

1. Record Nr.	UNINA9910961796903321
Titolo	Contract damages : domestic and international perspectives / edited by Djakhongir Saidov and Ralph Cunnington
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2008
ISBN	9786611847036 9781847317117 1847317111 9781472560285 1472560280 9781281847034 1281847038 9781847314338 1847314333
Edizione	[1st ed.]
Descrizione fisica	1 online resource (530 p.)
Disciplina	346.03
Soggetti	Breach of contract Damages Export sales contracts
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references
Nota di contenuto	The law of damages : rules for citizens or rules for courts? / Stephen A. Smith -- Economic aspects of damages and specific performance compared / Daniel Friedman -- The scope of the CISG provisions on damages / Ingeborg Schwenzer and Pascal Hachem -- Using UNIDROIT principles to fill gaps in CISG / John Y. Gotanda -- The economic basis of damages for breach of contract : inducement and expectations / Anthony Ogus -- Damages and protection of contractual reliance / Peter Jaffey -- Are 'damages on the Wrothman Park basis' compensatory, restitutionary or neither? / Andrew Burrows -- Gains derived from breach of contract : historical and conceptual perspectives / Stephen Waddams -- The measure and availability of gain-based damages for breach of contract / Ralph Cunnington -- The limitation of

contract damages in domestic legal systems and international instruments / Alexander Komarov -- No need to limit where there is no promise? / Jan Ramberg -- Remoteness : new problems with the old test / Adam Kramer -- Hadley v. Baxendale v. foreseeability under Article 74 CISG / Franco Ferrari -- The role of mitigation in the assessment of damages / Harvey McGregor -- Expectation damages : avoided loss, offsetting gains, and subsequent events / David McLauchlan -- Damage to business reputation and goodwill under the Vienna sales convention / Djakhongir Saidov -- Actual damages, notional damages, and loss of a chance / Michael Furmston -- The market rule of damage assessment / Michael Bridge -- Changes in monetary values and the assessment of damages / Charles Proctor

Current Themes in the Law of Contract Damages: Introductory Remarks
 DJAKHONGIR SAIDOV AND RALPH CUNNINGTON -- Part I The Purpose and Scope of Damages -- 1 The Law of Damages: Rules for Citizens or Rules for Courts? STEPHEN A SMITH -- 2 Economic Aspects of Damages and Specific Performance Compared DANIEL FRIEDMANN -- 3 The Scope of the CISG Provisions on Damages INGEBORG SCHWENZER AND PASCAL HACHEM -- 4 Using the UNIDROIT Principles to Fill Gaps in the CISG JOHN Y GOTANDA -- Part II The Measures of Damages -- 5 The Economic Basis of Damages for Breach of Contract: Inducement and Expectation ANTHONY OGUS -- 6 Damages and the Protection of Contractual Reliance PETER JAFFEY -- 7 Are 'Damages on the Wrotham Park Basis' Compensatory, Restitutionary or Neither? ANDREW BURROWS -- 8 Gains Derived from Breach of Contract: Historical and Conceptual Perspectives STEPHEN WADDAMS -- 9 The Measure and Availability of Gain-based Damages for Breach of Contract RALPH CUNNINGTON -- Part III Methods of Limiting Damages -- 10 The Limitation of Contract Damages in Domestic Legal Systems and International Instruments ALEXANDER KOMAROV -- 11 No Need to Limit Where There is No Promise? JAN RAMBERG -- 12 Remoteness: New Problems with the Old Test ADAM KRAMER -- 13 Hadley v Baxendale v Foreseeability under Article 74 CISG FRANCO FERRARI -- 14 The Role of Mitigation in the Assessment of Damages HARVEY MCGREGOR QC -- Part IV The Assessment of Damages -- 15 Expectation Damages: Avoided Loss, Offsetting Gains and Subsequent Events DAVID McLAUHLAN -- 16 Damage to Business Reputation and Goodwill under the Vienna Sales Convention DJAKHONGIR SAIDOV -- 17 Actual Damages, Notional Damages and Loss of a Chance MICHAEL FURMSTON -- 18 The Market Rule of Damages Assessment MICHAEL BRIDGE -- 19 Changes in Monetary Values and the Assessment of Damages CHARLES PROCTOR

Sommario/riassunto

This book is a collection of essays examining the remedy of contract damages in the common law and under the international contract law instruments such as the Vienna Convention on Contracts for the International Sales of Goods and the UNIDROIT Principles of International Commercial Contracts. The essays, written by leading experts in the area, raise important and topical issues relating to the law of contract damages from both theoretical and practical perspectives. The book aims to inform readers of current developments, problems, trends and debates surrounding contract damages and reflects an ongoing dialogue on damages among representatives of common law, civil law, mixed and trans-national legal systems. The general issues addressed in the collection include the purpose and scope of damages, the measures of damages, recoverability of losses, methods of limiting damages and the assessment of damages. A special emphasis is placed on the examination of the role of gain-based damages, the meaning and definition of loss, the recoverability of damages for injury to business

reputation, the recoverability of legal fees, the rules of mitigation and foreseeability, the dilemma between the 'abstract' and 'concrete' approaches to the calculation of damages and the relationship between changes in monetary value and the assessment of damages
