

Negotiating International Commercial Contracts: *Practical Exercises*

by Gustavo Moser and Michael Mcilwrath



"With its combination of practical commentary and practical exercises [this book] is nothing short of a pedagogically pathbreaking tool for all who contemplate working in this field."
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"A must-have toolkit for anyone entering the uncharted territory of international contracts."
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"A brilliant and innovative approach to understanding and honing skills in negotiating commercial contracts, created by two highly experienced experts."
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About Negotiating international commercial contracts – practical exercises is an innovative workbook that comprises over 80 real-life case scenarios, accompanied by suggested answers and guidelines. These are built upon the authors' experience and understanding of both legal and business interests which underlie the negotiation of an international commercial contract. The exercises focus on two of the most vital choices in an international commercial contract:

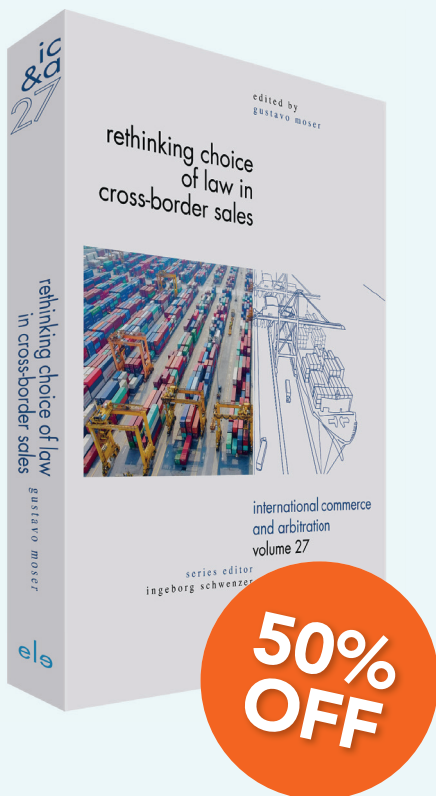
(i) the choice of the substantive law to govern the contract (or the failure to choose a law); and (ii) the method and place of dispute resolution (or the failure to specify an adequate dispute resolution clause).

ISBN 9789490947095 | 1st ed. | Paperback | 122 p. | € 45.00 € 36.00

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The governing contract law dictates and regulates the life of a contract. Despite its importance, little is known about the choice of law decision-making process. Is there (ir)rationality involved? How can we ascertain this? How can we improve these judgements? Rethinking Choice of Law in Cross-Border Sales is an innovative, multi-disciplinary, and practice-oriented initiative to examine what factors determine the way contracting parties choose the law to govern their agreements. It presents evidence on how negotiators approach this topic, including the main drives and triggers of their decisions. The book also invites readers to explore and understand the idiosyncratic world of contracting parties' minds; a complex device of imperfections, cognitive limitations, and emotions.

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