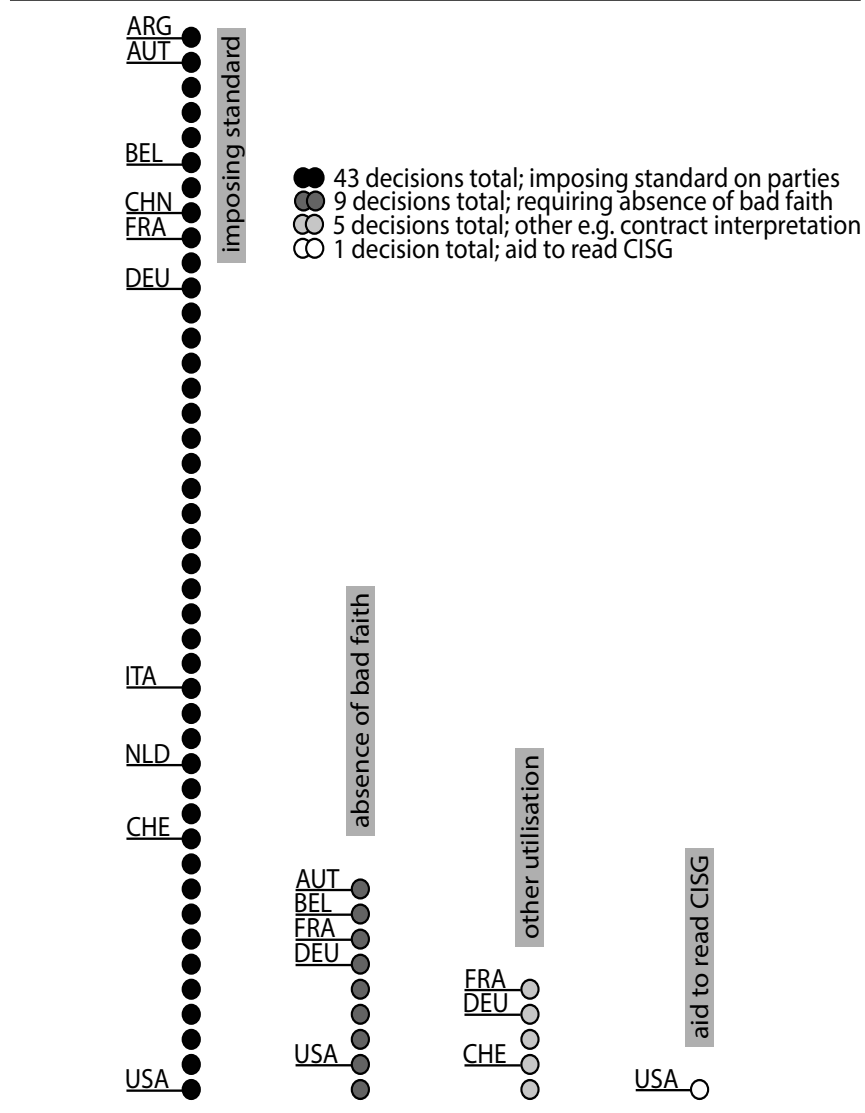
<sup>81</sup> See generally Farnsworth, *supra* note 45; Musy, *supra* note 42.

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Fig. 3. The Fruits of Good Faith



While it cannot be rejected that some degree of “germanification” of the practice on good faith is taking place, it cannot be concluded that the trend is inappropriate. Neither can it be conclusively stated whether the US and French courts are in the wrong or it is the German and Swiss courts that are in the wrong, so to say.

#### IV. CONCLUSION

It can safely be concluded that the large-scale survey has unravelled good faith in domestic court practice in a novel way. While good faith has not firmly crystallised, and may never do so, it is possible to see some strong patterns. A general observation is that the concept of good faith is openly referred to by domestic courts in one out of ten decisions. Though it is possible that the general view on good faith is tainted by a particular German/Swiss style due to the judges’ unconscious imputation of domestic concepts into the CISG, it is not possible to either confirm or reject such a thesis by relying on the current study. Such conclusion would require further research of how persuasive the arguments are in each decision and whether the autonomous interpretation method has been used in the specific German and Swiss decisions. Regardless of whether a certain ‘germanification’ of good faith is taking place and regardless of whether this is perceived as appropriate or not, it is important for the trading parties to know that this is the reality. The practice of the court is after all what has the most impact on a dispute.

It would be wrong to say that good faith is not utilized by domestic courts and as such there is little support in favour of the opponents of good faith. With good faith being applied in one out of ten decisions (though sometimes with clear justification and sometimes without justification), good faith does play a role in disputes governed by the CISG. The concern by jurisdictions like the United Kingdom that adopting the CISG would introduce the unwanted concept of good faith seems to be correct to some degree insofar as the persuasive character of the already established court practice should influence the courts of any state having adopted CISG—also U.K. ones.

The argument that good faith is restricted to the interpretation of the Convention text (made during drafting) does not echo in domestic court practice since merely one decision openly

uses good faith in this regard. Most other decisions impose a standard of behaviour on the parties. As such, there is support in court practice for the proposition that the historical background of the concept is of historical and not legal interest.

To say that the concept of good faith has clearly crystallised in court practice would be wrong. The general trend is that good faith is most often justified as being an underlying concept of the CISG and it is most often used to impose a standard of behaviour upon the parties. However, the concept of good faith is still a multifaceted stone being utilized differently, *e.g.*, as a narrower doctrine demanding absence of bad faith or as an interpretation tool. It can also be seen that the justification of the use of good faith by courts vary, *i.e.* sometimes justification is lacking, sometimes justification is by way of domestic law and sometimes with several justifications being used at once.

Whether the multifaceted character of the concept of good faith is the concept's strength or weakness is very much in the eye of the beholder. On the one hand, domestic court practice could be taken as confirmation that good faith truly is a vague non-uniform concept that disturbs predictability of the law. In the interest of uniformity, it would be better if the concept of good faith was left behind, instead of insisting on continuing the decade-long debate based on a desire to find a uniform concept of good faith embodied in the Convention. Let the dead bury the dead.<sup>82</sup> Such view would also avoid any future 'escape into the general clauses', though the survey shows little sign that this is taking place. Leaving the concept of good faith altogether could help not muddle the waters if similar results could be achieved through other means and at the same time perhaps encourage adoption by states who may be critical towards the concept.

On the other hand, domestic court practice may also be seen as confirmation that the subsequent development of the Convention favours a good faith standard imposed on the parties by way of an

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<sup>82</sup> ELIZABETH KNOWLES, *LITTLE OXFORD DICTIONARY OF PROVERBS* (2nd ed. 2016) ("[O]ften used to mean that the past should be left undisturbed; English proverb, early 19<sup>th</sup> century (see Matthew 8:22).").

underlying principle. This would be in line with the Secretariat's commentary at the drafting.

To say that good faith is not part of the Convention is not rooted in the reality that trading parties face when they rely on domestic courts to solve their disputes. It would be interesting to see how the concept of good faith is utilized in the arbitration practice. If stronger patterns in the use of the concept is seen in arbitration, this could be of interest to the trading parties when choosing their dispute resolution forum.

As mentioned, the beauty of good faith is very much in the eye of the beholder. Hence it is not surprising to see that it is often utilized by the German, Swiss, and Austrian courts as their domestic legal systems have long traditions of using concepts similar to that of good faith. Search and ye shall find.

The question of whether the current patterns are appropriate or not or perhaps tainted by a homeward trend by any of the surveyed domestic court systems is beyond the scope of this Article to answer. A solid unravelling of domestic court practice has been provided for the benefit of trading parties and future scholarship. Thus, yet another contribution to the discourse of good faith in international trade has been made.

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## V. APPENDIX 1—OBSERVATIONS MADE

**Argentina (ARG)**

Number (proportion) of decisions in sample:	9 (1%)
Number (proportion) of decisions openly referring to good faith:	1 (1%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	1
Number of decisions using good faith to demand absence of bad faith	-
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	1
Number of decisions justifying good faith as a domestic principle	-
Number of decisions justifying good faith as an internationally recognized principle	-

**Austria (AUT)**

Number (proportion) of decisions in sample:	59 (7%)
Number (proportion) of decisions openly referring to good faith:	6 (8%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	4
Number of decisions using good faith to demand absence of bad faith	1
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	5
Number of decisions justifying good faith as a domestic principle	1
Number of decisions justifying good faith as an internationally recognized principle	-

**Belgium (BEL)**

Number (proportion) of decisions in sample:	44 (6%)
Number (proportion) of decisions openly referring to good faith:	4 (5%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	2
Number of decisions using good faith to demand absence of bad faith	1
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	3
Number of decisions justifying good faith as a domestic principle	1
Number of decisions justifying good faith as an internationally recognized principle	-

**China (CHN)**

Number (proportion) of decisions in sample:	42 (5%)
Number (proportion) of decisions openly referring to good faith:	1 (1%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	1
Number of decisions using good faith to demand absence of bad faith	-
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	-
Number of decisions justifying good faith as a domestic principle	1
Number of decisions justifying good faith as an internationally recognized principle	-

**France (FRA)**

Number (proportion) of decisions in sample:	56 (7%)
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Number (proportion) of decisions openly referring to good faith:	4 (5%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	2
Number of decisions using good faith to demand absence of bad faith	1
Number of decisions using good faith in another way than above	1
Number of decisions justifying good faith as an underlying principle of the CISG	3
Number of decisions justifying good faith as a domestic principle	1
Number of decisions justifying good faith as an internationally recognized principle	-

**Germany (DEU)**

Number (proportion) of decisions in sample:	247 (31%)
Number (proportion) of decisions openly referring to good faith:	32 (41%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	16
Number of decisions using good faith to demand absence of bad faith	4
Number of decisions using good faith in another way than above	2
Number of decisions justifying good faith as an underlying principle of the CISG	19
Number of decisions justifying good faith as a domestic principle	12
Number of decisions justifying good faith as an internationally recognized principle	-

**Italy (ITA)**

Number (proportion) of decisions in sample:	26 (3%)
Number (proportion) of decisions openly referring to good faith:	4 (5%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	3

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Number of decisions using good faith to demand absence of bad faith	-
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	3
Number of decisions justifying good faith as a domestic principle	-
Number of decisions justifying good faith as an internationally recognized principle	1

**Mexico (MEX)**

Number (proportion) of decisions in sample:	2 (.25%)
Number (proportion) of decisions openly referring to good faith:	1 (1%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	-
Number of decisions using good faith to demand absence of bad faith	-
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	1
Number of decisions justifying good faith as a domestic principle	-
Number of decisions justifying good faith as an internationally recognized principle	-

**Netherlands (NLD)**

Number (proportion) of decisions in sample:	25 (3%)
Number (proportion) of decisions openly referring to good faith:	4 (5%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	3
Number of decisions using good faith to demand absence of bad faith	-
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	3

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Number of decisions justifying good faith as a domestic principle	-
Number of decisions justifying good faith as an internationally recognized principle	2

**Russia (RUS)**

Number (proportion) of decisions in sample:	22 (3%)
Number (proportion) of decisions openly referring to good faith:	0 (0%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	-
Number of decisions using good faith to demand absence of bad faith	-
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	-
Number of decisions justifying good faith as a domestic principle	-
Number of decisions justifying good faith as an internationally recognized principle	-

**Slovak Republic (SVK)**

Number (proportion) of decisions in sample:	58 (7%)
Number (proportion) of decisions openly referring to good faith:	0 (0%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	-
Number of decisions using good faith to demand absence of bad faith	-
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	-
Number of decisions justifying good faith as a domestic principle	-
Number of decisions justifying good faith as an internationally recognized principle	-

**Switzerland (CHE)**

Number (proportion) of decisions in sample:	109 (14%)
Number (proportion) of decisions openly referring to good faith:	17 (22%)
Number of decisions using good faith as an aid to read the CISG:	-
Number of decisions using good faith to impose a positive duty on the parties	10
Number of decisions using good faith to demand absence of bad faith	-
Number of decisions using good faith in another way than above	2
Number of decisions justifying good faith as an underlying principle of the CISG	8
Number of decisions justifying good faith as a domestic principle	8
Number of decisions justifying good faith as an internationally recognized principle	-

**United States of America (USA)**

Number (proportion) of decisions in sample:	94 (12%)
Number (proportion) of decisions openly referring to good faith:	5 (6%)
Number of decisions using good faith as an aid to read the CISG:	1
Number of decisions using good faith to impose a positive duty on the parties	1
Number of decisions using good faith to demand absence of bad faith	2
Number of decisions using good faith in another way than above	-
Number of decisions justifying good faith as an underlying principle of the CISG	3
Number of decisions justifying good faith as a domestic principle	2
Number of decisions justifying good faith as an internationally recognized principle	-

## VI. APPENDIX 2—LIST OF DECISIONS IN SAMPLE

1. Argentina: Juzgado Comercial Nacional de Primera Instancia [Com. 1a Inst.] [National Commercial Court of First Instance], 23/10/1991, “Aguila Refractarios S.A. / Conc. Preventive,” *translated in* <http://cisgw3.law.pace.edu/cases/911023a1.html>.
2. Argentina: Juzgado Comercial Nacional de Primera Instancia [Com. 1a Inst.] [National Commercial Court of First Instance], 20/5/1991, “Elastar Sacifia c. Bettcher Industries Inc.,” *translated in* <http://cisgw3.law.pace.edu/cases/910520a1.html>.
3. Argentina: Juzgado Comercial Nacional de Primera Instancia [Com. 1a Inst.] [National Commercial Court of First Instance], 6/10/1994, “Bermatex s.r.l c. Valentin Rius Clapers S.A. v. Sbrojovka Vsetin S.A.,” *translated in* <http://cisgw3.law.pace.edu/cases/941006a1.html>.
4. Argentina: Cámara Nacional de Apelaciones en lo Comercial [CApel.Com.] [Appellate Court], 31/10/1995, “Bedial c. Müggenburg,” *translated in* <http://cisgw3.law.pace.edu/cases/951031a1.html>.
5. Argentina: Cámara Nacional de Apelaciones en lo Comercial [CNCom. 2a inst.] [National Commercial Appellate Court of Second Instance], 21/7/2002, “Cervecería y Maltería Paysandú S.A. c. Cervecería Argentina S.A.,” *translated in* <http://cisgw3.law.pace.edu/cases/020721a1.html>.
6. Argentina: Juzgado Comercial [Juzg. Com.] [Commercial Court], 4/2003, “Autoservicio Mayorista La Loma S.A. c. Quiebra v. Incidente de Verificación,” *translated in* <http://cisgw3.law.pace.edu/cases/030400a1.html>.
7. Argentina: Juzgado Comercial [Juzg. Com.] [Commercial Court], 7/2/2003, “Arbatax S.A. Reorganization Proceeding,” *translated in* <http://cisgw3.law.pace.edu/cases/030702a1.html>.
8. Argentina: Juzgado Comercial [Juzg. Com.] [Commercial Court], 17/3/2003, “Wacker-Polymer Systems GmbH v. Quiebra v. Glaube S.A. et al.,” *translated in* <http://cisgw3.law.pace.edu/cases/030317a1.html>.
9. Argentina: Cámara Nacional de Apelaciones en lo Comercial [CNCom.] [Appellate Court], 31/5/2007, sala a, “Sr. Carlos Manuel del Corazón de Jesús Bravo Barros v. Salvador Martínez Gares,” *translated in* <http://cisgw3.law.pace.edu/cases/070531a1.html>.
10. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Nov. 10, 1994, No. 2 Ob 547/93, 4 R 161/94, *translated in* <http://cisgw3.law.pace.edu/cases/941110a3.html>.
11. Austria: Oberlandesgericht Innsbruck [OLG Innsbruck] [Higher Regional Court of Innsbruck] July 1, 1994, 1 July 1994 4, No. R 161/94, *translated in* <https://cisgw3.law.pace.edu/cases/940701a3.html>.
12. Austria: Oberlandesgericht Graz [OLG Graz] [Higher Regional Court of Graz] Nov. 9, 1995, No. 6 R 194/95, *translated in* <http://cisgw3.law.pace.edu/cases/951109a3.html>.

13. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Feb. 6, 1996, No. 10 Ob 518/95, *translated in* <http://cisgw3.law.pace.edu/cases/960206a3.html>.
14. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Mar. 20, 1997, No. 2 Ob 58/97m, *translated in* <http://cisgw3.law.pace.edu/cases/970320a3.html>.
15. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Apr. 24, 1997, No. 2 Ob 109/97m, *translated in* <http://cisgw3.law.pace.edu/cases/970424a3.html>.
16. Austria: Oberster Gerichtshof [OGH] [Supreme Court] June 18, 1997, No. 3 Ob 512/96, *translated in* <http://cisgw3.law.pace.edu/cases/970618a3.html>.
17. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Sept. 11, 1997, No. 6 Ob 187/97m, *translated in* <http://cisgw3.law.pace.edu/cases/970911a3.html>.
18. Austria: Oberster Gerichtshof [OGH] [Supreme Court] June 30, 1998, No. 1 Ob 273/97x, *translated in* <http://cisgw3.law.pace.edu/cases/980630a3.html>.
19. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Oct. 15, 1998, No. 2 Ob 191/98x, *translated in* <http://cisgw3.law.pace.edu/cases/981015a3.html>.
20. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Mar. 10, 1998, No. 7 Ob 336/97f, *translated in* <http://cisgw3.law.pace.edu/cases/980310a3.html>.
21. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Dec. 15, 1998, No. 1 Ob 289/98a, *translated in* <http://cisgw3.law.pace.edu/cases/981215a3.html>.
22. Austria: Oberlandesgericht Graz [OLG Graz] [Higher Regional Court of Graz] Mar. 11, 1998, No. 4 R 283/97p, *translated in* <http://cisgw3.law.pace.edu/cases/980311a3.html>.
23. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Feb. 12, 1998, No. 2 Ob 328/97t, *translated in* <http://cisgw3.law.pace.edu/cases/980212a3.html>.
24. Austria: Oberster Gerichtshof [OGH] [Supreme Court] June 29, 1999, No. 1 Ob 74/99k, *translated in* <http://cisgw3.law.pace.edu/cases/990629a3.html>.
25. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Aug. 27, 1999, No. 1 Ob 223/99x, *translated in* <http://cisgw3.law.pace.edu/cases/990827a3.html>.
26. Austria: Oberster Gerichtshof [OGH] [Supreme Court] July 28, 1999, No. 7 Ob 204/99x, *translated in* <http://cisgw3.law.pace.edu/cases/990728a3.html>.
27. Austria: Oberlandesgericht Graz [OLG Graz] [Higher Regional Court of Graz] Feb. 24, 1999, No. 4 R 224/98p, *translated in* <http://cisgw3.law.pace.edu/cases/990224a3.html>.

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28. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Mar. 11, 1999, No. 2 Ob 163/97b, *translated in* <http://cisgw3.law.pace.edu/cases/990311a3.html>.
29. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Apr. 28, 2000, No. 1 Ob 292/99v, *translated in* <http://cisgw3.law.pace.edu/cases/000428a3.html>.
30. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Mar. 9, 2000, No. 6 Ob 311/99z, *translated in* <http://cisgw3.law.pace.edu/cases/000309a3.html>.
31. Austria: Oberlandesgericht [OLG Graz] [Higher Regional Court of Graz] Sept. 28, 2000, No. 4 R 55/00s, *translated in* <http://cisgw3.law.pace.edu/cases/000928a3.html>.
32. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Mar. 21, 2000, No. 10 Ob 344/99g, *translated in* <http://cisgw3.law.pace.edu/cases/000321a3.html>.
33. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Apr. 13, 2000, No. 2 Ob 100/00w, *translated in* <http://cisgw3.law.pace.edu/cases/000413a3.html>.
34. Austria: Oberlandesgericht Graz [OLG Graz] [Higher Regional Court of Graz] June 15, 2000, No. 4 R 80/00t, *translated in* <http://cisgw3.law.pace.edu/cases/000615a3.html>.
35. Austria: Oberster Gerichtshof [OGH] [Supreme Court] July 5, 2001, No. 6 Ob 117/01a, *translated in* <http://cisgw3.law.pace.edu/cases/010705a3.html>.
36. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Oct. 22, 2001, No. 1 Ob 77/01g, *translated in* <http://cisgw3.law.pace.edu/cases/011022a3.html>.
37. Austria: Oberlandesgericht Graz [OLG Graz] [Higher Regional Court of Graz] Jan. 24, 2001, No. 4 R 125/00k, *translated in* <http://cisgw3.law.pace.edu/cases/010124a3.html>.
38. Austria: Oberlandesgericht [OLG Graz] [Higher Regional Court of Graz] Mar. 7, 2002, No. 2 R 23/02y, *translated in* <http://cisgw3.law.pace.edu/cases/020307a3.html>.
39. Austria: Oberlandesgericht Graz [OLG Graz] [Higher Regional Court of Graz] May 31, 2002, No. 3 R 68/02y, *translated in* <http://cisgw3.law.pace.edu/cases/020531a3.html>.
40. Austria: Oberlandesgericht Graz [OLG Graz] [Higher Regional Court of Graz] Jan. 24, 2002, No. 4 R 219/01k, *translated in* <http://cisgw3.law.pace.edu/cases/020124a3.html>.
41. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Dec. 18, 2002, No. 3 Nd 509/02, *translated in* <http://cisgw3.law.pace.edu/cases/021218a3.html>.
42. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Apr. 17, 2002, No. 7 Ob 54/02w, *translated in* <http://cisgw3.law.pace.edu/cases/020417a3.html>.

43. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Jan. 14, 2002, No. 7 Ob 301/01t, *translated in* <http://cisgw3.law.pace.edu/cases/020114a3.html>.
44. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Dec. 17, 2003, No. 7 Ob 275/03x, *translated in* <http://cisgw3.law.pace.edu/cases/031217a3.html>.
45. Austria: Oberlandesgericht Graz [OLG Graz] [Higher Regional Court of Graz] July 29, 2004, No. 5 R 93/04t, *translated in* <http://cisgw3.law.pace.edu/cases/040729a3.html>.
46. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Apr. 21, 2004, No. 7 Ob 32/04p, *translated in* <http://cisgw3.law.pace.edu/cases/040421a3.html>.
47. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Dec. 14, 2004, No. 1 Ob 94/04m, *translated in* <http://cisgw3.law.pace.edu/cases/041214a3.html>.
48. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Aug. 31, 2005, No. 7 Ob 175/05v, *translated in* <http://cisgw3.law.pace.edu/cases/050831a3.html>.
49. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Nov. 29, 2005, No. 4 Ob 205/05h, *translated in* <http://cisgw3.law.pace.edu/cases/051129a3.html>.
50. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Jan. 26, 2005, No. 3 Ob 221/04b, *translated in* <http://cisgw3.law.pace.edu/cases/050126a3.html>.
51. Austria: Oberster Gerichtshof [OGH] [Supreme Court] May 24, 2005, No. 4 Ob 80/05a, *translated in* <http://cisgw3.law.pace.edu/cases/050524a3.html>.
52. Austria: Oberlandesgericht Linz [OLG Linz] Higher Regional Court of Linz] Aug. 8, 2005, No. 3 R 57/05f, *translated in* <http://cisgw3.law.pace.edu/cases/050808a3.html>.
53. Austria: Landesgericht Salzburg [LG Salzburg] [Regional Court of Appeal of Salzburg] Feb. 2, 2005, No. 6 Cg 42/04m, *translated in* <http://cisgw3.law.pace.edu/cases/050202a3.html>.
54. Austria: Oberster Gerichtshof [OGH] [Supreme Court] June 21, 2005, No. 5 Ob 45/05m, *translated in* <http://cisgw3.law.pace.edu/cases/050621a3.html>.
55. Austria: Oberster Gerichtshof [OGH] [Supreme Court] May 23, 2005, No. 3 Ob 193/04k, *translated in* <http://cisgw3.law.pace.edu/cases/050523a3.html>.
56. Austria: Oberlandesgericht Linz [OLG Linz] [Higher Regional Court of Linz] June 1, 2005, No. 1 R 68/05h, *translated in* <http://cisgw3.law.pace.edu/cases/050601a3.html>.
57. Austria: Oberlandesgericht Linz [OLG Linz] [Higher Regional Court of Linz] Mar. 23, 2005, No. 6 R 200/04f, *translated in* <http://cisgw3.law.pace.edu/cases/050323a3.html>.



58. Austria: Oberlandesgericht Innsbruck [OLG Innsbruck] [Higher Regional Court of Innsbruck] Feb. 1, 2005, No. 1 R 253/04x, *translated in* <http://cisgw3.law.pace.edu/cases/050201a3.html>.
59. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Nov. 30, 2006, No. 6 Ob 257/06x, *translated in* <http://cisgw3.law.pace.edu/cases/061130a3.html>.
60. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Jan. 25, 2006, No. 7 Ob 302/05w, *translated in* <http://cisgw3.law.pace.edu/cases/060125a3.html>.
61. Austria: Oberlandesgericht Linz [OLG Linz] [Higher Regional Court of Linz] Jan. 23, 2006, No. 6 R 160/05z, *translated in* <http://cisgw3.law.pace.edu/cases/060123a3.html>.
62. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Sept. 12, 2006, No. 10 Ob 122/05x, *translated in* <http://cisgw3.law.pace.edu/cases/060912a3.html>.
63. Austria: Handelsgericht [HG Wein] [Commercial Court] May 3, 2007, No. 43 Cg 34/05f, *translated in* <http://cisgw3.law.pace.edu/cases/070503a3.html>.
64. Austria: Oberlandesgericht Linz [OLG Linz] [Higher Regional Court of Linz] Sept. 24, 2007, No. 1 R 77/07k, *translated in* <http://cisgw3.law.pace.edu/cases/070924a3.html>.
65. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Dec. 19, 2007, No. 9 Ob 75/07f, *translated in* <http://cisgw3.law.pace.edu/cases/071219a3.html>.
66. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Apr. 19, 2007, No. 6 Ob 56/07i, *translated in* <http://cisgw3.law.pace.edu/cases/070419a3.html>.
67. Austria: Oberster Gerichtshof [OGH] [Supreme Court] May 8, 2008, No. 3 Ob 79/08a, <http://cisgw3.law.pace.edu/cases/080508a3.html>.
68. Austria: Oberster Gerichtshof [OGH] [Supreme Court] Apr. 3, 2008, No. 1 Ob 205/07, *translated in* <http://cisgw3.law.pace.edu/cases/080403a3.html>.
69. Belgium: Tribunal de Commerce [Comm.] [Commerce Tribunal] Bruxelles, Nov. 13, 1992, A.R. 2700/90; A.R. 2700/90; R.G. 4.825.91, *translated in* <http://cisgw3.law.pace.edu/cases/921113b1.html>.
70. Belgium: Tribunal de Commerce [Comm.] [Commerce Tribunal] Bruxelles, Oct. 5, 1994, R.G. 1.205/93, *translated in* <https://cisgw3.law.pace.edu/cases/941005b1.html>.
71. Belgium: Tribunal de Commerce [Comm.] [Commerce Tribunal] Nivelles, Sept. 19, 1995, R.G. 1707/93, *translated in* <http://cisgw3.law.pace.edu/cases/950919b1.html>.
72. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Kortrijk, Oct. 6, 1997, A.R. 4143/96, *translated in* <http://cisgw3.law.pace.edu/cases/971006b1.html>.

73. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, Nov. 4, 1998, 1995/AR/1558, *translated in* <http://cisgw3.law.pace.edu/cases/981104b1.html>.
74. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, May 18, 1999, A.R. 3312/96, *translated in* <http://cisgw3.law.pace.edu/cases/990518b1.html>.
75. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Apr. 26, 2000, 1997/AR/2235, *translated in* <http://cisgw3.law.pace.edu/cases/000426b1.html>.
76. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Oudenaarde, July 10, 2001, A.R. 44/97, *translated in* <http://cisgw3.law.pace.edu/cases/010710b1.html>.
77. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Veurne, Apr. 25, 2001, A/00/00665, *translated in* <http://cisgw3.law.pace.edu/cases/010425b1.html>.
78. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, May 23, 2001, 1999/A/2160, *translated in* <http://cisgw3.law.pace.edu/cases/010523b1.html>.
79. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, June 27, 2001, 1997/AR/1554, *translated in* <http://cisgw3.law.pace.edu/cases/010627b1.html>.
80. Belgium: Cour d'Appel [CA] [Court of Appeal] Mons, Mar. 8, 2001, R.G. 242/99, *translated in* <http://cisgw3.law.pace.edu/cases/010308b1.html>.
81. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, Feb. 14, 2002, 2001/AR/551, *translated in* <http://cisgw3.law.pace.edu/cases/020214b1.html>.
82. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, Dec. 16, 2002, 2001/AR/1737, *translated in* <http://cisgw3.law.pace.edu/cases/021216b1.html>.
83. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, May 15, 2002, 2001/AR/0180, *translated in* <http://cisgw3.law.pace.edu/cases/020515b1.html>.
84. Belgium: Tribunal de Commerce [Comm.] [Commerce Tribunal] Namur, Jan. 15, 2002, R.G. no. 985/01, *translated in* <http://cisgw3.law.pace.edu/cases/020115b1.html>.
85. Belgium: Cour d'Appel [CA] [Court of Appeal] Liege, Apr. 28, 2003, 2001/RG/817, *translated in* <http://cisgw3.law.pace.edu/cases/030428b1.html>.
86. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Oct. 8, 2003, 2002/AR/1184, *translated in* <http://cisgw3.law.pace.edu/cases/031008b1.html>.
87. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Veurne, Mar. 19, 2003, A/01/00392, *translated in* <http://cisgw3.law.pace.edu/cases/030319b1.html>.

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88. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, Apr. 14, 2004, 2002/AR902 & 2002/AR/1946, *translated in* <http://cisgw3.law.pace.edu/cases/040414b1.html>.
89. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Oct. 11, 2004, 2003/AR/2603, *translated in* <http://cisgw3.law.pace.edu/cases/041011b1.html>.
90. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, May 10, 2004, 2003/AR/2026, *translated in* <http://cisgw3.law.pace.edu/cases/040510b1.html>.
91. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, May 17, 2004, 2001/AR/1679, *translated in* <http://cisgw3.law.pace.edu/cases/040517b1.html>.
92. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, June 16, 2004, 2003/AR/990, *translated in* <http://cisgw3.law.pace.edu/cases/040616b1.html>.
93. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Hasselt, Jan. 6, 2004, AR/02/04011, *translated in* <http://cisgw3.law.pace.edu/cases/040106b1.html>.
94. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Mar. 24, 2004, 2000/AR/1753, *translated in* <http://cisgw3.law.pace.edu/cases/040324b1.html>.
95. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Jan. 28, 2004, 2003/AR/902, *translated in* <http://cisgw3.law.pace.edu/cases/040128b1.html>.
96. Belgium: Cour d'Appel [CA] [Court of Appeal] Liege, Jan. 27, 2004, 2001/RG/1579, *translated in* <http://cisgw3.law.pace.edu/cases/040127b1.html>.
97. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Oct. 20, 2004, 1999/AR/9, *translated in* <http://cisgw3.law.pace.edu/cases/041020b1.html>.
98. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Oct. 4, 2004, 2003/AR/2763, *translated in* <http://cisgw3.law.pace.edu/cases/041004b1.html>.
99. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, June 30, 2004, 2003/AR/901, *translated in* <http://cisgw3.law.pace.edu/cases/040630b1.html>.
100. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Nov. 8, 2004, 2001/AR/1982, *translated in* <http://cisgw3.law.pace.edu/cases/041108b1.html>.
101. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Kortrijk, June 4, 2004, AR 21 36/2003, *translated in* <http://cisgw3.law.pace.edu/cases/040604b1.html>.
102. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Tongeren, Jan. 25, 2005, A.R. A/04/01960, *translated in* <http://cisgw3.law.pace.edu/cases/050125b1.html>.

103. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Hasselt, Sept. 20, 2005, A.R. 04/3568, *translated in* <http://cisgw3.law.pace.edu/cases/050920b1.html>.
104. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Hasselt, Jan. 31, 2005, A.R. 98/02598, *translated in* <http://cisgw3.law.pace.edu/cases/050131b1.html>.
105. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Hasselt, Feb. 15, 2006, A.R. 05/4177, *translated in* <http://cisgw3.law.pace.edu/cases/060419b1.html>.
106. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, Apr. 14, 2006, 2002/AR/2087, *translated in* <http://cisgw3.law.pace.edu/cases/060424b1.html>.
107. Belgium: Rechtbanken van Koophandel [Kh.] [Commerce Tribunal] Hasselt, Apr. 19, 2006, A.R. 05/4177, *translated in* <http://cisgw3.law.pace.edu/cases/060419b1.html>.
108. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, May 16, 2007, 2006/AR/477, *translated in* <http://cisgw3.law.pace.edu/cases/070416b1.html>.
109. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, Jan. 22, 2007, 2004/AR/1382, *translated in* <http://cisgw3.law.pace.edu/cases/070122b1.html>.
110. Belgium: Hof van Beroep [HvB] [Court of Appeal] Antwerpen, Jan. 22, 2007, A.R. 2006/AR/384, *translated in* <http://cisgw3.law.pace.edu/cases/070122b2.html>.
111. Belgium: Hof van Beroep [HvB] [Court of Appeal] Gent, Nov. 14, 2008, 2008/AR/912, *translated in* <http://cisgw3.law.pace.edu/cases/081114b1.html>.
112. Belgium: Hof van Cassatie [Cass.] [Court of Cassation] June 19, 2009, C.07.0289.N, *translated in* <http://cisgw3.law.pace.edu/cases/090619b1.html>.
113. China: Lianzhong Enter. Res. (Hong Kong) Ltd. v. Xiamen Int'l Trade & Trust Co., (Fujian Interm. People's Ct. Apr. 20, 1993), <http://cisgw3.law.pace.edu/cases/930420c1.html>.
114. China: San Ming Trade Co. Ltd. v. Zhazhou Metallic Minerals Import & Export Co., (Fujian High People's Ct. Dec. 1994), <http://cisgw3.law.pace.edu/cases/941200c1.html>.
115. China: Skandinaviska Meterno AB v. Hunan Co. for Int'l Econ. & Trade, (Hunan Interm. People's Ct. Sept. 18, 1995), <http://cisgw3.law.pace.edu/cases/950918c1.html>.
116. China: Youli v. Gold Star, (Fujian High People's Ct. Dec. 31, 1996), <http://cisgw3.law.pace.edu/cases/961231c1.html>.
117. China: Akefamu Co. Ltd. v. Sinochem Hainan Co. Ltd., (Shanghai High People's Ct. 1997), <http://cisgw3.law.pace.edu/cases/970000c1.html>.
118. China: China Yituo Grp. Co. v. Ger. Gerhard Freyso Ltd. GmbH & Co. KG, (Shanghai No. 2 Interm. People's Ct. June 22, 1998), <http://cisgw3.law.pace.edu/cases/980622c1.html>.

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- 119.China: Hang Tat Foods USA Inc. vs. Rizhao Aquatic Prds. Grp. & Rizhao Rirong Aquatic Prods. Ltd. Co., (Shandong Interm. People's Ct. Dec. 17, 1999), <http://cisgw3.law.pace.edu/cases/991217c1.html>.
- 120.China: Lianhe Enter. (US) Ltd. v. Yantai Branch of Shandong Foreign Trade Co., (Sup. People's Ct. Aug. 8, 2000), <http://cisgw3.law.pace.edu/cases/000808c1.html>.
- 121.China: Taihai Co., Ltd. Japan v. Jiangxi Sainty Int'l Group, Ltd. Textile Import & Export Nantong Co., (Jiangxi Interm. People's Ct. Sept. 29, 2000), <http://cisgw3.law.pace.edu/cases/000929c2.html>.
- 122.China: Shen Zhen Fengshen Indus. Dev. Co. v. Inter Serv. Internation Fr., (Hubei People's Court June 30, 2000), <http://cisgw3.law.pace.edu/cases/000630c1.html>.
- 123.China: Mintermet S.A. v. Henan Local Prod. Import & Export Co., (Henan High People's Ct. July 17, 2000), <http://cisgw3.law.pace.edu/cases/000717c1.html>.
- 124.China: Shanghai Shen He Import & Export Ltd. v. Japan Itochu Corp., (Jiangsu High People's Ct. Nov. 28, 2001), <http://cisgw3.law.pace.edu/cisg/wais/db/cases2/011128c1.html>.
- 125.China: Korea Hendai Gen. Trade Co. v. China Hubei Province Metal Import & Export Co., (Hubei Interm. People's Ct. Apr. 4, 2001), <http://cisgw3.law.pace.edu/cases/010404c1.html>.
- 126.China: Carl Hill v. Cixi Old Furniture Trade Co., Ltd., (Zhejiang Cixi People's Ct. July 18, 2001), <http://cisgw3.law.pace.edu/cases/010718c1.html>.
- 127.China: Tai Hei Bus. Co. Ltd. v. Jiangsu Shun Tian Int'l Grp. Nantong Costume Import & Export Co., (Jiangsu High People's Ct. Feb. 19, 2001), <http://cisgw3.law.pace.edu/cases/010219c1.html>.
- 128.China: Singapore Da Guang Grp. v. Jiangsu Mach. Import & Export Ltd., (Sup. People's Ct. Jan. 11, 2001), <http://cisgw3.law.pace.edu/cases/010111c1.html>.
- 129.China: Shanghai Dongda Import & Export Corp. v. Ger. Laubholz-Meyer Corp., (Shanghai People's Court Nov. 4, 2002), <http://cisgw3.law.pace.edu/cases/021104c2.html>.
- 130.China: China Packaging Import & Export Co. Hubei Office v. Russ. Phoenix Co. & Hubei Province Silk Import & Export Co., (Hubei Interm. People's Ct. Sept. 9, 2002), <http://cisgw3.law.pace.edu/cases/020909c3.html>.
- 131.China: Xinsheng Trade Co. v. Shougang Nihong Metallurgic Prods., (Ningxia Hui Autonomous Region High People's Ct. Nov. 27, 2002), <http://cisgw3.law.pace.edu/cases/021127c1.html>.

132. China: Nanjing Res. Grp. v. Tian An Ins. Co. Ltd., Nanjing Branch, (Wuhan Mar. Ct. Hubei Sept. 10, 2007), <http://cisgw3.law.pace.edu/cases/020910c1.html>.
133. China: Shanghai Wangruixiang Fashion Co. Ltd. v. U.S. Trend Co. Ltd., Shanghai Silk (Grp.) Co. Ltd., (Shanghai No. 1 Interm. People's Ct. June 23, 2003), <http://cisgw3.law.pace.edu/cases/030623c1.html>.
134. China: Singapore \_\_\_\_ Co. v. Dongling Trade Co., Shanghai Xuyang Trade Co., Yingfang Xi & Yunli, Luo (Shanghai No. 1 Interm. People's Ct. Mar. 23, 2004), <http://cisgw3.law.pace.edu/cases/040323c1.html>.
135. China: Am. Inland Sea Inc. & China Jiedong Cty. Haifu Fishery v. Jiedong Cty. Yuequn Fishery & Yuequn Hong, (Guandong High People's Ct. Oct. 10, 2004), <http://cisgw3.law.pace.edu/cases/041010c1.html>.
136. China: WS China Import GmbH v. Longkou Guangyuan Food Co., (Shandong High People's Ct. Sept. 10, 2004), <http://cisgw3.law.pace.edu/cases/040910c1.html>.
137. China: Wuhan Zhongou Clothes Factory v. Hung. Wanlong Int'l Trade Co., (Hubei Interm. People's Ct. May 11, 2004), <http://cisgw3.law.pace.edu/cases/040511c1.html>.
138. China: Xiamen Xiang Yu Grp. Corp. v. Mechel Trading AG, (Fujian Interm. People's Ct. Dec. 14, 2004), <http://cisgw3.law.pace.edu/cases/041214c1.html>.
139. China: Xi'an Yun Chang Trade Ltd. v. An Tai Int'l (USA), (Shanghai People's Ct. Sept. 23, 2005), <http://cisgw3.law.pace.edu/cases/050923c1.html>.
140. China: Sinochem Shanghai Co. Ltd. v. Kolorit TM Co. Ltd., (Shanghai No. 2 Interm. People's Ct. May 24, 2005), <http://cisgw3.law.pace.edu/cases/050524c1.html>.
141. China: Shanghai Donglin Int'l Trade Co. Ltd. v. Johnson Trading Austl. Pty Ltd., (Shanghai No. 2 Interm. People's Ct. June 24, 2005), <http://cisgw3.law.pace.edu/cases/050624c1.html>.
142. China: Nor. Royal Supreme Seafoods v. China Rizhao Jixiang Ocean Food Co. & China Rizhao Shanfu Food Co., (Shandong High People's Ct. June 27, 2005), <http://cisgw3.law.pace.edu/cases/050627c1.html>.
143. China: Yiwu Ma Jia Import & Export Co. Ltd. v. Y&Q Int'l Grp., (Shanghai No. 1 Interm. People's Ct. June 29, 2005), <http://cisgw3.law.pace.edu/cases/050629c2.html>.
144. China: Minermet S.p.A. It. v. China Metallurgical Import & Export Dalian Co., China Shipping Dev. Co., Ltd. Tramp Co., (Dalian Mar. Ct. June 29, 2005), <http://cisgw3.law.pace.edu/cases/050629c1.html>.

145. China: Vishaybe Components Beyschlag GmbH v. Shanghai Yong Xu Elec. Ltd., (Shanghai No. 1 Interm. People's Ct. Nov. 28, 2005), <http://cisgw3.law.pace.edu/cases/051128c1.html>.
146. China: Shanghai Nuo Bo Metal Prods. Ltd. v. Tevel Int'l Trading, (Shanghai High People's Ct. Aug. 30, 2005), <http://cisgw3.law.pace.edu/cases/050830c1.html>.
147. China: Bao De Li Ltd. v. China Elec. Import & Export Guangdong Corp., (Guangzhou Interm. People's Ct. Nov. 19, 2005), <http://cisgw3.law.pace.edu/cases/051119c1.html>.
148. China: Zhuhai Zhongyue New Commc'n Tech. Ltd. et al. v. Theaterlight Elec. Control & Audio Sys. Ltd., (Guangdong High Ct. Jan. 11, 2005), <http://cisgw3.law.pace.edu/cases/050111c1.html>.
149. China: A.G.A Firm v. Shanghai Yixuan Import & Export Co. Ltd. & Foshan Gena Cleaning Instruments Mfrs. Co. Ltd., (Shanghai No. 2 Interm. People's Ct. Dec. 25, 2006), <http://cisgw3.law.pace.edu/cases/061225c1.html>.
150. China: Shanghai Shan Shan Rui Yuan Trading Co. Ltd. v. Lanificio Ing. Loro Piano & C.S.P.A. It. (cloth case), (Shanghai No. 2 Interm. People's Ct. July 10, 2006), <http://cisgw3.law.pace.edu/cases/060710c1.html>.
151. China: Zhejiang Henghao Garment Co. Ltd. v. Trio Selection Inc., (Zhejiang High People's Ct. Apr. 24, 2008), <http://cisgw3.law.pace.edu/cases/080424c1.html>.
152. China: Shanghai Anlili Int'l Trading Co. Ltd. v. J & P Golden Wings Corp., (Shanghai No. 1 Interm. People's Ct. Dec. 25, 2008), <http://cisgw3.law.pace.edu/cases/081225c1.html>.
153. China: Salem St. N. Am. LLC v. Shang Shang Stainless Steel Pipe Co. Ltd., (Shanghai No. 1 People's Ct. Mar. 19, 2009), <http://cisgw3.law.pace.edu/cases/090319c1.html>.
154. China: Geng Qunying v. ELBORSH, (Hebei High People's Ct. Oct. 14, 2010), <http://cisgw3.law.pace.edu/cases/101014c1.html>.
155. France: Cour d'Appel [CA] [regional court of appeal] Grenoble, June 16, 1993, 92/4223, *translated in* <http://cisgw3.law.pace.edu/cases/930616f1.html>.
156. France: Cour d'appel [CA] [regional court of appeal] Paris, Dec. 13, 1995, 95-01817, *translated in* <http://cisgw3.law.pace.edu/cases/951213f1.html>.
157. France: Cour d'appel [CA] [regional court of appeal] Grenoble, com., Sept. 13, 1995, 93/4126, *translated in* <https://cisgw3.law.pace.edu/cases/950913f1.html>.
158. France: Cour d'appel [CA] [regional court of appeal] Grenoble, com., Feb. 22, 1995, 93/3275, *translated in* <http://cisgw3.law.pace.edu/cases/950222f1.html>.
159. France: Cour d'appel [CA] [regional court of appeal] Grenoble, Apr. 26, 1995, 93/1613, *translated in* <http://cisgw3.law.pace.edu/cases/950426f1.html>.

160. France: Cour d'appel [CA] [regional court of appeal] Grenoble, Mar. 29, 1995, 93/2821, *translated in* <http://cisgw3.law.pace.edu/cases/950329f1.html>.
161. France: Cour d'appel [CA] [regional court of appeal] Grenoble, Apr. 26, 1995, 93/4879, *translated in* <http://cisgw3.law.pace.edu/cases/950426f2.html>.
162. France: Cour d'appel [CA] [regional court of appeal] Paris, 1e civ., Apr. 6, 1995, *translated in* <http://cisgw3.law.pace.edu/cases/950406f1.html>.
163. France: Cour de cassation [Cass.] [supreme court for judicial matters] 1e civ., Jan. 4, 1995, No. 92.16.993, *translated in* <http://cisgw3.law.pace.edu/cases/950104f1.html>.
164. France: Cour d'appel [CA] [regional court of appeal] Grenoble, Oct. 23, 1996, 94/3859, *translated in* <http://cisgw3.law.pace.edu/cases/961023f1.html>.
165. France: Cour de cassation [Cass.] [supreme court for judicial matters] Dec. 17, 1996, No. Y 95-20.273, *translated in* <http://cisgw3.law.pace.edu/cases/961217f1.html>.
166. France: Cour de cassation [Cass.] [supreme court for judicial matters] Jan. 23, 1996, No. 93-16.542, *translated in* <http://cisgw3.law.pace.edu/cases/960123f1.html>.
167. France: Cour de cassation [Cass.] [supreme court of judicial matters] 1e civ., Dec. 2, 1997, No. 95-20.809, *translated in* <http://cisgw3.law.pace.edu/cases/971202f1.html>.
168. France: Cour de cassation [Cass.] [supreme court of judicial matters] 1e civ., July 16, 1998, No. J 96-11.984, *translated in* <http://cisgw3.law.pace.edu/cases/980716f1.html>.
169. France: Cour d'appel [CA] [regional court of appeal] Mar. 18, 1998, 97/25212, *translated in* <http://cisgw3.law.pace.edu/cases/980318f1.html>.
170. France: Tribunal de commerce [Commercial Court] Besançon, Jan. 19, 1998, 97 009265, <http://cisgw3.law.pace.edu/cases/980119f1.html>.
171. France: Cour d'appel [CA] [regional court of appeal] Versailles, Jan. 29, 1998, R.G. no. 1222/95, *translated in* <https://cisgw3.law.pace.edu/cases/980129f1.html>.
172. France: Cour d'appel [CA] [regional court of appeal] Paris, Mar. 4, 1998, 97/24418, *translated in* <http://cisgw3.law.pace.edu/cases/980304f1.html>.
173. France: Cour de cassation [Cass.] [supreme court of judicial matters] 1e civ., May 26, 1999, No. 97-14.315, *translated in* <http://cisgw3.law.pace.edu/cases/990526f1.html>.
174. France: Cour d'appel [CA] [regional court of appeal] Grenoble, Feb. 4, 1999, RG 98/02700, *translated in* <http://cisgw3.law.pace.edu/cases/990204f1.html>.
175. France: Cour d'appel [CA] [regional court of appeal] Grenoble, Oct. 21, 1999, 97/03974, *translated in* <http://cisgw3.law.pace.edu/cases/991021f1.html>.



- 176.France: Cour d'appel [CA] [regional court of appeal] Paris, Oct. 12, 2000, RG 1998/025917; 1999/11308, *translated in* <http://cisgw3.law.pace.edu/cases/001012f1.html>.
- 177.France: Cour d'appel [CA] [regional court of appeal] Rouen, Feb. 17, 2000, 1998/710, *translated in* <http://cisgw3.law.pace.edu/cases/000217f1.html>.
- 178.France: Cour d'appel [CA] [regional court of appeal] Colmar, Oct. 24, 2004, *translated in* <http://cisgw3.law.pace.edu/cases/001024f1.html>.
- 179.France: Cour d'appel [CA] [regional court of appeal] Paris, June 14, 2001, 1998/38724; 2000/13970, *translated in* <http://cisgw3.law.pace.edu/cases/010614f1.html>.
- 180.France: Cour d'appel [CA] [regional court of appeal] Colmar, June 12, 2001, 1 A 199800359, *translated in* <http://cisgw3.law.pace.edu/cases/010612f1.html>.
- 181.France: Cour d'appel [CA] [regional court of appeal] Orléans, Mar. 29, 2001, 514; RG:00/02909, *translated in* <http://cisgw3.law.pace.edu/cases/010329f1.html>.
- 182.France: Cour d'appel [CA] [regional court of appeal] Colmar, Nov. 13, 2002, 1B 98/01776, *translated in* <http://cisgw3.law.pace.edu/cases/021113f1.html>.
- 183.France: Cour de cassation [Cass.] [supreme court for judicial matters] Mar. 19, 2002, No. T 00-14.414; 526 F-P., *translated in* <http://cisgw3.law.pace.edu/cases/020319f1.html>.
- 184.France: Cour d'appel [CA] [regional court of appeal] Grenoble, Nov. 28, 2002, 01/01490, *translated in* <http://cisgw3.law.pace.edu/cases/021128f2.html>.
- 185.France: Cour de cassation [Cass.] [supreme court for judicial matters] 1e civ., Jan. 8, 2002, No. Y 00-13.453, *translated in* <http://cisgw3.law.pace.edu/cases/020108f1.html>.
- 186.France: Cour d'appel [CA] [regional court of appeal] Paris, Sept. 10, 2003, 2002/02304, *translated in* <http://cisgw3.law.pace.edu/cases/030910f1.html>.
- 187.France: Cour d'appel [CA] [regional court of appeal] Lyon, Dec. 18, 2003, 01/02620, *translated in* <http://cisgw3.law.pace.edu/cases/031218f1.html>.
- 188.France: Cour d'appel [CA] [regional court of appeal] Paris, Sept. 19, 2003, 2003/01961, *translated in* <http://cisgw3.law.pace.edu/cases/030919f1.html>.
- 189.France: Cour de cassation [Cass.] [supreme court for judicial matters] Sept. 24, 2003, 1312 FS-P; 01-16107 D, *translated in* <http://cisgw3.law.pace.edu/cases/030924f1.html>.
- 190.France: Tribunaux de grande instance [TGI] [ordinary court of original jurisdiction] Versailles, Nov. 23, 2004, 01/08276, *translated in* <http://cisgw3.law.pace.edu/cases/041123f1.html>.

191. France: Cour d'appel [CA] [regional court of appeal] Paris, Nov. 4, 2004, 2003/21489, *translated in* <http://cisgw3.law.pace.edu/cases/041104f1.html>.
192. France: Cour d'appel [CA] [regional court of appeal] Paris, June 4, 2004, 2002/18702, *translated in* <http://cisgw3.law.pace.edu/cases/040604f1.html>.
193. France: Cour de cassation [Cass.] [Supreme Court for judicial matters] 1<sup>e</sup> civ., June 30, 2004, No. Y 01-15.964, *translated in* <http://cisgw3.law.pace.edu/cases/040630f1.html>.
194. France: Cour d'appel de Poitiers [CA] [regional court of appeal] Poitiers, Oct. 26, 2004, 02/00109, *translated in* <http://cisgw3.law.pace.edu/cases/041026f1.html>.
195. France: Cour d'appel Aix-en-Provence [CA] [regional court of appeal] Aix-en-Provence, July 1, 2005, Arrêt du fond du 01 juillet 2005 no. 2005/377, *translated in* <http://cisgw3.law.pace.edu/cases/050701f1.html>.
196. France: Cour d'appel [CA] [regional court of appeal] Versailles, Oct. 13, 2005, 04/04128, *translated in* <http://cisgw3.law.pace.edu/cases/051013f1.html>.
197. France: Cour d'appel de Paris [CA] [regional court of appeal] Paris, Feb. 25, 2005, 03/21335, *translated in* <http://cisgw3.law.pace.edu/cases/050225f1.html>.
198. France: Cour de cassation [Cass.] [supreme court for judicial matters] Oct. 4, 2005, Arrêt no. 1303 FS-P+B, *translated in* <http://cisgw3.law.pace.edu/cases/051004f1.html>.
199. France: Tribunaux de grande instance [TGI] [ordinary court of original jurisdiction] Strasbourg, Dec. 22, 2006, 04/00925, *translation in* <http://cisgw3.law.pace.edu/cases/061222f1.html>.
200. France: Cour d'appel [CA] [regional court of appeal] Rouen, Dec. 19, 2006, 05/03275, *translated in* <http://cisgw3.law.pace.edu/cases/061219f1.html>.
201. France: Cour de cassation [Cass.] [supreme court for judicial matters] Feb. 13, 2007, 05-10424, *translated in* <http://cisgw3.law.pace.edu/cases/070213f2.html>.
202. France: Cour de cassation [Cass.] [supreme court for judicial matters] Paris, Feb. 13, 2007, U 05-13.538 (appeal); 283 F-D (judgment), *translated in* <http://cisgw3.law.pace.edu/cases/070213f1.html>.
203. France: Cour d'appel [CA] [regional court of appeal] Amiens, Sept. 27, 2007, RG 98/00063, *translated in* <http://cisgw3.law.pace.edu/cases/070927f1.html>.
204. France: Cour de cassation [Cass.] [supreme court for judicial matters] Paris, Feb. 20, 2007, D 04-17752 (appeal), 356-FS-P+B (judgment), *translated in* <http://cisgw3.law.pace.edu/cases/070220f1.html>.
205. France: Cour de cassation [Cass.] [supreme court for judicial matters] Sept. 16, 2008, 07-11803; 07-12160, *translated in* <http://cisgw3.law.pace.edu/cases/080916f1.html>.

206. France: Cour d'appel [CA] [regional court of appeal] Rennes, May 27, 2008, 07/03098, *translated in* <http://cisgw3.law.pace.edu/cases/080527f1.html>.
207. France: Cour d'appel [CA] [regional court of appeal] Colmar, Feb. 26, 2008, 1A 07/03426, *translated in* <http://cisgw3.law.pace.edu/cases/080226f1.html>.
208. France: Cour de cassation [Cass.] [supreme court for judicial matters] Pourvoi, 1e civ., Feb. 3, 2009, Pourvoi, No. 07-21827, *translated in* <http://cisgw3.law.pace.edu/cases/090203f1.html>.
209. France: Cour de cassation [Cass.] [supreme court for judicial matters] 1e civ., Apr. 8, 2009, No. 08-10678, *translated in* <http://cisgw3.law.pace.edu/cases/090408f1.html>.
210. France: Cour de cassation [Cass.] [supreme court for judicial matters] Nov. 3, 2009, Pourvoi No. T 08-12.399, *translated in* <http://cisgw3.law.pace.edu/cases/091103f1.html>.
211. Germany: Landgericht München [LG München] [Regional Court of Munich] July 3, 1989, 17 HKO 3726/89, *translated in* <https://cisgw3.law.pace.edu/cases/890703g1.html>
212. Germany: Landgericht Stuttgart [LG Stuttgart] [Regional Court of Stuttgart] Aug. 31, 1989, 3 KfH O 97/89, *translated in* <https://cisgw3.law.pace.edu/cases/890831g1.html>.
213. Germany: Landgericht Hamburg [LG Hamburg] [Regional Court of Hamburg] Sept. 26, 1990, 5 O 543/88, *translated in* <http://cisgw3.law.pace.edu/cases/900926g1.html>.
214. Germany: Amtsgericht Ludwigsburg [AG Ludwigsburg] [District Court of Ludwigsburg] Dec. 21, 1990, 4 C 549/90, *translated in* <http://cisgw3.law.pace.edu/cases/901221g1.html>
215. Germany: Amtsgericht Oldenburg [AG Oldenburg] [District Court of Oldenburg] Apr. 24, 1990, 5 C 73/89, *translated in* <http://cisgw3.law.pace.edu/cases/900424g1.html>.
216. Germany: Landgericht Baden-Baden [LG Baden-Baden] [Regional Court of Baden-Baden] Aug. 14, 1991, 4 O 113/90, *translated in* <https://cisgw3.law.pace.edu/cases/910814g1.html>.
217. Germany: Oberlandesgericht Frankfurt [OLG Frankfurt] [Higher Regional Court of Frankfurt] Sept. 17, 1991, 5 U 164/90, *translated in* <http://cisgw3.law.pace.edu/cases/910917g1.html>.
218. Germany: Landgericht Frankfurt [LG Frankfurt] [Regional Court of Frankfurt] Sept. 16, 1991, 3/11 O 3/91, *translated in* <http://cisgw3.law.pace.edu/cases/910916g1.html>.
219. Germany: Amtsgericht [AG] [District Court of Frankfurt] Jan. 31, 1991, 32 C 1074/90-41, *translated in* <http://www.cisg.law.pace.edu/cases/910131g1.html>.
220. Germany: Landgericht Stuttgart [LG Stuttgart] [Regional Court of Stuttgart] Aug. 13, 1991, 16 S 40/91, *translated in* <http://cisgw3.law.pace.edu/cases/910813g1.html>.

221. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Sept. 27, 1991, 2 U 1899/89, *translated in* <http://cisgw3.law.pace.edu/cases/910927g1.html>.
222. Germany: Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] Nov. 20, 1992, 15 U 29/92, *translated in* <http://cisgw3.law.pace.edu/cases/921120g1.html>.
223. Germany: Oberlandesgericht Hamm [OLG Hamm] [Higher Regional Court of Hamm] Sept. 22, 1992, 19 U 97/91, *translated in* <http://cisgw3.law.pace.edu/cases/920922g1.html>.
224. Germany: Landgericht Berlin [LG Berlin] [Regional Court of Berlin] Oct. 6, 1992, 103 O 70/92, *translated in* <http://cisgw3.law.pace.edu/cases/921006g1.html>.
225. Germany: Landgericht Berlin [LG Berlin] [Regional Court of Berlin] Sept. 30, 1992, 99 O 123/92, *translated in* <https://cisgw3.law.pace.edu/cases/920930g1.html>.
226. Germany: Landgericht Heidelberg [LG Heidelberg] [Regional Court of Heidelberg] July 3, 1992, O 42/92 KfH I, *translated in* <http://cisgw3.law.pace.edu/cases/920703g1.html>.
227. Germany: Amtsgericht Zweibrücken [AG Zweibrücken] [District Court of Zweibrücken] Oct. 14, 1992, 1 C 216/92, *translated in* <http://cisgw3.law.pace.edu/cases/921014g1.html>.
228. Germany: Landgericht Krefeld [LG Krefeld] [Regional Court of Krefeld] Nov. 24, 1992, 12 O 153/92, *translated in* <http://cisgw3.law.pace.edu/cases/921124g1.html>.
229. Germany: Amtsgericht Cloppenburg [AG Cloppenburg] [District Court of Cloppenburg] Apr. 14, 1993, 2 C 425/92, *translated in* <http://cisgw3.law.pace.edu/cases/930414g1.html>.
230. Germany: Landgericht Aachen [LG Aachen] [Regional Court of Aachen] May 14, 1993, 42 O 136/92, *translated in* <http://cisgw3.law.pace.edu/cases/930514g1.html>.
231. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] July 2, 1993, 17 U 73/93, *translated in* <http://cisgw3.law.pace.edu/cases/930702g1.html>.
232. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Sept. 17, 1993, 2 U 1230/91, *translated in* <http://cisgw3.law.pace.edu/cases/930917g1.html>.
233. Germany: Oberlandesgericht Saarbrücken [OLG Saarbrücken] [Higher Regional Court of Saarbrücken] Jan. 13, 1993, 1 U 69/92, *translated in* <https://cisgw3.law.pace.edu/cases/930113g1.html>.
234. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] Jan. 8, 1993, 17 U 82/92, *translated in* <https://cisgw3.law.pace.edu/cases/930108g1.html>.
235. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] Jan. 14, 1994, 17 U 146/93, *translated in* <http://cisgw3.law.pace.edu/cases/940114g1.html>.

236. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] Feb. 10, 1994, 6 U 32/93, *translated in* <http://cisgw3.law.pace.edu/cases/940210g1.html>.
237. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] Feb. 10, 1994, 6 U 119/93, *translated in* <https://cisgw3.law.pace.edu/cases/940210g2.html>.
238. Germany: Landgericht Berlin [LG Berlin] [Regional Court of Berlin] Sept. 15, 1994, 52 S 247/94, *translated in* <http://cisgw3.law.pace.edu/cases/940915g1.html>.
239. Germany: Landgericht Düsseldorf [LG Düsseldorf] [Regional Court of Düsseldorf] June 23, 1994, 31 O 231/94, *translated in* <https://cisgw3.law.pace.edu/cases/940623g1.html>.
240. Germany: Kammergericht [KG] [Superior Court of Berlin] Jan. 24, 1994, 2 U 7418/92, *translated in* <http://cisgw3.law.pace.edu/cases/940124g1.html>.
241. Germany: Landgericht Düsseldorf [LG Düsseldorf] [Regional Court of Düsseldorf] Aug. 25, 1994, 31 O 27/92, *translated in* <http://cisgw3.law.pace.edu/cases/940825g1.html>.
242. Germany: Oberlandesgericht Frankfurt (Main) [OLG Frankfurt am Main] [Higher Regional Court of Frankfurt (Main)] Mar. 4, 1994, 10 U 80/93, *translated in* <http://cisgw3.law.pace.edu/cases/940304g1.html>.
243. Germany: Landgericht Berlin [LG Berlin] [Regional Court of Berlin] Sept. 15, 1994, 52 S 247/94, *translated in* <http://cisgw3.law.pace.edu/cases/940915g1.html>.
244. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Mar. 2, 1994, 7 U 4419/93, *translated in* <http://cisgw3.law.pace.edu/cases/940302g1.html>.
245. Germany: Amtsgericht Nordhorn [AG Nordhorn] [District Court of Nordhorn] June 14, 1994, 3 C 75/94, *translated in* <https://cisgw3.law.pace.edu/cases/940614g1.html>.
246. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Feb. 22, 1994, 22 U 202/93, *translated in* <https://cisgw3.law.pace.edu/cases/940222g1.html>.
247. Germany: Amtsgericht Riedlingen [AG Riedlingen] [District Court of Riedlingen] Oct. 21, 1994, 2 C 395/93, *translated in* <http://cisgw3.law.pace.edu/cases/941021g1.html>.
248. Germany: Landgericht Oldenburg [LG Oldenburg] [Regional Court of Oldenburg] Nov. 9, 1994, 12 O 674/93, *translated in* <http://cisgw3.law.pace.edu/cases/941109g1.html>.
249. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Feb. 15, 1995, VIII ZR 18/94, *translated in* <http://cisgw3.law.pace.edu/cases/950215g1.html>.
250. Germany: Landgericht Aachen [LG Aachen] [Regional Court of Aachen] July 20, 1995, 41 O 111/95, *translated in* <http://cisgw3.law.pace.edu/cases/950720g1.html>.

251. Germany: Amtsgericht Bayreuth [AG Bayreuth] [District Court of Bayreuth] May 2, 1995, 8 C 348/95, *translated in* <http://cisgw3.law.pace.edu/cases/950502g3.html>.
252. Germany: Oberlandesgericht Frankfurt (Main) [OLG Frankfurt am Main] [Higher Regional Court of Frankfurt (Main)] May 23, 1995, 5 U 209/94, *translated in* <https://cisgw3.law.pace.edu/cases/950523g1.html>.
253. Germany: Landgericht Ellwangen [LG Ellwangen] [Regional Court of Ellwangen] Aug. 21, 1995, 1 KfH O 32/95, *translated in* <http://cisgw3.law.pace.edu/cases/950821g2.html>.
254. Germany: Oberlandesgericht Celle [OLG Celle] [Higher Regional Court of Celle] May 24, 1995, 20 U 76/94, *translated in* <http://cisgw3.law.pace.edu/cases/950524g1.html>.
255. Germany: Oberlandesgericht Hamm [OLG Hamm] [Higher Regional Court of Hamm] June 9, 1995, 11 U 191/94, *translated in* <http://cisgw3.law.pace.edu/cases/950609g1.html>.
256. Germany: Oberlandesgericht Hamm [OLG Hamm] [Higher Regional Court of Hamm] Feb. 8, 1995, 11 U 206/93, *translated in* <http://cisgw3.law.pace.edu/cases/950208g3.html>.
257. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Mar. 8, 1995, VIII ZR 159/94, *translated in* <http://cisgw3.law.pace.edu/cases/950308g3.html>.
258. Germany: Oberlandesgericht Frankfurt [OLG Frankfurt] [Higher Regional Court of Frankfurt] July 5, 1995, 9 U 81/94, *translated in* <http://cisgw3.law.pace.edu/cases/950705g1.html>.
259. Germany: Oberlandesgericht Frankfurt [OLG Frankfurt] [Higher Regional Court of Frankfurt] Mar. 31, 1995, 25 U 185/94, *translated in* <http://cisgw3.law.pace.edu/cases/950331g1.html>.
260. Germany: Landgericht München [LG München] [Regional Court of Munich] Mar. 20, 1995, 10 HKO 23750/94, *translated in* <https://cisgw3.law.pace.edu/cases/950320g1.html>.
261. Germany: Landgericht Trier [LG] [Regional Court of Trier] Oct. 12, 1995, 7 HO 78/95, *translated in* <https://cisgw3.law.pace.edu/cases/951012g1.html>.
262. Germany: Landgericht Marburg [LG Marburg] [Regional Court of Marburg] Dec. 12, 1995, 2 O 246/95, *translated in* <http://cisgw3.law.pace.edu/cases/951212g1.html>.
263. Germany: Oberlandesgericht Oldenburg [OLG Oldenburg] [Higher Regional Court of Oldenburg] Feb. 1, 1995, 11 U 64/94, *translated in* <http://cisgw3.law.pace.edu/cases/950201g1.html>.
264. Germany: Oberlandesgericht Stuttgart [OLG Stuttgart] [Higher Regional Court of Stuttgart] Aug. 21, 1995, 5 U 195/94, *translated in* <http://cisgw3.law.pace.edu/cases/950821g1.html>.
265. Germany: Landgericht Kassel [LG Kassel] [Regional Court of Kassel] Sep. 21, 1995, 11 O 4261/94, *translated in* <http://cisgw3.law.pace.edu/cases/950921g1.html>.

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266. Germany: Amtsgericht München [AG München] [District Court of Munich] June 23, 1995, 271 C 18968/94, *translated in* <http://cisgw3.law.pace.edu/cases/950623g1.html>.
267. Germany: Landgericht Kassel [LG Kassel] [Regional Court of Kassel] June 22, 1995, 8 O 2391/93, *translated in* <http://cisgw3.law.pace.edu/cases/950622g1.html>.
268. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Feb. 8, 1995, 7 U 1720/94, *translated in* <http://cisgw3.law.pace.edu/cases/950208g1.html>.
269. Germany: Landgericht [LG Landshut] [Regional Court of Landshut] Apr. 5, 1995, 54 O 644/94, *translated in* <https://cisgw3.law.pace.edu/cases/950405g1.html>.
270. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Feb. 8, 1995, 7 U 3758/94, *translated in* <https://cisgw3.law.pace.edu/cases/950208g2.html>.
271. Germany: Landgericht München [LG München] [Regional Court of Munich] May 29, 1995, 21 O 23363/94, *translated in* <http://cisgw3.law.pace.edu/cases/950529g1.html>.
272. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Mar. 8, 1995, 7 U 5460/94, *translated in* <http://cisgw3.law.pace.edu/cases/950308g1.html>.
273. Germany: Amtsgericht Wangen [AG Wangen] [District Court of Wangen] Mar. 8, 1995, 2 C 600/94, *translated in* <http://cisgw3.law.pace.edu/cases/950308g2.html>.
274. Germany: Landgericht München [LG München] [Regional Court Munich] Feb. 8, 1995, 8 HKO 24667/93, *translated in* <https://cisgw3.law.pace.edu/cases/950208g4.html>.
275. Germany: Amtsgericht Kehl [AG Kehl] [District Court of Kehl] Oct. 6, 1995, 3 C 925/93, *translated in* <https://cisgw3.law.pace.edu/cases/951006g1.html>.
276. Germany: Oberlandesgericht Rostock [OLG Rostock] [Higher Regional Court of Rostock] July 27, 1995, 1 U 247/94, *translated in* <http://cisgw3.law.pace.edu/cases/950727g1.html>.
277. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Dec. 11, 1996, VIII ZR 145/95, *translated in* <http://cisgw3.law.pace.edu/cases/961211g1.html>.
278. Germany: Landgericht Bielefeld [LG Bielefeld] [Regional Court of Bielefeld] Aug. 2, 1996, 12 O 120/95, *translated in* <http://cisgw3.law.pace.edu/cases/960802g1.html>.
279. Germany: Landgericht Hamburg [LG Hamburg] [Regional Court of Hamburg] June 17, 1996, 417 O 165/95, *translated in* <http://cisgw3.law.pace.edu/cases/960617g1.html>.
280. Germany: Landgericht Duisburg [LG Duisburg] [Regional Court of Duisburg] Apr. 17, 1996, 45 (19) O 80/94, *translated in* <https://cisgw3.law.pace.edu/cases/960417g1.html>.

281. Germany: Landgericht [LG Bochum] [Regional Court of Bochum] Jan. 24, 1996, 13 O 142/95, *translated in* <https://cisgw3.law.pace.edu/cases/960124g1.html>.
282. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Dec. 4, 1996, VIII ZR 306/95, *translated in* <https://cisgw3.law.pace.edu/cases/961204g1.html>.
283. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Apr. 3, 1996, VIII ZR 51/95, *translated in* <https://cisgw3.law.pace.edu/cases/960403g1.html>.
284. Germany: Amtsgericht Augsburg [AG Augsburg] [District Court of Augsburg] Jan. 29, 1996, 11 C 4004/95, *translated in* <https://cisgw3.law.pace.edu/cases/960129g1.html>.
285. Germany: Landgericht Kassel [LG Kassel] [Regional Court of Kassel] Feb. 15, 1996, 11 O 4187/95, *translated in* <https://cisgw3.law.pace.edu/cases/960215g2.html>.
286. Germany: Landgericht Kassel [LG Kassel] [Regional Court of Kassel] Feb. 15, 1996, 11 O 4185/95, *translated in* <https://cisgw3.law.pace.edu/cases/960215g1.html>.
287. Germany: Amtsgericht Koblenz [AG Koblenz] [District Court of Koblenz] Nov. 12, 1996, 16 C 1056/96, *translated in* <http://cisgw3.law.pace.edu/cases/961112g1.html>.
288. Germany: Oberlandesgericht [OLG Köln] [Higher Regional Court of Cologne] May 21, 1996, 22 U 4/96, *translated in* <http://cisgw3.law.pace.edu/cases/960521g1.html>.
289. Germany: Landgericht Oldenburg [LG Oldenburg] [Regional Court of Oldenburg] Mar. 27, 1996, 12 O 2541/95, *translated in* <http://cisgw3.law.pace.edu/cases/960327g1.html>.
290. Germany: Landgericht Oldenburg [LG Oldenburg] [Regional Court of Oldenburg] Feb. 28, 1996, 12 O 2943/94, *translated in* <http://cisgw3.law.pace.edu/cases/960228g1.html>.
291. Germany: Landgericht Saarbrücken [LG Saarbrücken] [Regional Court of Saarbrücken] Mar. 26, 1996, 7 IV 75/95, *translated in* <http://cisgw3.law.pace.edu/cases/960326g1.html>.
292. Germany: Landgericht Paderborn [LG Paderborn] [Regional Court of Paderborn] June 25, 1996, 7 O 147/94, *translated in* <https://cisgw3.law.pace.edu/cases/960625g1.html>.
293. Germany: Amtsgericht Tiergarten [AG Tiergarten] [District Court of Tiergarten] Mar. 13, 1997, 2 C 22/97, *translated in* <http://cisgw3.law.pace.edu/cases/970313g1.html>.
294. Germany: Landgericht Hagen [LG Hagen] [Regional Court of Hagen] Oct. 15, 1997, 22 O 90/97, *translated in* <http://cisgw3.law.pace.edu/cases/971015g1.html>.
295. Germany: Landgericht Heilbronn [LG Heilbronn] [Regional Court of Heilbronn] Sept. 15, 1997, 3 KfH O 653/93, *translated in* <http://cisgw3.law.pace.edu/cases/970915g1.html>.



296. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] July 23, 1997, VII ZR 134/96, *translated in* <http://cisgw3.law.pace.edu/cases/970723g2.html>.
297. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] Apr. 24, 1997, 6 U 87/96, *translated in* <http://cisgw3.law.pace.edu/cases/970424g1.html>.
298. Germany: Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] June 25, 1997, 1 U 280/96, *translated in* <https://cisgw3.law.pace.edu/cases/970625g1.html>.
299. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] June 25, 1997, VII ZR 300/96, *translated in* <https://cisgw3.law.pace.edu/cases/970625g2.html>.
300. Germany: Oberlandesgericht Hamm [OLG Hamm] [Higher Regional Court of Hamm] Nov. 5, 1997, 11 U 41/97, *translated in* <http://cisgw3.law.pace.edu/cases/971105g1.html>.
301. Germany: Oberlandesgericht Hamburg [OLG Hamburg] [Higher Regional Court of Hamburg] July 4, 1997, 1 U 143/95 & 401 O 21/95, *translated in* <http://cisgw3.law.pace.edu/cases/970704g1.html>.
302. Germany: Oberlandesgericht Hamburg [OLG Hamburg] [Higher Regional Court of Hamburg] Feb. 28, 1997, 1 U 167/95, *translated in* <http://cisgw3.law.pace.edu/cases/970228g1.html>.
303. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Aug. 21, 1997, 18 U 121/97, *translated in* <http://cisgw3.law.pace.edu/cases/970821g1.html>.
304. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Jan. 8, 1997, 27 U 58/96, *translated in* <http://cisgw3.law.pace.edu/cases/970108g1.html>.
305. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Jan. 31, 1997, 2 U 31/96, *translated in* <http://cisgw3.law.pace.edu/cases/970131g1.html>.
306. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] July 9, 1997, 2 U 175/95, *translated in* <http://cisgw3.law.pace.edu/cases/970709g3.html>.
307. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] July 9, 1997, *translated in* 7 U 2246/97, *translated in* <http://cisgw3.law.pace.edu/cases/970709g2.html>.
308. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] July 9, 1997, *translated in* 7 U 2070/97, *translated in* <http://cisgw3.law.pace.edu/cases/970709g1.html>.
309. Germany: Landgericht Karlsruhe [LG Karlsruhe] [Regional Court of Karlsruhe] Nov. 15, 1998, O 39/89 KfH III, *translated in* <http://cisgw3.law.pace.edu/cases/981115g1.html>.
310. Germany: Oberlandesgericht Celle [OLG Celle] [Higher Regional Court of Celle] Sept. 2, 1998, 3 U 246/97, *translated in* <http://cisgw3.law.pace.edu/cases/980902g1.html>.

311. Germany: Oberlandesgericht Hamm [OLG Hamm] [Higher Regional Court] of Hamm June 23, 1998, 19 U 127/9, *translated in* <http://cisgw3.law.pace.edu/cases/980623g1.html>.
312. Germany: Landgericht Berlin [LG Berlin] [Regional Court of Berlin] Mar. 24, 1998, 102 O 59/97, *translated in* <http://cisgw3.law.pace.edu/cases/980324g1.html>.
313. Germany: Landgericht Bielefeld [LG Bielefeld] [Regional Court of Bielefeld] Nov. 24, 1998, 11 O 61/98, *translated in* <http://cisgw3.law.pace.edu/cases/981124g1.html>.
314. Germany: Oberlandesgericht Hamburg [OLG Hamburg] [Higher Regional Court of Hamburg] Oct. 5, 1998, 12 U 62/97, *translated in* <http://cisgw3.law.pace.edu/cases/981005g1.html>.
315. Germany: Landgericht Erfurt [LG Erfurt] [Regional Court of Erfurt] July 29, 1998, 3 HKO 43/98, *translated in* <http://cisgw3.law.pace.edu/cases/980729g1.html>.
316. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Sept. 11, 1998, 2 U 580/96, *translated in* <http://cisgw3.law.pace.edu/cases/980911g1.html>.
317. Germany: Oberlandesgericht Dresden [OLG Dresden] [Higher Regional Court of Dresden] July 9, 1998, 7 U 720/98, *translated in* <http://cisgw3.law.pace.edu/cases/980709g1.html>.
318. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Mar. 11, 1998, 7 U 4427/97, *translated in* <http://cisgw3.law.pace.edu/cases/980311g1.html>.
319. Germany: Oberlandesgericht [OLG München] [Higher Regional Court of Munich] Jan. 21, 1998, 7 U 3506/97, *translated in* <http://cisgw3.law.pace.edu/cases/980121g1.html>.
320. Germany: Oberlandesgericht Oldenburg [OLG Oldenburg] [Higher Regional Court of Oldenburg] Sept. 22, 1998, 12 U 54/98, *translated in* <http://cisgw3.law.pace.edu/cases/980922g1.html>.
321. Germany: Landgericht Resenburg [LG Resenburg] [Regional Court of Resenburg] Sept. 24, 1998, 6 O 107/98, *translated in* <http://cisgw3.law.pace.edu/cases/980924g1.html>.
322. Germany: Oberlandesgericht Saarbrücken [OLG Saarbrücken] [Higher Regional Court of Saarbrücken] June 3, 1998, 1 U 703/97-143, *translated in* <http://cisgw3.law.pace.edu/cases/980603g1.html>.
323. Germany: Oberlandesgericht Hamm [OLG Hamm] [Higher Regional Court of Hamm] Mar. 31, 1998, 8 U 46/97, *translated in* <http://cisgw3.law.pace.edu/cases/980331g1.html>.
324. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Jan. 28, 1998, 7 U 3771/97, *translated in* <http://cisgw3.law.pace.edu/cases/980128g1.html>.
325. Germany: Landgericht Mainz [LG Mainz] [Regional Court of Mainz] Nov. 26, 1998, 12 HKO 70/97, *translated in* <http://cisgw3.law.pace.edu/cases/981126g1.html>.

326. Germany: Oberlandesgericht Thüringen [OLG Thüringen] [Higher Regional Court of Thüringen] May 26, 1998, 8 U 1667/97, *translated in* <http://cisgw3.law.pace.edu/cases/980526g1.html>.
327. Germany: Oberlandesgericht Bamberg [OLG Bamberg] [Higher Regional Court of Bamberg] Jan. 13, 1999, 3 U 83/98, *translated in* <http://cisgw3.law.pace.edu/cases/990113g1.html>.
328. Germany: Landgericht Bonn [LG Bonn] [Regional Court of Bonn] Apr. 16, 1999, 10 O 475/97, *translated in* <http://cisgw3.law.pace.edu/cases/990416g1.html>.
329. Germany: Oberlandesgericht Hamburg [OLG Hamburg] [Higher Regional Court of Hamburg] Nov. 26, 1999, 1 U 31/99, *translated in* <http://cisgw3.law.pace.edu/cases/991126g1.html>.
330. Germany: Landgericht Flensburg [LG Flensburg] [Regional Court of Flensburg] Mar. 24, 1999, 2 O 291/98, *translated in* <http://cisgw3.law.pace.edu/cases/990324g2.html>.
331. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Mar. 24, 1999, VIII ZR 121/98, *translated in* <http://cisgw3.law.pace.edu/cases/990324g1.html>.
332. Germany: Landgericht Berlin [LG Berlin] [Regional Court of Berlin] May 25, 1999, 102 O 181/98, *translated in* <http://cisgw3.law.pace.edu/cases/990525g1.html>.
333. Germany: Oberlandesgericht Dresden [OLG Dresden] [Higher Regional Court of Dresden] Dec. 27, 1999, 2 U 2723/99, *translated in* <http://cisgw3.law.pace.edu/cases/991227g1.html>.
334. Germany: Oberlandesgericht Braunschweig [OLG Braunschweig] [Higher Regional Court of Braunschweig] Oct. 28, 1999, 2 U 27/99, *translated in* <http://cisgw3.law.pace.edu/cases/991028g1.html>.
335. Germany: Landgericht Köln [LG Köln] [Regional Court of Cologne] Nov. 30, 1999, 89 O 20/99, *translated in* <http://cisgw3.law.pace.edu/cases/991130g1.html>.
336. Germany: Oberlandesgericht Naumburg [OLG Naumburg] [Higher Regional Court of Naumburg] Apr. 27, 1999, 9 U 146/98, *translated in* <http://cisgw3.law.pace.edu/cases/990427g1.html>.
337. Germany: Oberlandesgericht Dresden [OLG Dresden] [Higher Regional Court of Dresden] Oct. 23, 2000, 2 U 1181/00, *translated in* <http://cisgw3.law.pace.edu/cases/001023g1.html>.
338. Germany: Landgericht Darmstadt [LG Darmstadt] [Regional Court of Darmstadt] May 9, 2000, 10 O 72/00, *translated in* <http://cisgw3.law.pace.edu/cases/000509g1.html>.
339. Germany: Oberlandesgericht Frankfurt [OLG Frankfurt] [Higher Regional Court of Frankfurt] Aug. 30, 2000, 9 U 13/00, *translated in* <http://cisgw3.law.pace.edu/cases/000830g1.html>.
340. Germany: 26 Oberlandesgericht Hamburg [OLG Hamburg] [Higher Regional Court of Hamburg] Jan. 26, 2000, 14 U 169/99, *translated in* <http://cisgw3.law.pace.edu/cases/000126g1.html>.

341. Germany: Landgericht München [LG München] [Regional Court of Munich] Nov. 16, 2000, 12 HKO 3804/00, *translated in* <http://cisgw3.law.pace.edu/cases/001116g1.html>.
342. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Nov. 13, 2000, 16 U 45/00, *translated in* <http://cisgw3.law.pace.edu/cases/001113g1.html>.
343. Germany: Landgericht Memmingen [LG Memmingen] [Regional Court of Memmingen] Sept. 12, 2000, 2H O 382/99, *translated in* <http://cisgw3.law.pace.edu/cases/000913g1.html>.
344. Germany: Landgericht Stendal [LG Stendal] [Regional Court of Stendal] Oct. 12, 2000, 22 S 234/94, *translated in* <http://cisgw3.law.pace.edu/cases/001012g1.html>.
345. Germany: Landgericht München [LG München] [Regional Court of Munich] Apr. 6, 2000, 12 HKO 4174/99, *translated in* <http://cisgw3.law.pace.edu/cases/000406g1.html>.
346. Germany: Oberlandesgericht Oldenburg [OLG Oldenburg] [Higher Regional Court of Oldenburg] Dec. 5, 2000, 12 U 40/00, *translated in* <http://cisgw3.law.pace.edu/cases/001205g1.html>.
347. Germany: Oberlandesgericht Stuttgart [OLG Stuttgart] [Higher Regional Court of Stuttgart] Feb. 28, 2000, 5 U 118/99, *translated in* <http://cisgw3.law.pace.edu/cases/000228g1.html>.
348. Germany: Oberlandesgericht Oldenburg [OLG Oldenburg] [Higher Regional Court of Oldenburg] Apr. 28, 2000, 13 U 5/00, *translated in* <http://cisgw3.law.pace.edu/cases/000428g1.html>.
349. Germany: Landgericht [LG] [Regional Court of Flensburg] Jan. 19, 2001, 4 O 369/99, *translated in* <http://cisgw3.law.pace.edu/cases/010119g1.html>.
350. Germany: Landgericht Hamburg [LG Hamburg] [Regional Court of Hamburg] Dec. 21, 2001, 419 O 48/01, *translated in* <http://cisgw3.law.pace.edu/cases/011221g1.html>.
351. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Oct. 31, 2001, VIII ZR 60/01, *translated in* <http://cisgw3.law.pace.edu/cases/011031g1.html>.
352. Germany: Landgericht Braunschweig [LG Braunschweig] [Regional Court of Braunschweig] July 30, 2001, 21 O 703/01, *translated in* <http://cisgw3.law.pace.edu/cases/010730g1.html>.
353. Germany: Landgericht Hamburg [LG Hamburg] [Regional Court of Hamburg] Jan. 31, 2001, 411 O 11/00, *translated in* <http://cisgw3.law.pace.edu/cases/010131g1.html>.
354. Germany: Landgericht [LG Darmstadt] [Regional Court of Darmstadt] May 29, 2001, 4 O 101/00, *translated in* <http://cisgw3.law.pace.edu/cases/010529g1.html>.
355. Germany: Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] 19 U 14/01, *translated in* <http://cisgw3.law.pace.edu/cases/011129g1.html>.

356. Germany: Oberlandesgericht Saarbrücken [OLG Saarbrücken] [Higher Regional Court of Saarbrücken] Feb. 14, 2001, 1 U 324/99-59, *translated in* <http://cisgw3.law.pace.edu/cases/010214g1.html>.
357. Germany: Oberlandesgericht Stuttgart [OLG Stuttgart] [Higher Regional Court of Stuttgart] Mar. 12, 2001, 5 U 216/99, *translated in* <http://cisgw3.law.pace.edu/cases/010312g1.html>.
358. Germany: Oberlandesgericht Rostock [OLG Rostock] [Higher Regional Court of Rostock] Oct. 10, 2001, 6 U 126/00, *translated in* <http://cisgw3.law.pace.edu/cases/011010g1.html>.
359. Germany: Landgericht Trier [LG Trier] [Regional Court of Trier] Mar. 29, 2001, 7 HKO 204/99, *translated in* <http://cisgw3.law.pace.edu/cases/010329g1.html>.
360. Germany: Landgericht Trier [LG Trier] [Regional Court of Trier] June 28, 2001, 7 HKO 178/00, *translated in* <http://cisgw3.law.pace.edu/cases/010628g1.html>.
361. Germany: Oberlandesgericht Köln [OLG Köln] [Regional Higher Court of Cologne] May 28, 2001, 22 U 4/96, *translated in* <http://cisgw3.law.pace.edu/cases/960521g1.html>.
362. Germany: Landgericht Gießen [LG Gießen] [Regional Court of Gießen] Dec. 17, 2002, 6 O 23/02, *translated in* <http://cisgw3.law.pace.edu/cases/021217g1.html>.
363. Germany: Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] Dec. 19, 2002, 19 U 8/02, *translated in* <http://cisgw3.law.pace.edu/cases/021219g1.html>.
364. Germany: Landgericht Göttingen [LG Göttingen] [Regional Court of Göttingen] Sept. 20, 2002, 7 O 43/01, *translated in* <http://cisgw3.law.pace.edu/cases/020920g1.html>.
365. Germany: Landgericht Freiburg [LG Freiburg] [Regional Court of Freiburg] Aug. 22, 2002, 8 O 75/02, *translated in* <http://cisgw3.law.pace.edu/cases/020822g1.html>.
366. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Jan. 9, 2002, VIII ZR 304/00, *translated in* <http://cisgw3.law.pace.edu/cases/020109g1.html>.
367. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Oct. 14, 2002, 16 U 77/01, *translated in* <http://cisgw3.law.pace.edu/cases/021014g1.html>.
368. Germany: Landgericht München [LG München] [Regional Court of Munich] Feb. 20, 2002, 10 O 5423/01, *translated in* <http://cisgw3.law.pace.edu/cases/020220g1.html>.
369. Germany: Landgericht Saarbrücken [LG Saarbrücken] [Regional Court of Saarbrücken] July 2, 2002, 8 O 49/02, *translated in* <http://cisgw3.law.pace.edu/cases/020702g1.html>.
370. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Nov. 13, 2002, 27 U 346/02, *translated in* <http://cisgw3.law.pace.edu/cases/021113g1.html>.

371. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] July 1, 2002, 10 O 5423/01, *translated in* <http://cisgw3.law.pace.edu/cases/020701g1.html>.
372. Germany: Amtsgericht Viechtach [AG Viechtach] [District Court of Viechtach] Apr. 11, 2002, 1 C 419/01, *translated in* <http://cisgw3.law.pace.edu/cases/020411g1.html>.
373. Germany: Oberlandesgericht Schleswig-Holstein [OLG Schleswig-Holstein] Schleswig [Higher Regional Court of Schleswig-Holstein] Aug. 22, 2002, 11 U 40/01, *translated in* <http://cisgw3.law.pace.edu/cases/020822g2.html>.
374. Germany: Landgericht Stuttgart [LG Stuttgart] [Regional Court of Stuttgart] June 4, 2002, 15 O 179/01, *translated in* <http://cisgw3.law.pace.edu/cases/020604g1.html>.
375. Germany: Oberlandesgericht Schleswig-Holstein [OLG Schleswig-Holstein] [Higher Regional Court of Schleswig-Holstein] Oct. 29, 2002, 3 U 54/01, *translated in* <http://cisgw3.law.pace.edu/cases/021029g1.html>.
376. Germany: Landgericht München [LG München] [Regional Court of Munich] Aug. 30, 2002, 12 HKO 5593/01, *translated in* <http://cisgw3.law.pace.edu/cases/020830g1.html>.
377. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Oct. 4, 2002, *translated in* <http://cisgw3.law.pace.edu/cases/021004g1.html>.
378. Germany: Landgericht München [LG München] [Regional Court of Munich] Feb. 27, 2002, 5 HKO 3936/00, *translated in* <http://cisgw3.law.pace.edu/cases/020227g1.html>.
379. Germany: Oberlandesgericht Zweibrücken [OLG Zweibrücken] [Higher Regional Court of Zweibrücken] July 26, 2002, 2 U 27/01, *translated in* <http://cisgw3.law.pace.edu/cases/020726g1.html>.
380. Germany: Oberlandesgericht Rostock [OLG Rostock] [Higher Regional Court of Rostock] Sept. 25, 2002, 6 U 126/00, *translated in* <http://cisgw3.law.pace.edu/cases/020925g1.html>.
381. Germany: Landgericht Saarbrücken [LG Saarbrücken] [Regional Court of Saarbrücken] Nov. 25, 2002, 8 O 68/02, *translated in* <http://cisgw3.law.pace.edu/cases/021125g1.html>.
382. Germany: Landgericht Bielefeld [LG Bielefeld] [Regional Court of Bielefeld] Aug. 15, 2003, 15 O 5/03, *translated in* <http://cisgw3.law.pace.edu/cases/030815g1.html>.
383. Germany, Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] Dec. 10, 2003, *translated in* <http://cisgw3.law.pace.edu/cases/031210g1.html>.
384. Germany: Landgericht Berlin [LG Berlin] [Regional Court of Berlin] Mar. 21, 2003, *translated in* <http://cisgw3.law.pace.edu/cases/030321g1.html>.

385. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] July 25, 2003, 17 U 22/03, *translated in* <http://cisgw3.law.pace.edu/cases/030725g1.html>.
386. Germany: Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] Mar. 6, 2003, 12 U 179/02, <http://cisgw3.law.pace.edu/cases/030306g1.html>.
387. Germany: Landgericht Hamburg [LG Hamburg] [Regional Court of Hamburg] Nov. 26, 2003, 411 O 199/02, *translated in* <http://cisgw3.law.pace.edu/cases/031126g1.html>.
388. Germany: Landgericht Düsseldorf [LG Düsseldorf] [Regional Court of Düsseldorf] Aug. 28, 2003, 36 O 193/02, *translated in* <http://cisgw3.law.pace.edu/cases/030828g1.html>.
389. Germany: Oberlandesgericht Rostock [OLG Rostock] [Higher Regional Court of Rostock] Sept. 15, 2003, *translated in* <http://cisgw3.law.pace.edu/cases/030915g1.html>.
390. Germany: Landgericht Tübingen [LG Tübingen] [Regional Court of Tübingen] June 18, 2003, 21 O 11/03, *translated in* <http://cisgw3.law.pace.edu/cases/030618g1.html>.
391. Germany: Oberlandesgericht Rostock [OLG Rostock] [Higher Regional Court of Rostock] Oct. 27, 2003, 3 U 205/02, *translated in* <http://cisgw3.law.pace.edu/cases/031027g1.html>.
392. Germany: Landgericht Köln [LG Köln] [Regional Court of Cologne] Mar. 25, 2003, 3 O 196/01, *translated in* <http://cisgw3.law.pace.edu/cases/030325g1.html>.
393. Germany: Oberlandesgericht Celle [OLG Celle] [Higher Regional Court of Celle] Mar. 10, 2004, 7 U 147/03, *translated in* <http://cisgw3.law.pace.edu/cases/040310g1.html>.
394. Germany: Landgericht Bayreuth [LG Bayreuth] [Regional Court of Bayreuth] Dec. 10, 2004, 32 O 508/04, *translated in* <http://cisgw3.law.pace.edu/cases/041210g1.html>.
395. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] Apr. 21, 2004, 15 U 88/03, *translated in* <http://cisgw3.law.pace.edu/cases/040421g3.html>.
396. Germany: Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] July 20, 2004, 17 U 136/03, *translated in* <http://cisgw3.law.pace.edu/cases/040720g1.html>.
397. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] July 22, 2004, 6 U 210/03, *translated in* <http://cisgw3.law.pace.edu/cases/040722g1.html>.
398. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] Jan. 23, 2004, 17 U 110/02, *translated in* <http://cisgw3.law.pace.edu/cases/040123g1.html>.
399. Germany: Landgericht Hamburg [LG Hamburg] [Regional Court of Hamburg] Sept. 6, 2004, 419 O 218/03, *translated in* <http://cisgw3.law.pace.edu/cases/040906g1.html>.

400. Germany: Oberlandesgericht Frankfurt [OLG Frankfurt] [Higher Regional Court of Frankfurt] Oct. 6, 2004, *translated in* <http://cisgw3.law.pace.edu/cases/041006g1.html>.
401. Germany: Oberlandesgericht Düsseldorf [OLG Düsseldorf] [Higher Regional Court of Düsseldorf] May 28, 2004, I-17 U 20/02, *translated in* <http://cisgw3.law.pace.edu/cases/040528g1.html>.
402. Germany: Oberlandesgericht Frankfurt [OLG Frankfurt] [Higher Regional Court of Frankfurt] Jan. 29, 2004, 7 U 40/02, *translated in* <http://cisgw3.law.pace.edu/cases/040129g1.html>.
403. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Sept. 15, 2004, 7 U 2959/04, *translated in* <http://cisgw3.law.pace.edu/cases/040915g2.html>.
404. Germany: Oberlandesgericht Stuttgart [OLG Stuttgart] [Higher Regional Court of Stuttgart] Dec. 20, 2004, 5 U 108/05, *translated in* <http://cisgw3.law.pace.edu/cases/041220g1.html>.
405. Germany: Landgericht Saarbrücken [LG Saarbrücken] [Regional Court of Saarbrücken] June 1, 2004, 8 O 118/02, *translated in* <http://cisgw3.law.pace.edu/cases/040601g1.html>.
406. Germany: Landgericht Trier [LG Trier] [Regional Court of Trier] Jan. 8, 2004, 7 HKO 134/03, *translated in* <http://cisgw3.law.pace.edu/cases/040108g1.html>.
407. Germany: Landgericht Saarbrücken [LG Saarbrücken] [Regional Court of Saarbrücken] Oct. 26, 2004, 7II O 19/04, *translated in* <http://cisgw3.law.pace.edu/cases/041026g1.html>.
408. Germany: Landgericht Kiel [LG Kiel] [Regional Court of Kiel] July 27, 2004, 16 O 83/04, *translated in* <http://cisgw3.law.pace.edu/cases/040727g1.html>.
409. Germany: Landgericht Freiburg [LG Freiburg] [Regional Court of Freiburg] May 13, 2005, 2 O 401/04, *translated in* <http://cisgw3.law.pace.edu/cases/050513g1.html>.
410. Germany: Landgericht Frankfurt [LG Frankfurt] [Regional Court of Frankfurt] Apr. 11, 2005, 12/26 O 264/04, *translated in* <http://cisgw3.law.pace.edu/cases/050411g1.html>.
411. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Mar. 2, 2005, VIII ZR 67/04, *translated in* <http://cisgw3.law.pace.edu/cases/050302g1.html>.
412. Germany: Landgericht Heidelberg [LG Heidelberg] [Regional Court of Heidelberg] Nov. 2, 2005, 3 O 169/04 *translated in* <http://cisgw3.law.pace.edu/cases/051102g1.html>.
413. Germany: Landgericht Neubrandenburg [LG Neubrandenburg] [Regional Court of Neubrandenburg] Aug. 3, 2005, 10 O 74/04 *translated in* <http://cisgw3.law.pace.edu/cases/050803g1.html>.
414. Germany: Landgericht München [LG] [Regional Court of Munich] Nov. 29, 2005, 5 HKO 10734/02 *translated in* <http://cisgw3.law.pace.edu/cases/051129g1.html>.



415. Germany: Landgericht Bamberg [LG Bamberg] [Regional Court of Bamberg] Apr. 13, 2005, 2 O 340/00, *translated in* <http://cisgw3.law.pace.edu/cases/050413g1.html>.
416. Germany: Landgericht Berlin [LG Berlin] [Regional Court of Berlin] Sept. 13, 2006, 94 O 50/06, *translated in* <http://cisgw3.law.pace.edu/cases/060913g1.html>.
417. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Jan. 11, 2006, VIII ZR 268/04, *translated in* <http://cisgw3.law.pace.edu/cases/060111g1.html>.
418. Germany: Oberlandesgericht Dresden [OLG Dresden] [Higher Regional Court of Dresden] Nov. 10, 2006, 9 U 0982/06, *translated in* <http://cisgw3.law.pace.edu/cases/061110g1.html>.
419. Germany: Landgericht Aschaffenburg [LG Aschaffenburg] [Regional Court of Aschaffenburg] Apr. 20, 2006, 9 U 0982/06, *translated in* <http://cisgw3.law.pace.edu/cases/060420g1.html>.
420. Germany: Landgericht Bamberg [LG Bamberg] [Regional Court of Bamberg] Oct. 23, 2006, 9 U 0982/06, *translated in* <http://cisgw3.law.pace.edu/cases/061023g1.html>.
421. Germany: Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] Feb. 8, 2006, 9 U 0982/06, *translated in* <http://cisgw3.law.pace.edu/cases/060208g1.html>.
422. Germany: Landgericht Gera [LG Gera] [Regional Court of Gera] June 26, 2006, 1 HKO 396/04, *translated in* <http://cisgw3.law.pace.edu/cases/060629g1.html>.
423. Germany: Landgericht Hof [LG Hof] [Regional Court of Hof] Sept. 29, 2006, 1 H O 17/06, *translated in* <http://cisgw3.law.pace.edu/cases/060929g1.html>.
424. Germany: Oberlandesgericht Frankfurt [OLG Frankfurt] [Higher Regional Court of Frankfurt] June 26, 2006, 26 Sch 28/05, *translated in* <http://cisgw3.law.pace.edu/cases/060626g1.html>.
425. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Oct. 19, 2006, 23 U 242/05, *translated in* <http://cisgw3.law.pace.edu/cases/061019g1.html>.
426. Germany: Oberlandesgericht Stuttgart [OLG Stuttgart] [Higher Regional Court of Stuttgart] May 15, 2006, 5 U 21/06, *translated in* <http://cisgw3.law.pace.edu/cases/060515g1.html>.
427. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Oct. 19, 2006, *translated in* <http://cisgw3.law.pace.edu/cases/061019g2.html>.
428. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Nov. 17, 2006, 24 U 501/06, *translated in* <http://cisgw3.law.pace.edu/cases/061117g1.html>.
429. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Dec. 14, 2006, 2 U 923/06, *translated in* <http://cisgw3.law.pace.edu/cases/061214g1.html>.

430. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Feb. 13, 2006, *translated in* <http://cisgw3.law.pace.edu/cases/060213g1.html>.
431. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Aug. 14, 2006, 15 U 57/05, *translated in* <http://cisgw3.law.pace.edu/cases/060814g1.html>.
432. Germany: Amtsgericht Landsberg am Lech [AG Landsberg am Lech] [District Court of Landsberg am Lech] June 21, 2006, 1 C 1025/05, *translated in* <http://cisgw3.law.pace.edu/cases/060621g1.html>.
433. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Apr. 3, 2006, 16 U 17/05, *translated in* <http://cisgw3.law.pace.edu/cases/060403g1.html>.
434. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Aug. 31, 2006, 15 U 20/06, *translated in* <http://cisgw3.law.pace.edu/cases/060831g1.html>.
435. Germany: Landgericht Köln [LG Köln] [Regional Court of Cologne] Dec. 5, 2006, <http://cisgw3.law.pace.edu/cases/061205g1.html>.
436. Germany: Oberlandesgericht Dresden [OLG Dresden] [Higher Regional Court of Dresden] Mar. 21, 2007, 9 U 1218/06, *translatsed in* <http://cisgw3.law.pace.edu/cases/070321g1.html>.
437. Germany: Amtsgericht Freiburg [AG Freiburg] [District Court of Freiburg] Jul. 6, 2007, 4 C 4003/06, *translated in* <http://cisgw3.law.pace.edu/cases/070706g1.html>.
438. Germany: Oberlandesgericht Saarbrücken [OLG Saarbrücken] [Higher Regional Court of Saarbrücken] Jan. 17, 2007, 5 U 426/96-54, *translated in* <http://cisgw3.law.pace.edu/cases/070117g1.html>.
439. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] Jan. 12, 2007, 19 U 11/07, *translated in* <http://cisgw3.law.pace.edu/cases/070112g1.html>.
440. Germany: Oberlandesgericht Dresden [OLG Dresden] [Higher Regional Court of Dresden] Nov. 8, 2007, 9 U 68/07, *translated in* <http://cisgw3.law.pace.edu/cases/071108g1.html>.
441. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Nov. 21, 2007, 1 U 486/07, *translated in* <http://cisgw3.law.pace.edu/cases/071121g1.html>.
442. Germany: Oberlandesgericht Oldenburg [OLG Oldenburg] [Higher Regional Court of Oldenburg] Dec. 20, 2007, 8 U 138/07, *translated in* <http://cisgw3.law.pace.edu/cases/071220g1.html>.
443. Germany: Bundesgerichtshof [BGH] [Federal Court of Justice] Nov. 27, 2007, X ZR 111/04, *translated in* <http://cisgw3.law.pace.edu/cases/071127g1.html>.
444. Germany: Oberlandesgericht Karlsruhe [OLG Karlsruhe] [Higher Regional Court of Karlsruhe] Feb. 14, 2008, 9 U 46/07, *translated in* <http://cisgw3.law.pace.edu/cases/080214g1.html>.

445. Germany: Oberlandesgericht Brandenburg [OLG Brandenburg] [Higher Regional Court of Brandenburg] Nov. 18, 2008, 6 U 53/07, *translated in* <http://cisgw3.law.pace.edu/cases/081118g1.html>.
446. Germany: Oberlandesgericht Hamburg [OLG Hamburg] [Higher Regional Court of Hamburg] Jan. 25, 2008, 12 U 39/00, *translated in* <http://cisgw3.law.pace.edu/cases/080125g1.html>.
447. Germany: Oberlandesgericht Köln [OLG Köln] [Higher Regional Court of Cologne] May 19, 2008, *translated in* <http://cisgw3.law.pace.edu/cases/080519g1.html>.
448. Germany: Landgericht Landshut [LG Landshut] [Regional Court of Landshut] June 12, 2008, 43 O 1748/07, *translated in* <http://cisgw3.law.pace.edu/cases/080612g2.html>.
449. Germany: Oberlandesgericht München [OLG München] [Higher Regional Court of Munich] Mar. 5, 2008, *translated in* <http://cisgw3.law.pace.edu/cases/080305g1.html>.
450. Germany: Oberlandesgericht Stuttgart [OLG Stuttgart] [Higher Regional Court of Stuttgart] Mar. 31, 2008, 6 U 220/07, *translated in* <http://cisgw3.law.pace.edu/cases/080331g1.html>.
451. Germany: Oberlandesgericht Schleswig-Holstein [OLG Schleswig-Holstein] [Higher Regional Court of Schleswig-Holstein] Oct. 24, 2008, 14 U 4/08, *translated in* <http://cisgw3.law.pace.edu/cases/081024g1.html>.
452. Germany: Oberlandesgericht Celle [OLG Celle] [Higher Regional Court of Celle] July 24, 2009, 13 W 48/09, *translated in* <http://cisgw3.law.pace.edu/cases/090724g1.html>.
453. Germany: Landgericht Stuttgart [LG Stuttgart] [Regional Court of Stuttgart] Oct. 15, 2009, 39 O 31/09 KfH, *translated in* <http://cisgw3.law.pace.edu/cases/091015g1.html>.
454. Germany: Landgericht Stuttgart [LG Stuttgart] [Regional Court of Stuttgart] Nov. 11, 2009, 39 O 75/09 KfH, *translated in* <http://cisgw3.law.pace.edu/cases/091111g1.html>.
455. Germany: Landgericht Stuttgart [LG Stuttgart] [Regional Court of Stuttgart] Oct. 29, 2009, 25 O 99/09, *translated in* <http://cisgw3.law.pace.edu/cases/091029g1.html>.
456. Germany: Landgericht Potsdam [LG Potsdam] [Regional Court of Potsdam] Apr. 7, 2009, 6 O 171/08, *translated in* <http://cisgw3.law.pace.edu/cases/090407g1.html>.
457. Germany: Oberlandesgericht Koblenz [OLG Koblenz] [Higher Regional Court of Koblenz] Mar. 1, 2010, 2 U 816/09, *translated in* <http://cisgw3.law.pace.edu/cases/100301g1.html>.
458. Italy: Trib. di Parma, 24 novembre 1989, *translated in* <http://cisgw3.law.pace.edu/cases/891124i3.html>.
459. Italy: App. di Genova, 24 marzo 1995, *translated in* <http://cisgw3.law.pace.edu/cases/950324i3.html>.
460. Italy: Cass., sez. un., 9 junio 1995, n. 6499, *translated in* <http://cisgw3.law.pace.edu/cases/950609i3.html>.

461. Italy: Trib. di Cuneo, 31 gennaio 1996, *translated in* <http://cisgw3.law.pace.edu/cases/960131i3.html>.
462. Italy: Trib. di Torino, 30 gennaio 1997, *translated in* <http://cisgw3.law.pace.edu/cases/970130i3.html>.
463. Italy: App. di Milano, 11 dicembre 1998, *translated in* <http://cisgw3.law.pace.edu/cases/981211i3.html>.
464. Italy: Cass., sez. un., 7 agosto 1998, n. 7759, *translated in* <http://cisgw3.law.pace.edu/cases/980807i3.html>.
465. Italy: App. di Milano, 20 marzo 1998, *translated in* <http://cisgw3.law.pace.edu/cases/980320i3.html>.
466. Italy: Cass., 14 dicembre 1999, n. 895, *translated in* <http://cisgw3.law.pace.edu/cases/991214i3.html>.
467. Italy: Trib. di Pavia, 29 dicembre 1999, *translated in* <http://cisgw3.law.pace.edu/cases/991229i3.html>.
468. Italy: Cass., sez. un., 19 giugno 2000, n. 448, *translated in* <http://cisgw3.law.pace.edu/cases/000619i3.html>.
469. Italy: Trib. di Vigevano, 12 luglio 2000, *translated in* <http://cisgw3.law.pace.edu/cases/000712i3.html>.
470. Italy: Trib. di Reggio Emilia, 3 luglio 2000, *translated in* <http://cisgw3.law.pace.edu/cases/000703i3.html>.
471. Italy: Trib. di Busto Arsizio, 13 dicembre 2001, *translated in* <http://cisgw3.law.pace.edu/cases/011213i3.html>.
472. Italy: App. di Milano, 23 gennaio 2002, *translated in* <http://cisgw3.law.pace.edu/cases/010123i3.html>.
473. Italy: Trib. di Rimini, 26 novembre 2002, *translated in* <http://cisgw3.law.pace.edu/cases/021126i3.html>.
474. Italy: Trib. di Padova, 25 febbraio 2004, *translated in* <http://cisgw3.law.pace.edu/cases/040225i3.html>.
475. Italy: Trib. di Padova, 31 marzo 2004, *translated in* <http://cisgw3.law.pace.edu/cases/040331i3.html>.
476. Italy: Cass., sez. plen., 20 settembre 2004, n. 18902, *translated in* <http://cisgw3.law.pace.edu/cases/040920i3.html>.
477. Italy: Trib. di Padova, 11 gennaio 2005, *translated in* <http://cisgw3.law.pace.edu/cases/050111i3.html>.
478. Italy: Trib. di Rovereto, 21 novembre 2007, *translated in* <http://cisgw3.law.pace.edu/cases/071121i3.html>.
479. Italy: Cass., 3 gennaio 2007, n. R.G.N. 20436/04, *translated in* <http://cisgw3.law.pace.edu/cases/070103i3.html>.
480. Italy: Trib. di Forlì, 11 dicembre 2008, *translated in* <http://cisgw3.law.pace.edu/cases/081211i3.html>.
481. Italy: Trib. di Forlì, 16 febbraio 2009, *translated in* <http://cisgw3.law.pace.edu/cases/090216i3.html>.
482. Italy: Trib. di Blozano, 29 novembre 2009, *translated in* <http://cisgw3.law.pace.edu/cases/090129i3.html>.
483. Italy: Trib. di Reggio Emilia, 12 aprile 2011, *translated in* <http://cisgw3.law.pace.edu/cases/110412i3.html>.

484. México: Kolmar Petrochemicals Americas, Inc. v. Idesa Petroquímica Sociedad Anónima de Capital Variable, Primer Tribunal Colegiado en Materia Civil del Primer Circuito [TCC] [appellate court] 10 de Marzo de 2005, 127/2005, *translated in* <http://cisgw3.law.pace.edu/cases/050310m1.html>.
485. México: Banks Hardwoods California LP v. Jorge Angel Kyriakidez Garcia, City of Tijuana, State of Baja California, Sixth Civil Court of First Instance [JD] [district court] 30 de Augusto de 2005, 1594/2004, *translated in* <http://cisgw3.law.pace.edu/cases/050830m1.html>.
486. Netherlands: Hof Arnhem [ordinary court of appeals] 21 mei 1996, 95/246 AL, (Maglifificio Esse/Wehkamp), *translated in* <http://cisgw3.law.pace.edu/cases/960521n1.html>.
487. Netherlands: Rb. 's-Hertogenbosch [court of first instance] 2 oktober 1998, 9981/HAZA 95-2299, (Malaysia Dairy Industries Pte. Ltd./Dairex Holland BV), *translated in* <http://cisgw3.law.pace.edu/cases/981002n1.html>.
488. Netherlands: Hof Arnhem [ordinary court of appeals] 27 april 1999, 97/700 and 98/046, (G. Mainzer Raumzellen/Van Keulen Mobielbouw Nijverdal BV) *translated in* <http://cisgw3.law.pace.edu/cases/990427n1.html>.
489. Netherlands: Rb. Rotterdam [court of first instance] 14 oktober 1999, HA ZA 98-1405, (S.A. René Vidal & Cie/Verotex Industries BV) *translated in* <http://cisgw3.law.pace.edu/cases/991014n1.html>.
490. Netherlands: Rb. Rotterdam [court of first instance] 12 juli 2001, HA ZA 99-529, (Hispafruit BV/Amuyen S.A.) *translated in* <http://cisgw3.law.pace.edu/cases/010712n1.html>.
491. Netherlands: Hof 's-Hertogenbosch [ordinary court of appeals] 16 oktober 2002, (Productions Sicamus S.A./Keunen "Bloemen en Planten" V.O.F.), *translated in* <http://cisgw3.law.pace.edu/cases/021016n1.html>.
492. Netherlands: Hof 's-Gravenhage [ordinary court of appeals] 23 april 2003, NJ 2003, 17, (Rynpoort Trading & Transport NV et al./Meneba Meel Wormerveer B.V. et al.) *translated in* <http://cisgw3.law.pace.edu/cases/030423n1.html>.
493. Netherlands: Rb. Arnhem [court of first instance] 17 maart 2004, 107309 /HA ZA 03-2099, (Sluiter Ellwood II et al./Blumenerdenwerk Stender GmbH), *translated in* <http://cisgw3.law.pace.edu/cases/040317n1.html>.
494. Netherlands: Hof Leeuwarden [ordinary court of appeals] 31 augustus 2005, rolnummer: 0400549, LJN: AU1870, (Auto-Moto Styl S.R.O./Pedro Boat B.V.), *translated in* <http://cisgw3.law.pace.edu/cases/050831n1.html>.
495. Netherlands: Hof Arnhem [ordinary court of appeals] 18 juli 2006, rolnummer: 2005/1005, LJN: AY5784, *translated in* <http://cisgw3.law.pace.edu/cases/060718n1.html>.
496. Netherlands: Rb. Arnhem [court of first instance] 1 maart 2006, zaaknummer / rolnummer: 125903 / HA ZA 05-682, (Skoda Kovarny/B.

- van Dijk Jr. Staalhandelmaatschappij B.V.) *translated in* <http://cisgw3.law.pace.edu/cases/060301n1.html>.
497. Netherlands: Rb. Arnhem [court of first instance] 19 juli 2006, zaaknummer / rolnummer: 125903 / HA ZA 05-682, (Skoda Kovarny/B. van Dijk Jr. Staalhandelmaatschappij B.V.) *translated in* <http://cisgw3.law.pace.edu/cases/060719n1.html>.
498. Netherlands: Rb. Arnhem [court of first instance] 28 juni 2006, rolnummer: 82879 / HA ZA 02-105, (Silicon Biomedical Instruments B.V./Erich Jaeger GmbH) *translated in* <http://cisgw3.law.pace.edu/cases/060628n1.html>.
499. Netherlands: Rb. Utrecht [court of first instance] 18 juli 2007, rolnummer 219436 / HA ZA 06-2279, (Prodema S.A./Michon B.V.) *translated in* <http://cisgw3.law.pace.edu/cases/070718n1.html>.
500. Netherlands: Rb. Arnhem [court of first instance] 17 januari 2007, rolnummer 146453 / HA ZA 06-1789, (Hibro Compensatoren B.V./Trelleborg Industri Aktiebolag) *translated in* <http://cisgw3.law.pace.edu/cases/070117n1.html>.
501. Netherlands: Hof 's-Hertogenbosch [ordinary court of appeals] 29 mei 2007, rolnummer C051069/HE, *translated in* <http://cisgw3.law.pace.edu/cases/070529n1.html>.
502. Netherlands: Rb. Rotterdam [court of first instance] 15 oktober 2008, 295401 / HA ZA 07-2802, LJN: BG2022, (Eyroflam S.A./P.C.C. Rotterdam B.V.), *translated in* <http://cisgw3.law.pace.edu/cases/081015n2.html>.
503. Netherlands: Rb. Maastricht [court of first instance] 9 juli 2008, 120428 / HA ZA 07-550, (Agristo N.V./Maccas Agri B.V.), *translated in* <http://cisgw3.law.pace.edu/cases/080709n1.html>.
504. Netherlands: Hof Arnhem [ordinary court of appeals] 7 oktober 2008, zaaknummer 104.003.479, LJN:BG2086, (Arens Sondermaschinen GmbH/Smit Draad / Draad Nijmegen B.V.), *translated in* <http://cisgw3.law.pace.edu/cases/081007n1.html>.
505. Netherlands: Rb. Breda [court of first instance] 16 januari 2009, 197586/KG ZA 08-659, (Person of Greece/Ed Fruit & Vegetables B.V.), *translated in* <http://cisgw3.law.pace.edu/cases/090116n1.html>.
506. Netherlands: Rb. Arnhem [court of first instance] 11 februari 2009, 172920/HA ZA 08-1228, *translated in* <http://cisgw3.law.pace.edu/cases/090211n1.html>.
507. Netherlands: Rb. Rotterdam [court of first instance] 23 december, 2009,323248/HA ZA 09-246, (Helvoet Rubber & Plastic Technologies B.V./Klöckner Desma Elastomertechnik GmbH), *translated in* <http://cisgw3.law.pace.edu/cases/091223n1.html>.
508. Netherlands: Rb. Utrecht [court of first instance] 21 januari 2009, 253099/HA ZA 08-1624, LJN:BH0723, ([Company A] GmbH/Quote Foodproducts B.V.) *translated in* <http://cisgw3.law.pace.edu/cases/090121n1.html>.

509. Netherlands: Rb. Rotterdam [court of first instance] 25 februari 2009, 279354/HA ZA 07-576, LJN:BH6416, (Fresh-Life International B.V./Cobana Fruchtring GmbH & Co., KG), *translated in* <http://cisgw3.law.pace.edu/cases/090225n1.html>.
510. Netherlands: Hof Arnhem [ordinary court of appeals] 28 januari 2010, 87379/HAZA 07-716, (Groente-En Friuthandel Heemskerk B.V./Frutas Caminito Sociedad Cooperativa Valenciana), *translated in* <http://cisgw3.law.pace.edu/cases/100128n1.html>.
511. Russia: Arbitrazhnyi Sud Goroda Moskvyy [Arbitration Court of Moscow City] Apr. 3, 1995, A56-13238/04, *translated in* <http://cisgw3.law.pace.edu/cases/950403r1.html>.
512. Russia: Vysshii Arbitrazhnyi Sud Rossiiskoi Federatsii [Highest Arbitration Court of the Russian Federation] Dec. 25, 1996, Information Letter 10, *translated in* <http://cisgw3.law.pace.edu/cases/961225r1.html>.
513. Russia: Vysshii Arbitrazhnyi Sud Rossiiskoi Federatsii [Highest Arbitration Court of the Russian Federation] Mar. 25, 1997, Resolution 4670/96, *translated in* <http://cisgw3.law.pace.edu/cases/970325r2.html>.
514. Russia: Vysshii Arbitrazhnyi Sud Rossiiskoi Federatsii [Highest Arbitration Court of the Russian Federation] June 23, 1998, Resolution 3846/97, *translated in* <http://cisgw3.law.pace.edu/cases/980623r1.html>.
515. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] Aug. 11, 1999, KG-A40/2426-99, *translated in* <http://cisgw3.law.pace.edu/cases/990811r1.html>.
516. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] Dec. 6, 2000, KG-A40/5498-00, *translated in* <http://cisgw3.law.pace.edu/cases/001206r1.html>.
517. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] Aug. 24, 2000, KG-A40/3632-00, *translated in* <http://cisgw3.law.pace.edu/cases/000824r1.html>.
518. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] June 21, 2000, KG-A40/2396-00, *translated in* <http://cisgw3.law.pace.edu/cases/000621r1.html>.
519. Russia: Federal'nyi Arbitrazhnyi Sud Severo-Zapad Okruga [Federal Arbitration Court of the North-West District] Mar. 1, 2000, A56-30792/99, *translated in* <http://cisgw3.law.pace.edu/cases/000301r1.html>.
520. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] Nov. 8, 2001, KG-A40/6314-01, <http://cisgw3.law.pace.edu/cases/011108r1.html>.
521. Russia: Konstitutsionnyi Sud Rossiiskoi Federatsii [Russian Federation Constitutional Court] Apr. 27, 2001, Resolution 7-P, *translated in* <http://cisgw3.law.pace.edu/cases/010427r1.html>.

522. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] Apr. 27, 2001, KG-A40/1946-01, *translated in* <http://cisgw3.law.pace.edu/cases/010427r2.html>.
523. Russia: Vysshii Arbitrazhnyi Sud Rossiiskoi Federatsii [Highest Arbitration Court of the Russian Federation] Sept. 25, 2001, Resolution 8508/00, <http://cisgw3.law.pace.edu/cases/010925r1.html>.
524. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] June 25, 2001, KG-A40/3057-01, *translated in* <http://cisgw3.law.pace.edu/cases/010625r1.html>.
525. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] Feb. 4, 2002, KG-A40/308-02, *translated in* <http://cisgw3.law.pace.edu/cases/020204r1.html>.
526. Russia: Federal'nyi Arbitrazhnyi Sud Volgo-Vyatsky Okruga [Federal Arbitration Court for the Volgo-Vyatsky District] Dec. 20, 2002, A43-1453/02-27-2, *translated in* <http://cisgw3.law.pace.edu/cases/021220r1.html>.
527. Russia: Vysshii Arbitrazhnyi Sud Rossiiskoi Federatsii [Highest Arbitration Court of the Russian Federation] Mar. 20, 2002, Resolution 6134/01, *translated in* <http://cisgw3.law.pace.edu/cases/020320r1.html>.
528. Russia: Federal'nyi Arbitrazhnyi Sud Volgo-Vyatsky Okruga [Federal Arbitration Court for the Volgo-Vyatsky District] May 20, 2002, A31-275/12, *translated in* <http://cisgw3.law.pace.edu/cases/020520r1.html>.
529. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] Feb. 11, 2002, KG-A40/274-02, *translated in* <http://cisgw3.law.pace.edu/cases/020211r1.html>.
530. Russia: Federal'nyi Arbitrazhnyi Sud Moskovskogo Okruga [Federal Arbitration Court of the Moscow District] May 29, 2003, KA-A40/3406-03, *translated in* <http://cisgw3.law.pace.edu/cases/030529r1.html>.
531. Russia: Federal'nyi Arbitrazhnyi Sud Severo-Zapad Okruga [Federal Arbitration Court of the North-West District] Apr. 14, 2005, A56-13238/04, *translated in* <http://cisgw3.law.pace.edu/cases/050414r1.html>.
532. Russia: Federal'nyi Arbitrazhnyi Sud Daleko Vostok Okruga [Federal Arbitration Court of the Far-East District] Jan. 24, 2006, F3-A73/05-1/4096, *translated in* <http://cisgw3.law.pace.edu/cases/060124r1.html>.
533. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Mar. 29, 2004, 1 CBM/1/2002, *translated in* <http://cisgw3.law.pace.edu/cases/040329k1.html>.
534. Slovak Republic: Krajský súd Bratislava [Regional Court in Bratislava] Oct. 11, 2005, 26 Cb/114/1995, *translated in* <http://cisgw3.law.pace.edu/cases/051011k1.html>.
535. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Oct. 20, 2005, 2 Obo/219/2004, *translated in* <http://cisgw3.law.pace.edu/cases/051020k1.html>.



536. Slovak Republic: Krajský súd Bratislava [Regional Court in Bratislava] Dec. 15, 2005, 34 Cb/18/2002, *translated in* <http://cisgw3.law.pace.edu/cases/051215k1.html>.
537. Slovak Republic: Krajský súd Žilina [Regional Court Žilina] Apr. 4, 2005, 22 Cb/20/2004, *translated in* <http://cisgw3.law.pace.edu/cases/050404k1.html>.
538. Slovak Republic: Okresný súd Nitra [District Court in Nitra] June 29, 2006, 27 Cb/203/2005, *translated in* <http://cisgw3.law.pace.edu/cases/060629k1.html>.
539. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Oct. 26, 2006, 3 Obo 247/2005, *translated in* <http://cisgw3.law.pace.edu/cases/061026k1.html>.
540. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] May 26, 2006, 4 Obo/40/2005, *translated in* <http://cisgw3.law.pace.edu/cases/060526k1.html>.
541. Slovak Republic: Krajský súd Nitra [Regional Court in Nitra] June 23, 2006, 16 Cb/119/2004, *translated in* <http://cisgw3.law.pace.edu/cases/060623k1.html>.
542. Slovak Republic: Okresný súd Nitra [District Court in Nitra] June 27, 2006, 23 Cb/127/2006, *translated in* <http://cisgw3.law.pace.edu/cases/060627k1.html>.
543. Slovak Republic: Okresný súd Nitra [District Court in Nitra] Feb. 27, 2006, 23 Cb/211/2005, *translated in* <http://cisgw3.law.pace.edu/cases/060227k1.html>.
544. Slovak Republic: Krajský súd Trnava [Regional Court in Trnava] Jan. 12, 2006, 36 Cbm/6/2003, *translated in* <http://cisgw3.law.pace.edu/cases/060112k1.html>.
545. Slovak Republic: Krajský súd Banská Bystrica [Regional Court in Banská Bystrica] May 10, 2006, 49 Cbm/14/2004, *translated in* <http://cisgw3.law.pace.edu/cases/060510k1.html>.
546. Slovak Republic: Okresný súd Nitra [District Court in Nitra] Apr. 25, 2006, 27Cb/256/2005, *translated in* <http://cisgw3.law.pace.edu/cases/060425k1.html>.
547. Slovak Republic: Okresný súd Nitra [District Court in Nitra] May 17, 2006, 23 Cb/29/2006, *translated in* <http://cisgw3.law.pace.edu/cases/060517k1.html>.
548. Slovak Republic: Okresný súd Galanta [District Court in Galanta] Dec. 15, 2006, 17 Cb/7/2006, *translated in* <http://cisgw3.law.pace.edu/cases/061215k1.html>.
549. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Mar. 6, 2006, 22 Cb/44/2004, *translated in* <http://cisgw3.law.pace.edu/cases/060306k1.html>.
550. Slovak Republic: District Court in Bardejov, Oct. 29, 2007, 1 Cb/282/2007, *translated in* <http://cisgw3.law.pace.edu/cases/071029k1.html>.

551. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] June 27, 2007, 2 Obo 244/2006, *translated in* <http://cisgw3.law.pace.edu/cases/070627k2.html>.
552. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] June 27, 2007, 15 Cb/14/2005, *translated in* <http://cisgw3.law.pace.edu/cases/070627k1.html>.
553. Slovak Republic: Krajský súd Bratislava [Regional Court in Bratislava] Feb. 1, 2007, 46 Cb/25/2000, *translated in* <http://cisgw3.law.pace.edu/cases/070201k1.html>.
554. Slovak Republic: Krajský súd Košice [Regional Court in Košice] May 22, 2007, 6 Cb 896/2000, *translated in* <http://cisgw3.law.pace.edu/cases/070522k1.html>.
555. Slovak Republic: Krajský súd Žilina [Regional Court in Žilina] Oct. 25, 2007, 15 Cb 10/2004-64, *translated in* <http://cisgw3.law.pace.edu/cases/071025k1.html>.
556. Slovak Republic: Krajský súd Žilina [Regional Court Žilina] June 18, 2007, 15 Cb 219/1998-218, *translated in* <http://cisgw3.law.pace.edu/cases/070618k1.html>.
557. Slovak Republic: Okresný súd Brezno [District Court in Brezno] Oct. 18, 2007, 17 Cb/10/2007, *translated in* <http://cisgw3.law.pace.edu/cases/071018k1.html>.
558. Slovak Republic: Krajský súd Nitra [Regional Court in Nitra] Sept. 17, 2007, 16 Cbm/30/2004, *translated in* <http://cisgw3.law.pace.edu/cases/070917k1.html>.
559. Slovak Republic: Okresný súd Nitra [District Court in Dolný Kubín] Dec. 6, 2007, 5 Cb/68/2007, *translated in* <http://cisgw3.law.pace.edu/cases/071206k1.html>.
560. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Jan. 8, 2007, 1 Cbm/1/2002, *translated in* <http://cisgw3.law.pace.edu/cases/070108k1.html>.
561. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Jan. 8, 2007 22 Cbm/7/2004, *translated in* <http://cisgw3.law.pace.edu/cases/070108k2.html>.
562. Slovak Republic: Okresný súd Bratislava II [District Court in Bratislava II] Nov. 7, 2007, 54Cb/111/2007, *translated in* <http://cisgw3.law.pace.edu/cases/071107k1.html>.
563. Slovak Republic: Okresný súd Nitra [District Court in Nitra, Mar. 9, 2007] 1 Cb/381/2006, *translated in* <http://cisgw3.law.pace.edu/cases/070309k1.html>.
564. Slovak Republic: Okresný súd Nitra [District Court in Nitra] May 29, 2008, 27 Cb/129/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080529k1.html>.
565. Slovak Republic: Okresný súd Bardejov [District Court in Bardejov] Feb. 5, 2008, 1Cb/265/2005, *translated in* <http://cisgw3.law.pace.edu/cases/080205k1.html>.

566. Slovak Republic: Okresný súd Banská Bystrica [District Court in Banská Bystrica] Mar. 7, 2008, 64 Cb/156/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080307k1.html>.
567. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Apr. 30, 2018, 1 Obdo V 89/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080430k1.html>.
568. Slovak Republic: Okresný súd Bratislava [District Court in Bratislava] May 22, 2008, 22 Cb/269/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080522k1.html>.
569. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Apr. 3, 2008, 6 Obo 120/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080403k1.html>.
570. Slovak Republic: Okresný súd Nitra [District Court in Nitra] Oct. 29, 2008, 31Cb/27/2007, *translated in* <http://cisgw3.law.pace.edu/cases/081029k1.html>.
571. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Mar. 10, 2008, 15 Cb/206/2002, *translated in* <http://cisgw3.law.pace.edu/cases/080310k1.html>.
572. Slovak Republic: Krajský súd Nitra [Regional Court in Nitra] Nov. 12, 2008, 15 Cob/180/2008, *translated in* <http://cisgw3.law.pace.edu/cases/081112k2.html>.
573. Slovak Republic: Okresný súd Banská Bystrica [District Court in Banská Bystrica] Feb. 22, 2008, 64 Cb/194/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080222k1.html>.
574. Slovak Republic: Okresný súd Dolný Kubín [District Court in Dolný Kubín] Jan. 21, 2008, 5 Cb/94/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080121k1.html>.
575. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Nov. 12, 2008, 3 Obo 194/2007, *translated in* <http://cisgw3.law.pace.edu/cases/081112k1.html>.
576. Slovak Republic: Okresný súd Dolný Kubín [District Court in Dolný Kubín] Nov. 24, 2008, 5 Cb/10/2008, *translated in* <http://cisgw3.law.pace.edu/cases/081124k1.html>.
577. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Apr. 30, 2008, 1 Obdo V 89/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080430k1.html>.
578. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Sept. 17, 2008, 9 Cb/72/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080917k1.html>.
579. Slovak Republic: Okresný súd Dolný Kubín [District Court in Dolný Kubín] June 17, 2008, 9 Cb/183/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080617k1.html>.
580. Slovak Republic: Okresný súd Trnava [District Court in Trnava] Dec. 17, 2008, 9 Cb/120/2007, *translated in* <http://cisgw3.law.pace.edu/cases/081217k1.html>.

581. Slovak Republic: Krajský súd Nitra [Regional Court in Nitra] Oct. 15, 2008, 15 Cb/140/2009, *translated in* <http://cisgw3.law.pace.edu/cases/081015k1.html>.
582. Slovak Republic: Najvyšší súd Slovenskej Republiky [Supreme Court of the Slovak Republic] Oct. 28, 2008, 2 Obo 250/2007, *translated in* <http://cisgw3.law.pace.edu/cases/081028k1.html>.
583. Slovak Republic: Okresný súd Banská Bystrica [District Court in Banská Bystrica] Apr. 29, 2008, 64 Cb/114/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080429k1.html>.
584. Slovak Republic: Okresný súd Dunajská Streda [District Court in Dunajská Streda] July 8, 2008, 5 Cb/239/2007, *translated in* <http://cisgw3.law.pace.edu/cases/080708k1.html>.
585. Slovak Republic: Okresný súd Bardejov [District Court in Bardejov] Feb. 5, 2008, 1Cb/266/2005, *translated in* <http://cisgw3.law.pace.edu/cases/080205k2.html>.
586. Slovak Republic: Okresný súd Komárno [District Court in Komárno] Mar. 12, 2009, 5 Cb/254/2008, *translated in* <http://cisgw3.law.pace.edu/cases/090312k1.html>.
587. Slovak Republic: Okresný súd Komárno [District Court in Komárno] Feb. 24, 2009, 5 Cb/114/2006, *translated in* <http://cisgw3.law.pace.edu/cases/090224k1.html>.
588. Slovak Republic: Okresný súd Nitra [District Court in Nitra] Jan. 15, 2009, 27Cb/101/2007, *translated in* <http://cisgw3.law.pace.edu/cases/090115k1.html>.
589. Slovak Republic: Okresný súd Michalovce [District Court in Michalovce] Oct. 11, 2010, 22Cb/152/2010, *translated in* <http://cisgw3.law.pace.edu/cases/101011k1.html>.
590. Slovak Republic: Okresný súd Trnava [District Court in Trnava] Mar. 9, 2011, 9Cb/77/2010, *translated in* <http://cisgw3.law.pace.edu/cases/110309k1.html>.
591. Switzerland: Pretore della giurisdizione di Locarno Campagna [District Court of Locarno County] Dec. 16, 1991, 15/91, *translated in* <http://cisgw3.law.pace.edu/cases/911216s1.html>.
592. Switzerland: Zivilgericht Basel [ZG Basel] [Civil Court of Basel] Dec. 21, 1992, P4 1991/238, *translated in* <http://cisgw3.law.pace.edu/cases/921221s1.html>.
593. Switzerland: Pretore della giurisdizione di Locarno Campagna [District Court of Locarno County] Apr. 27, 1992, 6252, *translated in* <http://cisgw3.law.pace.edu/cases/920427s1.html>.
594. Switzerland: Richteramt Laufen des Kantons Berne [RA Berne] [District Court of Canton Berne] May 7, 1993, *translated in* <http://cisgw3.law.pace.edu/cases/930507s1.html>.
595. Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Sept. 9, 1993, HG 93 0138. U/HG93, *translated in* <http://cisgw3.law.pace.edu/cases/930909s1.html>.

- 596.Switzerland: Tribunal Cantonal Vaud [TC Vaud] [Canton Appellate Court] Dec. 6, 1993, *translated in* <http://cisgw3.law.pace.edu/cases/931206s1.html>.
- 597.Switzerland: Tribunal Cantonal Vaud [TC Vaud] [Canton Appellate Court] May 17, 1994, 01 93 1308, *translated in* <http://cisgw3.law.pace.edu/cases/940517s1.html>.
- 598.Switzerland: Tribunal Cantonal Valais [TC Valais] [Canton Appellate Court] Dec. 20, 1994, C 323/94, *translated in* <http://cisgw3.law.pace.edu/cases/941220s1.html>.
- 599.Switzerland: Tribunal Cantonal Valais [TC Valais] [Canton Appellate Court] June 19, 1994, C 118/94, *translated in* <http://cisgw3.law.pace.edu/cases/940629s1.html>.
- 600.Switzerland: Obergericht Thurgau [OG Thurgau] [Canton Appellate Court] Dec. 19, 1995, ZB 95 22, *translated in* <http://cisgw3.law.pace.edu/cases/951219s1.html>.
- 601.Switzerland: Gerichtskommission Oberrheintal St. Gallen [GK St. Gallen] [Judicial Commission] June 30, 1995, OKZ 93-1, *translated in* <http://cisgw3.law.pace.edu/cases/950630s1.html>.
- 602.Switzerland: Handelsgericht St. Gallen [HG St. Gallen] [Commercial Court of St. Gallen] Dec. 5, 1995, HG 45/1994, *translated in* <http://cisgw3.law.pace.edu/cases/951205s1.html>.
- 603.Switzerland: Handelsgericht St. Gallen [HG St. Gallen] [Commercial Court of St. Gallen] Aug. 24, 1995, HG 48/1994, *translated in* <http://cisgw3.law.pace.edu/cases/950824s1.html>.
- 604.Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Apr. 26, 1995, HG 920670, <http://cisgw3.law.pace.edu/cases/950426s1.html>.
- 605.Switzerland: Tribunale d'Appello Lugano [TA] [Appellate Court] Feb. 12, 1996, 12.95.00300, *translated in* <http://cisgw3.law.pace.edu/cases/960212s1.html>.
- 606.Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] July 10, 1996, HG 940513, *translated in* <http://cisgw3.law.pace.edu/cases/960710s1.html>.
- 607.Switzerland: Cour de Justice Genève [CJ Genève] [Canton Appellate Court] Oct. 10, 1997, C/21501/1996, *translated in* <http://cisgw3.law.pace.edu/cases/971010s1.html>.
- 608.Switzerland: Handelsgericht des Kantons Aargau [HG Aargau] [Commercial Court of Aargau] Dec. 19, 1997, OR.97.00056, *translated in* <http://cisgw3.law.pace.edu/cases/971219s1.html>.
- 609.Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Feb. 5, 1997, HG 95 0347, *translated in* <http://cisgw3.law.pace.edu/cases/970205s1.html>.
- 610.Switzerland: Kantonsgericht Nidwalden [KG Nidwalden] [District Court of Nidwalden] Dec. 3, 1997, 15/96 Z, *translated in* <http://cisgw3.law.pace.edu/cases/971203s1.html>.

611. Switzerland: Bezirksgericht St. Gallen [BG St. Gallen] [District Court] July 3, 1997, 3PZ 97/18, *translated in* <http://cisgw3.law.pace.edu/cases/970703s1.html>.
612. Switzerland: Zivilgericht Basel [ZG Basel] [Civil Court] Dec. 3, 1997, P4 1996/00448, *translated in* <http://cisgw3.law.pace.edu/cases/971203s2.html>.
613. Switzerland: Bezirksgericht der Saane [BG] [District Court] Feb. 20, 1997, T 171/95, *translated in* <http://cisgw3.law.pace.edu/cases/970220s1.html>.
614. Switzerland: Handelsgericht Aargau [HG Aargau] [Commercial Court of Aargau] Sept. 26, 1997, OR.96.0-0013, *translated in* <http://cisgw3.law.pace.edu/cases/970926s1.html>.
615. Switzerland: Tribunale d'Appello Lugano [TA] [Appellate Court] Jan. 15, 1998, 12.97.00193, *translated in* <http://cisgw3.law.pace.edu/cases/980115s1.html>.
616. Switzerland: Bezirksgericht Unterrheintal [BG] [District Court] Sept. 16, 1998, EV. 1998.2 (1KZ. 1998.7), *translated in* <http://cisgw3.law.pace.edu/cases/980916s1.html>.
617. Switzerland: Bezirksgericht Sissach [BG] [District Court] Nov. 5, 1998, A 98/126, *translated in* <http://cisgw3.law.pace.edu/cases/981105s1.html>.
618. Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Nov. 30, 1998, HG 930634/O, *translated in* <http://cisgw3.law.pace.edu/cases/981130s1.html>.
619. Switzerland: Tribunal Cantonal Valais [TC Valais] [Canton Appellate Court] June 30, 1998, CI-98-9, *translated in* <http://cisgw3.law.pace.edu/cases/980630s1.html>.
620. Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Sept. 21, 1998, HG 960527/O, *translated in* <http://cisgw3.law.pace.edu/cases/980921s1.html>.
621. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Oct. 28, 1998, 4C.179/1998/odi, *translated in* <http://cisgw3.law.pace.edu/cases/981028s1.html>.
622. Switzerland: Kantonsgericht Freiburg [KG Freiburg] [District Court] Jan. 23, 1998, Apph 27/97, *translated in* <http://cisgw3.law.pace.edu/cases/980123s1.html>.
623. Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Feb. 10, 1999, HG 970238.1, *translated in* <http://cisgw3.law.pace.edu/cases/990210s1.html>.
624. Switzerland: Handelsgericht Aargau [HG Zürich] [Commercial Court of Zürich] June 11, 1999, OR.98.00010, *translated in* <http://cisgw3.law.pace.edu/cases/990611s1.html>.
625. Switzerland: Tribunale d'Appello Lugano [TA] [Appellate Court] June 8, 1999, 12.19.00036, *translated in* <http://cisgw3.law.pace.edu/cases/990608s1.html>.

626. Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Apr. 8, 1999, HG 980280.1, *translated in* <http://cisgw3.law.pace.edu/cases/990408s1.html>.
627. Switzerland: Kantonsgericht Zug [KG Zug] [District Court] Oct. 21, 1999, A3 1997 61, *translated in* <http://cisgw3.law.pace.edu/cases/991021s1.html>.
628. Switzerland: Kantonsgericht Zug [KG Zug] [District Court] Feb. 25, 1999, A3 1998 153, *translated in* <http://cisgw3.law.pace.edu/cases/990225s1.html>.
629. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Sept. 15, 2000, 4P.75/2000, *translated in* <http://cisgw3.law.pace.edu/cases/000915s1.html>.
630. Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Feb. 17, 2000, HG 980472, *translated in* <http://cisgw3.law.pace.edu/cases/000217s1.html>.
631. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] July 11, 2000, 4C.100/2000/rnd, *translated in* <http://cisgw3.law.pace.edu/cases/000711s1.html>.
632. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Dec. 11, 2000, 4C.272/2000/rnd, *translated in* <http://cisgw3.law.pace.edu/cases/001211s1.html>.
633. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Dec. 22, 2000, 4C.296/2000/rnd, *translated in* <http://cisgw3.law.pace.edu/cases/001222s1.html>.
634. Switzerland: Kantonsgericht Zug [KG Zug] [District Court] Dec. 12, 2002, A3 2001 34, *translated in* <http://cisgw3.law.pace.edu/cases/021212s1.html>.
635. Switzerland: Cour de Justice Genève [CJ Genève] [Canton Appellate Court] Sept. 13, 2002, C/11185/2001, *translated in* <http://cisgw3.law.pace.edu/cases/020913s1.html>.
636. Switzerland: Tribunal Cantonal Valais [TC Valais] [Canton Appellate Court] Dec. 2, 2002, C1 0195, *translated in* <http://cisgw3.law.pace.edu/cases/021202s1.html>.
637. Switzerland: Zivilgericht Basel-Stadt [ZG Basel-Stadt] [Civil Court] March 1, 2002, P 1997/482, *translated in* <http://cisgw3.law.pace.edu/cases/020301s1.html>.
638. Switzerland: Cour de Justice Genève [CJ Genève] [Canton Appellate Court] Nov. 15, 2002, C/12709/2001, *translated in* <http://cisgw3.law.pace.edu/cases/021115s1.html>.
639. Switzerland: Handelsgericht Bern [HG Bern] [Commercial Court of Bern] Jan. 12, 2002, 8805 FEMA, *translated in* <http://cisgw3.law.pace.edu/cases/020117s1.html>.
640. Switzerland: Tribunal Cantonal Vaud [TC Vaud] [Canton Appellate Court] Apr. 11, 2002, CO97.002109, *translated in* <http://cisgw3.law.pace.edu/cases/020411s1.html>.

641. Switzerland: Cour de Justice Genève [CJ Genève] [Canton Appellate Court] Nov. 15, 2002, C/27897/1995, *translated in* <http://cisgw3.law.pace.edu/cisg/wais/db/cases2/021115s2.html>.
642. Switzerland: Handelsgericht Aargau [HG Aargau] [Commercial Court] Nov. 5, 2002, OR.2001.00029, *translated in* <http://cisgw3.law.pace.edu/cases/021105s1.html>.
643. Switzerland: Handelsgericht St. Gallen [HG St. Gallen] [Commercial Court of St. Gallen] Dec. 3, 2002, HG.1999.82-HGK, *translated in* <http://cisgw3.law.pace.edu/cases/021203s1.html>.
644. Switzerland: Obergericht Luzern [OG Luzern] [Canton Appellate Court] July 29, 2002, 11 01 125, *translated in* <http://cisgw3.law.pace.edu/cases/020729s1.html>.
645. Switzerland: Kantonsgericht Schaffhausen [KG Schaffhausen] [District Court] Apr. 23, 2002, 11/1999/35, *translated in* <http://cisgw3.law.pace.edu/cases/020423s1.html>.
646. Switzerland: Kantonsgericht Schaffhausen [KG Schaffhausen] [District Court] Feb. 25, 2002, 12/1997/322, *translated in* <http://cisgw3.law.pace.edu/cases/020225s1.html>.
647. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Nov. 13, 2003, 4C.198/2003/grl, *translated in* <http://cisgw3.law.pace.edu/cases/031113s1.html>.
648. Switzerland: Kantonsgericht Appenzell Ausserrhoden [KG Appenzell Ausserrhoden] [Canton Appellate Court] March 10, 2003, Proz. Nr. 433/02, *translated in* <http://cisgw3.law.pace.edu/cases/030310s1.html>.
649. Switzerland: Handelsgericht Aargau [HG Aargau] [Commercial Court of Aargau] Dec. 18, 2003, OR.2003.0037, *translated in* <http://cisgw3.law.pace.edu/cases/031218s1.html>.
650. Switzerland: Handelsgericht St. Gallen [HG St. Gallen] [Commercial Court of St. Gallen] Feb. 11, 2003, HG.2001.11-HGK, *translated in* <http://cisgw3.law.pace.edu/cases/030211s1.html>.
651. Switzerland: Tribunal Cantonal Valais [TC Valais] [Canton Appellate Court] Aug. 19, 2003, C1 03 100, *translated in* <http://cisgw3.law.pace.edu/cases/030819s1.html>.
652. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Aug. 4, 2003, 4C.103/2003/lma, *translated in* <http://cisgw3.law.pace.edu/cases/030804s1.html>.
653. Switzerland: Tribunal Cantonal Valais [TC Valais] [Appellate Court] Apr. 30, 2003, C1 03 60, *translated in* <http://cisgw3.law.pace.edu/cases/030430s1.html>.
654. Switzerland: Tribunale d'Appello Lugano [TA] [Appellate Court] Oct. 29, 2003, 12.2002.181, *translated in* <http://cisgw3.law.pace.edu/cases/031029s1.html>.
655. Switzerland: Appellationsgericht Basel-Stadt [AG] [Appellate Court] Aug. 22, 2003, 33/2002/SAS/so, *translated in* <http://cisgw3.law.pace.edu/cases/030822s1.html>.



656. Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Oct. 24, 2003, HG 010395/U/zs, *translated in* <http://cisgw3.law.pace.edu/cases/031024s1.html>.
657. Switzerland: Amtsgericht Willisau [AG] [District Court] Mar. 12, 2004, 10 01 5, *translated in* <http://cisgw3.law.pace.edu/cases/040312s1.html>.
658. Switzerland: Appellationshof Bern [AppH Bern] [Canton Appellate Court] Feb. 11, 2004, 304/II/2003/wuda/scch, *translated in* <http://cisgw3.law.pace.edu/cases/040211s1.html>.
659. Switzerland: Kantonsgericht Freiburg, I. Appellationshof [KG Freiburg] [District Court, Appellate Chambers] Oct. 11, 2004, A1-2003-70, *translated in* <http://cisgw3.law.pace.edu/cases/041011s1.html>.
660. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] July 7, 2004, 4C.144/2004/lma, *translated in* <http://cisgw3.law.pace.edu/cases/040707s1.html>.
661. Switzerland: Tribunal Cantonal Jura [TC Jura] [Canton Appellate Court] Nov. 3, 2004, Ap 91/04, *translated in* <http://cisgw3.law.pace.edu/cases/041103s1.html>.
662. Switzerland: Kantonsgericht Zug [KG Zug] [District Court] Dec. 2, 2004, A3 2004 30, *translated in* <http://cisgw3.law.pace.edu/cases/041202s1.html>.
663. Switzerland: Amtsgericht Luzern-Land [AG Luzern] [District Court] Sept. 21, 2004, 11 04 4 / ZU 016, *translated in* <http://cisgw3.law.pace.edu/cases/040921s1.html>.
664. Switzerland: Handelsgericht St. Gallen [HG St. Gallen] [Commercial Court of St. Gallen] Apr. 29, 2004, HG.2002.11-HGK, *translated in* <http://cisgw3.law.pace.edu/cases/040429s1.html>.
665. Switzerland: Handelsgericht Bern [HG Bern] [Commercial Court of Bern] Dec. 22, 2004, HG 02 8934/STH/STC, *translated in* <http://cisgw3.law.pace.edu/cases/041222s1.html>.
666. Switzerland: Kantonsgericht Schaffhausen [KG Schaffhausen] [District Court] Jan. 27, 2004, 11/1999/99, *translated in* <http://cisgw3.law.pace.edu/cases/040127s1.html>.
667. Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Apr. 5, 2005, 4C.474/2004, *translated in* <http://cisgw3.law.pace.edu/cases/050405s1.html>.
668. Switzerland: Obergericht Zug [OG Zug] [Canton Appellate Court] July 5, 2005, OG 2004/29, *translated in* <http://cisgw3.law.pace.edu/cases/050705s1.html>.
669. Switzerland: Kantonsgericht Valais [KG Valais] [Canton Appellate Court] Feb. 21, 2005, C1 04 162, *translated in* <http://cisgw3.law.pace.edu/cases/050221s1.html>.
670. Switzerland: Kantonsgericht Valais [KG Valais] [Canton Appellate Court] May 27, 2005, C1 04 33, *translated in* <http://cisgw3.law.pace.edu/cases/050527s1.html>.

- 671.Switzerland: Handelsgericht Aargau [HG Aargau] [Commercial Court of Aargau] Jan. 25, 2005, OR.2004.00055, *translated in* <http://cisgw3.law.pace.edu/cases/050125s1.html>.
- 672.Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] Dec. 25, 2005, HG040376/U/ei, *translated in* <http://cisgw3.law.pace.edu/cases/051222s1.html>.
- 673.Switzerland: Kantonsgericht Nidwalden [KG Nidwalden] [District Court] May 23, 2005, ZK 04 26, *translated in* <http://cisgw3.law.pace.edu/cases/050523s1.html>.
- 674.Switzerland: Cour de Justice Genève [CJ Genève] [Canton Appellate Court] May 12, 2006, C/27176/2001, *translated in* <http://cisgw3.law.pace.edu/cases/060120s1.html>.
- 675.Switzerland: Obergericht Zug [OG Zug] [Canton Appellate Court] Dec. 19, 2006, OG 2006/19, *translated in* <http://cisgw3.law.pace.edu/cases/061219s1.html>.
- 676.Switzerland: Kantonsgericht Appenzell-Ausserhoden [KG Appenzell-Ausserhoden] [District Court] Mar. 9, 2006, ER3 05 231, *translated in* <http://cisgw3.law.pace.edu/cases/060309s1.html>.
- 677.Switzerland: Zivilgericht Basel-Stadt [ZG Basel-Stadt] [Civil Court] Nov. 8, 2006, P.2004.152, *translated in* <http://cisgw3.law.pace.edu/cases/061108s1.html>.
- 678.Switzerland: Cour de Justice Genève [CJ Genève] [Canton Appellate Court] Jan. 20, 2006, C/27176/2001, *translated in* <http://cisgw3.law.pace.edu/cisg/wais/db/cases2/060120s1.html>.
- 679.Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Dec. 20, 2006, 4C.314/2006, *translated in* <http://cisgw3.law.pace.edu/cases/061220s1.html>.
- 680.Switzerland: Tribunal Cantonal Valais [TC Valais] [Canton Appellate Court] Oct. 27, 2006, C1 06 124, *translated in* <http://cisgw3.law.pace.edu/cases/061027s1.html>.
- 681.Switzerland: Tribunal Cantonal Valais [TC Valais] [Canton Appellate Court] May 23, 2006, C1 06 28, *translated in* <http://cisgw3.law.pace.edu/cases/060523s1.html>.
- 682.Switzerland: Bundesgericht [BGer] [Federal Supreme Court] July 17, 2007, 4C.94/2006, *translated in* <http://cisgw3.law.pace.edu/cases/070717s1.html>.
- 683.Switzerland: Handelsgericht Aargau [HG Aargau] [Commercial Court of Aargau] June 19, 2007, HOR.2005.83/ ds/tp, *translated in* <http://cisgw3.law.pace.edu/cases/070619s1.html>.
- 684.Switzerland: Pretore del Distretto di Lugano [District Court] Apr. 19, 2007, OA.2000.459, *translated in* <http://cisgw3.law.pace.edu/cases/070419s1.html>.
- 685.Switzerland: Kassationsgericht Zürich [RB Zürich] [Canton Supreme Court] Apr. 2, 2007, AA060032, *translated in* <http://cisgw3.law.pace.edu/cases/070402s1.html>.

- 686.Switzerland: Kantonsgericht [KG] [District Court] Sept. 6, 2007, K1Z 06 53, *translated in* <http://cisgw3.law.pace.edu/cases/070906s1.html>.
- 687.Switzerland: Kantonsgericht [KG] [District Court] Aug. 30, 2007, A3 2006 79, *translated in* <http://cisgw3.law.pace.edu/cases/070830s1.html>.
- 688.Switzerland: Tribunal cantonal [TC] [Higher Cantonal Court] Apr. 27, 2007, C1 06 95, *translated in* <http://cisgw3.law.pace.edu/cases/070427s1.html>.
- 689.Switzerland: Handelsgericht Zürich [HG Zürich] [Commercial Court of Zürich] June 25, 2007, HG 050430/U/ei, *translated in* <http://cisgw3.law.pace.edu/cases/070625s1.html>.
- 690.Switzerland: Kantonsgericht Appenzell Ausserrhoden [KG Appenzell Ausserrhoden] [District Court] May 13, 2008, BZ.2007.55, *translated in* <http://cisgw3.law.pace.edu/cases/080513s1.html>.
- 691.Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Dec. 16, 2008, 4A\_326/2008, 4A\_406/2008/ech, *translated in* <http://cisgw3.law.pace.edu/cases/081216s1.html>.
- 692.Switzerland: Kantonsgericht Zug [KG Zug] [District Court] Nov. 27, 2008, A3 2004 112, *translated in* <http://cisgw3.law.pace.edu/cases/081127s1.html>.
- 693.Switzerland: Appellationsgericht Basel-Stadt [Appellate Court Basel-Stadt] Sept. 26, 2008, 16/2007/MEM/chi, *translated in* <http://cisgw3.law.pace.edu/cases/080926s1.html>.
- 694.Switzerland: Handelsgericht Aargau [HG Aargau] [Commercial Court of Aargau] Nov. 26, 2008, HOR.2006.79 / AC / tv, *translated in* <http://cisgw3.law.pace.edu/cases/081126s1.html>.
- 695.Switzerland: Bundesgericht [BGer] [Federal Supreme Court] Dec. 17, 2009, 4A\_440/2009, *translated in* <http://cisgw3.law.pace.edu/cases/091217s1.html>.
- 696.Switzerland: Bundesgericht [BGer] [Federal Supreme Court] May 18, 2009, 4A\_68/2009, *translated in* <http://cisgw3.law.pace.edu/cases/090518s1.html>.
- 697.Switzerland: Obergericht Zürich [OG Zürich] [Zürich Appellate Court] Feb 6, 2009, LN080035/U, *translated in* <http://cisgw3.law.pace.edu/cases/090206s1.html>.
- 698.Switzerland: Tribunal Cantonal Valais [TC Valais] [Canton Appellate Court] Jan. 28, 2009, C1 08 45, *translated in* <http://cisgw3.law.pace.edu/cases/090128s1.html>.
- 699.Switzerland: Bundesgericht [BGer] [Federal Supreme Court] June 26, 2009, 4A\_131/2009, *translated in* <http://cisgw3.law.pace.edu/cases/090626s1.html>.
- 700.United States: Interag Co. v. Stafford Phase Corp., No. 89 Civ. 4950 (CSH), 1990 U.S. Dist. LEXIS 6134 (S.D.N.Y. May 22, 1990).
- 701.United States: Filanto, S.p.A. v. Chilewich Int'l Corp., 789 F. Supp. 1229 (S.D.N.Y. 1992).
- 702.United States: Delchi Carrier, SpA v. Rotorex Corp., No. 88-CV-1078, 1994 U.S. Dist. LEXIS 12820 (N.D.N.Y. Sept. 7, 1994).

703. United States: Graves Import Co. v. Chilewich Int'l Corp., No. 92 Civ. 3655 (JFK), 1994 U.S. Dist. LEXIS 13393 (S.D.N.Y. Sept. 21, 1994).
704. United States: Delchi Carrier SpA v. Rotorex Corp., 71 F.3d 1024 (2nd Cir. 1995).
705. United States: Calzaturificio Claudia s.n.c. v. Olivieri Footwear, No. 96 Civ. 8052 (HB) (THK), 1998 U.S. Dist. LEXIS 4586 (S.D.N.Y. Apr. 6, 1998).
706. United States: Mitchell Aircraft Spares v. European Aircraft Serv. AB, 23 F. Supp. 2d 915 (N.D. Ill. 1998).
707. United States: MCC-Marble Ceramic Ctr. v. Ceramica Nuova D'Agostino, S.P.A., 144 F.3d 1384 (11th Cir. 1998).
708. United States: Magellan Int'l Corp. v. Salzgitter Handel GmbH, 76 F. Supp. 2d 919 (N.D. Ill. 1999).
709. United States: KSTP-FM, LLC v. Specialized Commc'ns, Inc., 602 N.W.2d 919 (Minn. Ct. App. 1999).
710. United States: Med. Mktg. Int'l, Inc. v. Internazionale Medico Scientifica, S.R.L., No. 99-0380 SECTION "K"(1), 1999 U.S. Dist. LEXIS 7380 (E.D. La. May 17, 1999).
711. United States: Fercus v. Palazzo, No. 98 Civ. 7728 (NRB), 2000 U.S. Dist. LEXIS 11086 (S.D.N.Y. Aug. 8, 2000).
712. United States: Atla-Medine v. Crompton Corp., No. 00 Civ. 5901 (HB), 2001 U.S. Dist. LEXIS 18107 (S.D.N.Y. Nov. 7, 2001).
713. United States: Supermicro Comput. Inc. v. Digitechnic, 145 F. Supp. 2d 1147 (N.D. Cal. 2001).
714. United States: *In re* Victoria Alloys, Inc., 261 B.R. 424 (Bankr. N.D. Ohio 2001).
715. United States: Shuttle Packaging Sys., L.L.C. v. Tsonakis, Ina S.A., No. 1:01-CV-691, 2001 U.S. Dist. LEXIS 21630 (W.D. Mich. Dec. 17, 2001).
716. United States: Zapata Hermanos Sucesores, S.A. v. Hearthside Baking Co., N. 99-C-4040, 2001 U.S. Dist. LEXIS 11698, (N.D. Ill. July 18, 2001).
717. United States: Zapata Hermanos Sucesores v. Hearthside Baking Co., No. 99 C 4040, 2001 U.S. Dist. LEXIS 15191 (N.D. Ill. Aug. 28, 2001).
718. United States: Asante Techs., Inc. v. PMC-Sierra, Inc., 164 F. Supp. 2d 1142 (N.D. Cal. 2001).
719. United States: Geneva Pharms. Tech. Corp. v. Barr Labs., Inc., 201 F. Supp. 2d 236 (S.D.N.Y. 2002).
720. United States: Geneva Pharm. Tech. Corp. v. Barr Labs., Inc., 98 Civ. 861 (RWS), 99 Civ. 3607 (RWS), 2002 U.S. Dist. LEXIS 15442 (S.D.N.Y. Aug. 16, 2002).
721. United States: Zapata Hermanos Sucesores, S.A. v. Hearthside Baking Co., Case Number: 99 C 4040, 2002 U.S. Dist. LEXIS 4187 (N.D. Ill. Mar. 13, 2002).
722. United States: Usinor Industeel v. Leeco Steel Prods., 209 F. Supp. 2d 880 (N.D. Ill. 2002).

723. United States: Schmitz-Werke GmbH & Co. v. Rockland Indus., Inc., 37 F. App'x 687 (4th Cir. 2002).
724. United States: St. Paul Guardian Ins. Co. v. Neuromed Med. Sys. & Support, 2002 U.S. Dist. LEXIS 5096 (S.D.N.Y. Mar. 26, 2002).
725. United States: Chateau des Charmes Wines Ltd. v. Sabate USA, Inc., 328 F.3d 528 (9th Cir. 2003).
726. United States: ID Sec. Sys. Can., Inc. v. Checkpoint Sys., Inc., 249 F. Supp. 2d 622 (E.D. Pa. 2003).
727. United States: Chateau des Charmes Wines Ltd. v. Sabate USA, Inc., No. C-01-4203 MMC, 2003 U.S. Dist. LEXIS 20337 (N.D. Cal. Nov. 10, 2003).
728. United States: BP Oil Int'l Ltd. v. Empresa Estatal Petroleos de Ecuador, 332 F.3d 333 (5th Cir. 2003).
729. United States: Ajax Tool Works, Inc. v. Can-Eng Mfg., No. 01 C 5938, 2003 U.S. Dist. LEXIS 1306 (N.D. Ill. Jan. 29, 2003).
730. United States: Chi. Prime Packers, Inc. v. Northam Food Trading Co., No. 01 C 447, 2003 U.S. Dist. LEXIS 9122 (N.D. Ill. May 28, 2003).
731. United States: Raw Materials Inc. v. Manfred Forberich GmbH & Co., No. 03 C 1154, 2004 U.S. Dist. LEXIS 12510 (N.D. Ill. July 6, 2004).
732. United States: La Delizia Friulani la Delizia, S.C.A.R.L. v. Columbia Distrib. Co., Inc., C03-2292 JLR, (W.D. Wash. Sept. 9, 2004).
733. United States: *In re* Siskiyou Evergreens, Inc., No. 02-66975-fra11, 2004 Bankr. LEXIS 1044 (Bankr. D. Or. Mar. 29, 2004).
734. United States: Chi. Prime Packers, Inc. v. Northam Food Trading Co., 320 F. Supp. 2d 702 (N.D. Ill. 2004).
735. United States: Am. Mint L.L.C. v. GOSoftware, Inc., 2005 U.S. Dist. LEXIS 45003 (M.D. Pa. Aug. 16, 2005).
736. United States: Genpharm Inc. v Pliva-Lachema a.s., 361 F Supp. 2d 49 (E.D.N.Y. 2005).
737. United States: Valero Mktg. & Supply Co. v. Greeni Oy, 373 F. Supp. 2d 475 (D.N.J. 2005).
738. United States: Caterpillar, Inc. v. Usinor Industeel, 393 F. Supp. 2d 659 (N.D. Ill. 2005).
739. United States: Chi. Prime Packers, Inc. v. Northam Food Trading Co., 408 F.3d 894 (7th Cir. 2005).
740. United States: Miami Valley Paper, L.L.C. v. Lebbling Eng'g & Consulting GmbH, No. 1:05-CV-00702, 2006 U.S. Dist. LEXIS 76748 (S.D. Ohio Oct. 10, 2006).
741. United States: Barbara Berry, S.A. de C.V. v. Ken M. Spooner Farms, Inc., No. C05-5538FDB, 2006 U.S. Dist. LEXIS 31262 (W.D. Wash. Apr. 12, 2006).
742. TeeVee Toons, Inc. v. Gerhard Schubert GmbH, 2006 U.S. Dist. LEXIS 59455 (S.D.N.Y. Aug. 22, 2006).
743. United States: China N. Chem. Indus. Corp. v. Beston Chem. Corp., No. H-04-0912, 2006 U.S. Dist. LEXIS 35464 (S.D. Tex. Feb. 7, 2006).

744. United States: Valero Mktg. & Supply Co. v. Greeni Oy, No. 01-5254 (DRD), 2006 U.S. Dist. LEXIS 16620 (D.N.J. Apr. 4, 2006).
745. United States: Treibacher Industrie, A.G. v. Allegheny Techs., Inc., 464 F.3d 1235 (11th Cir. 2006).
746. United States: Cedar Petrochems., Inc. v. Dongbu Hannong Chem. Co., No. 06 Civ. 3972 (LTS) (JCF), 2007 U.S. Dist. LEXIS 51802 (S.D.N.Y. July 19, 2007).
747. United States: Guang Dong Light Headgear Factory Co. v. ACI Int'l, Inc., 521 F. Supp. 2d 1153 (D. Kan. 2007).
748. United States: Barbara Berry, S.A. de C.V. v. Ken M. Spooner Farms, Inc., 254 F. App'x 646 (9th Cir. 2007).
749. United States: Travelers Prop. Cas. Co. of Am. v. Saint-Gobain Tech. Fabrics Can., Ltd., 474 F. Supp. 2d 1075 (D. Minn. 2007).
750. United States: Easom Automation Sys., Inc. v. Thyssenkrupp Fabco, Corp., No. 06-14553, 2007 U.S. Dist. LEXIS 72461 (E.D. Mich. Sep. 28, 2007).
751. United States: Valero Mktg. & Supply Co. v. Greeni Oy, 242 F. App'x 840 (3d Cir. 2007).
752. United States: Hilaturas Miel, S.L. v. Republic of Iraq, 573 F. Supp. 2d 781 (S.D.N.Y. 2008).
753. United States: Macromex SRL v. Globex Int'l, Inc., No. 08 Civ. 114 (SAS), 2008 U.S. Dist. LEXIS 31442 (S.D.N.Y. Apr. 16, 2008).
754. United States: Sky Cast, Inc. v. Glob. Direct Distribution, LLC, No. 07-161-JBT, 2008 U.S. Dist. LEXIS 21121 (E.D. Ky. Mar. 18, 2008).
755. United States: Zhejiang Shaoxing Yongli Printing and Dyeing Co., Ltd. v. Microflock Textile Grp. Corp., No. 06-22608(JJO), 2008 U.S. Dist. 40418 (S.D. Fla. May 19, 2008).
756. United States: Rice Corp. v. Grain Bd. of Iraq, No. CIV S-06-1516 GEB DAD, 2008 U.S. Dist. LEXIS 40204 (E.D. Cal. May 19, 2008).
757. United States: Dingxi Longhai Dairy, Ltd. v. Beewood Tech. Grp., L.L.C., No. 08-762(DSD/SRN), 2008 U.S. Dist. LEXIS 51066 (D. Minn. July 1, 2008).
758. United States: BTC-USA Corp. v. Novacare, No. 07-3998 ADM/JSM, 2008 U.S. Dist. LEXIS 46714 (D. Minn. June 16, 2008).
759. United States: Norfolk S. Ry. Co. v. Power Source Supply, Inc., No. 06-58 J. 2008 U.S. Dist. LEXIS 56942 (W.D. Pa. July 25, 2008).
760. United States: Solae, L.L.C. v. Hershey Can., Inc., 557 F. Supp. 2d 452 (D. Del. 2008).
761. Forestal Guarani, S.A. v. Daros Int'l, Inc., No. 03- 4821 (JAG), 2008 U.S. Dist. LEXIS 79734 (D.N.J. Oct. 7, 2008).
762. United States: Guang Dong Light Headgear Factory Co. v. ACI Int'l, Inc., No. 03-4165-JAR, 2008 U.S. Dist. LEXIS 35392 (D. Kan. Apr. 28, 2008).
763. United States: CNA Int'l, Inc. v. Guangdong Kelon Electronical Holdings, No. 05 C 5734, 2008 U.S. Dist. LEXIS 113433 (N.D. Ill. Sept. 3, 2008).

764. United States: Taub v. Marchesi Di Barolo, S.P.A., No. 09-CV-599 (ADS)(ETB), 2009 U.S. Dist. LEXIS 115565 (E.D.N.Y. Dec. 10, 2009).
765. United States: *In re* San Lucio, No. 07-3031 (WJM), 2009 U.S. Dist. 31681 (D.N.J. Apr. 15, 2009).
766. United States: Miami Valley Paper, L.L.C. v. Lebbing Eng'g & Consulting GmbH, No. 1:05-CV-00702, 2009 U.S. Dist. LEXIS 25201 (S.D. Ohio Mar. 26, 2009).
767. United States: Construcciones e Instalaciones Electromecanicas S.A. v. Hi-Vac Corp., No. C2-07-234, 2009 U.S. Dist. LEXIS 65848 (S.D. Ohio July 24, 2009).
768. United States: Electrocraft Ark., Inc. v. Super Elec. Motors, Ltd., No. 4:09ev00318 SWW, 2009 U.S. Dist. LEXIS 120183 (E.D. Ark. Dec. 23, 2009).
769. United States: CNA Int'l, Inc. v. Guangdong Kelon Electronical Holdings, No. 05-C-5734 (N.D. Ill. Apr. 10, 2009).
770. United States: Doolim Corp. v. R. Doll, LLC, 2009 U.S. Dist. LEXIS 45366 (S.D.N.Y. May 28, 2009).
771. United States: Barbara Berry, S.A. de C.V. v. Ken M. Spooner Farms, Inc., No. C05-5538FDB, 2009 U.S. Dist. LEXIS 28377 (W.D. Wash. Apr. 2, 2009).
772. United States: Banks Hardwoods Fla., L.L.C. v. Maderas Iglesias S.A., No. 08-23497-CIV-GARBER, 2009 U.S. Dist. LEXIS 97568 (S.D. Fla. Oct. 20, 2009).
773. United States: Macromex SRL v. Globex Int'l, Inc., 330 F. App'x 241 (2d Cir. 2009).
774. United States: Ho Myung Moolsan Co. v. Manitou Mineral Water, Inc., No. 07 Civ. 07483 (RJH), 2010 U.S. Dist. LEXIS 127869 (S.D.N.Y. Dec. 2, 2010).
775. United States: ElectroCraft Ark., Inc. v. Super Elec. Motors, Ltd., No. 4:09cv00318 SWW, 2010 U.S. Dist. LEXIS 85610 (E.D. Ark. Aug. 19, 2010).
776. United States: Golden Valley Grape Juice & Wine, L.L.C. v. Centrisys Corp., No. CV F 09-1424 LJO GSA, 2010 U.S. Dist. LEXIS 11884 (E.D. Cal. Jan 21, 2010).
777. United States: Dingxi Longhai Dairy, Ltd. v. Becwood Tech. Grp., L.L.C., 718 F. Supp. 2d 1019 (D. Minn. 2010).
778. United States: ECEM European Chem. Mktg. B.V. v. Purolite Co., No. 05-3078, 2010 U.S. Dist. LEXIS 7373 (E.D. Pa. Jan. 29, 2010).
779. United States: Alpha Prime Dev. Corp. v. Holland Loader Co., No. 09-cv-01763-WYD-KMT, 2010 U.S. Dist. LEXIS 67591 (D. Colo. July 6, 2010).
780. United States: Belcher-Robinson, L.L.C. v. Linamar Corp., 699 F. Supp. 2d 1329 (M.D. Ala. 2010).
781. United States: Forestal Guarani S.A. v. Daros Int'l, Inc., 613 F.3d 395 (3d Cir. 2010).

782. United States: Hanwha Corp. v. Cedar Petrochemicals, Inc., 760 F. Supp. 2d 426 (S.D.N.Y. 2011).
783. United States: Semi-Materials Co., Ltd. v. MEMC Elec. Materials, Inc., No. 4:06CV1426 FRB, 2011 U.S. Dist. LEXIS 1790 (E.D. Mo. Jan. 10, 2011).
784. United States: ECEM European Chem. Mktg. B.V. v. Purolite Co., 451 F. App'x. 73 (3d. Cir. 2011).
785. United States: Al Hewan Envtl. & Pub. Health Establishment v. Se. Ranch, LLC., No. 10-80851-CV-HURLEY/HOPKINS, 2011 U.S. Dist. LEXIS 128723 (S.D. Fla. Nov. 7, 2011).
786. United States: CSS Antenna, Inc. v. Amphenol-Tuchel Elecs., GmbH, 764 F. Supp. 2d 745 (D. Md. 2011).
787. United States: Cedar Petrochemicals, Inc. v. Dongbu Hannong Chem. Co., No. 06 Civ. 3972 (LTS)(JCF), 2011 U.S. Dist. LEXIS 110716 (S.D.N.Y. Sept. 28, 2011).
788. United States: Dingxi Longhai Dairy, Ltd. v. Becwood Tech. Grp., L.L.C., 635 F.3d 1106 (8th Cir. 2011).
789. United States: Beth Schiffer Fine Photographic Arts, Inc., v. Colex Imaging, Inc., No. 10-05321, 2012 U.S. Dist. LEXIS 36695 (D.N.J. Mar. 19, 2012).
790. C9 Ventures v. SVC-West, L.P., 202 Cal. App. 4th 1483 (2012).
791. United States: Nutramax Labs., Inc. v. Hosokawa Micron Int'l, Inc., No. MJG-11-1991, 2012 U.S. Dist. LEXIS 100974 (D. Md. July 20, 2012).
792. Maxxsonics USA, Inc. v. Fengshun Peiying Electro Acoustic Co., No. 10 C 1174, 2012 U.S. Dist. LEXIS 37938 (N.D. Ill. Mar. 21, 2012).
793. United States: Zeeco, Inc. v. Sivec SRL, No. 10-CV-143-JHP, 2012 U.S. Dist. LEXIS 2557 (E.D. Okla. Jan. 9, 2012).