

Examination in Commercial Contract Law 3780
13 December 2010

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Four hours
No materials

Please answer the following five questions in English (or Swedish). If you do not remember a certain word in English, you can use a Swedish (or German) word.

1. A Finnish sausage company (Nakkimakkara Oy, Vaasa) has not agreed on the applicable law with its sole distributor for Germany (Firma Mein Liebes Würstlein, Inhaber H. Senf, Hamburg). The law of what country or countries would govern the contractual relationship in possible court proceedings in Vaasa and Hamburg? Why?
2. Nakkimakkara Oy buys barbeque sauce from a German supplier. What rights does Nakkimakkara have when the sauce does not conform to the contract?
3. Two of Nakkimakkara's customers have ordered a ton of sausages each. What payment and delivery terms should Nakkimakkara Oy use? The customers are as follows: A) A leading department store in Beijing (China). B) A leading department store in Rome (Italy).
4. Nakkimakkara wants to operate a system of sole distributors in the Nordic countries. In order to maximise profits, it wants to: a) appoint just one sole distributor for each country, b) prohibit cross-border sales to customers, c) set a resale price for each country, and d) prohibit sole distributors from manufacturing or selling competing products during the term of the contract. Are such clauses legal?
5. When does risk pass to the buyer according to the CISG?