

1992

-

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81	:	
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باب تمہیدی

- 1

(1)

(Common Law)

{3 }⁽²⁾

(3)

1965

(4) "

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- 2

{4 }

(5)

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- 3

{ 5 }

(6)

: - 4

(7)

UNCITRAL

UNIDROIT

(8)

WIPO

(9) ICC

{ 6 }

IMC

(10)

: UNCITRAL

- 5

Clive Schmitthoff

1962

The Sources of The Law of International Trade, Edited by
Schmitthoff, Stevens & Sons, London 1964.

1965

United Nations

{ 7 }

Commission on international Trade Law.

1966

UNCITRAL

. (11)

Model Laws

1968

(12)

Working groups

{ 8 }

1968

(13)

1974

- 1

1980

1978 - 2

1992

1980 - 3

1988

1958 - 4

9

{ 9 } 1959

1985 - 5

(14)

() - 6

1987 14

- 7

1987 14

- 6

Incoterms

. { 8 }

. " 1980

"

Common Law

(1)

Schmitthoff (Clive) : The Sources of The Law of International Trade, London, (2)

1964 p. ix & p.3.

Trammer

4

(3)

1973 – 1972

(4)

. 5 10

1964

(5)

1971

1963

. 12

(6)

(7)

(8)

1964

(9)

(10)

(11)

E. Allan Farnsworth : Uncitral and The Progressive Development of (12)

International Trade.

85 84 (13)

(14)

– 8

{ 11 }

1965

1963

()

1953

“ I.C.C. ”

“ F.O.B. ”

“ Incoterms ”

“ 1964 ”

“ C.I .F. ”

{12 }

()

1955

1964

1980

()

“ general

conditions ”

“ Standard Contracts ”

{ 13 }

“Comecon”

- 9

1957

“ F.I.D.I.C ”

“ F.I.B.T.P ”

{14 }.

- 10

{15 }

1964

{ 16 }

)

()

(

()

()

- 11

{ 17 }

:

- 12

{18 }

- :

- 1

- 2

- 3

{19 }

“ Trust ”

“ Partnership ”

:

-13

- :

- 1

- 2

-

-

{ 20 }

- 3

– 4

1958

– 5

{ 21 }

– 14

– 1

) – 2

(

— 3

— 4

— 5

“F.O.B.” “C. & F.” “C.I.F.”

{22 }

— 6

— 7

— 8

— 9

– 10

. {23 }

– 11

.{24 }

(1)

: – 15

(2)
1919

“ National Committees ”

{25 }

“ Incoterms ”

– 16

1936

1976

1967

1953

1980

{ 26 }

{27 }

“ Ex Works ”

- 17

- 1

-2

“ Ex Factory ” {28 }

“ Ex Plantation ”

“ Ex Warehouse ”

– 3

(3)

– 4

“ Reasonable notice ”

{29 }.

– 5

– 6

- 7

()

{30 }

- 18

- 1

– 2

– 3

– 4

{ **31** }

– 5

7

2

“ Free on Rail / Free on Truck ”

(For / Fot)

- 19

- 1

- 2

()

()

{ 32 }

)

- 3

(

)

(

(5)

- 4

()

(3)

- 5

{33 }

)

- 6

(

- 7

- 8

– 9

– 10

)

(

: – 20

– 1

– 2

– 3

(

{32 } ()

(2)

– 4

– 5

- 6

(10) (9)

Free Alongside Ship (F.A.S.)

- 21

“ Fob ” { 35 }

- 22

- 1

- 2

– 3

(4) (3) – 4

– 5

{ 36 }.

) – 6

(

) – 7

(

– 8

()

– 9

(8)

()

)

(

:

- 23

- 1

- 2

- 3

{ 37 }

- 4

- 5

(9 8 3)

Free on Board (F.O.B)

- 24

- 25

- 1

{ 38 }

- 2

- 3

(4) (3) - 4

– 5

– 6

(

() – 7

– 8

{ 39 }

– 9

(

: – 26

– 1

– 2

– 3

— 4

{ 40 }

— 5

(9)

(8) — 6

(9)

Cost and Freight (C.& F.)

— 27

“ F.O.B.”

“ C & F ”

{41 }

“ C & F ”

: - 28

- 1

- 2

()

- 3

- 4

(4) - 5

{42 }.

- 6

()

() " " " "

- 29

()

()

()

{43 }

- 7

- 8

(

- 9

(5)) - 10

(

- 11

()

- 30

- 1

— 2

{ 44 } — —

()

— 31

“ C & F Landed ”

— 3

— 4

— 5

— 6

(11)

– 7

{ 45 }

– 8

:

Cost, Insurance and Freight (CIF)

– 32

:

.) (“ F.P.A. ”

– 33

:

“ C & F ”

:

()

“ FPA ”

{ 46 } % 10

“ CIF ”

C & F (6)

) “ CIF ”

(

: - 34

{47 }.

Ex Ship or Ex Quay

- 35

Ex Quay

Ex Quay, duty paid

Ex Quay duties

on Buyer's account

- 36

- 1

- 2

{48 }

– 3

(2)

– 4

– 5

(2)

– 6

– 7

{ 49 }

– 8

()

- 37

- 1

(2)

- 2

(2)

- 3

(8) (7)

- 4

- 5

{ 50 }

(1)

ICC

(2)

International Chamber of Commerce

(3)

- 38

(1)

(2)

{ 51 }

(3)

- 39

1955 15
(4)

1

()

()

{ 52 }

()

- 1

- 2

1964 25

(5)

{ 53 }

(6)

1972	23	1972	18
		:	- 40

{ 54 }

UNCITRAL

1964

1976

1977

1978

1980

11

(8)

(7)

1982 6

1981 30

1980 99

{ 55 }

}

1988

(9)

1980 99

) 1964

(

- :

:

:

:

:

1964

92

{ 56 }

1964

- 41

- :

:

:

{ 57 }

(1)

. 22 9 1992

D.M. Day: The Law of International Trade, Butterworths, London 1981, (2)

pp.1 – 2 .

Clive M. Schmitthoff : The Export Trade, 6th ed., Stevens, London (3)

1975, pp.6-7

(4)

1951

1964

1955

– 118 109 (5)

.127

1964 : (6)

. 94 1973 – 1972

(7)

(8)

(9)

- 42

- 43

Places of business

(II)

()

{ 59 }

different

:

contracting states

:

(1)

95

(2)

{ 60 }

(3)

:

- 44

(4)

(2)

}

{ 61

(5)

- 45

· (6) ()

: - 46

{ 62 }

7

(7)

- 47

" : 10
{ 63 }

- 48

3/1

10 ()

{64 } 40

() 10

{ 65 }

(8)

: - 49

- :

()

()

()

()

()

()

: - 50

{ 66 }

()

(9)

()

(3)

{ 67 }

1964

Uncitral

(10)

{ 68 }

100

1957

42

(11)

45

- 51

()

1964

{ 69 }

(12)

- 52

()

6 () 1 "

(13)

- 53

()

()

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(14)

{ 70 }

- 54

()

(/1) 5 1964

: - 55
()
5 /1
{ 71 } .

(15)

(16)

: - 56

- ;

: ()

objets mobiliers 1964
sale of corporels
{ 72 } goods
marchandises

2

" " " "

: ()

)

{ 73 } (

: - 57

" 3 (1)

a substantial part

()

{74 } (17)

1964 6

(1) 3

3

" preponderant part

(18)

{75 }

(19)
% 50

{ 76 }

2

6

3

.⁽²⁰⁾ 2/3

3

(21)

{ 77 }

: - 58

: 4

"

:

()

"

()

1964

8

{ 78 } .

: - 59

- 1964

-

- 60

(22)

{ 79 }

(23)

9

- 61

{80 }

1

- 62

5

(24) "

4

5

1/4

5

{ 81 }

1/4

1/4

- 63

: (

6

12

3

1964

{ 82 } . ⁽²⁵⁾

12

96

1964

{ 83 }

(26)

4

{ 84 }

⁽²⁷⁾

Schlechtriem : Uniform Sales Law, the UN Convention on contracts of (1)
the international sale of goods, Vienna 1986, p.24.

. 176 (2)

(3)

. 17 – 15 10 (4)

. 27 Schlechtriem (5)

. 103 170 (6)

. 1 1 (7)

. 104 173 172 171 (8)

. 28 (9)

. 100 – 99 165 (10)

. 36 32 2 (11)

. 29 (12)

. 123 205 (13)

. 1964 (14)

. 123 205 (15)

(16)

. 117 200 (17)

(18)

. 1987

. 32 31 (19)

6 (20)

. 32 (21)

. 113 192 (22)

. 33 (23)

(24)

5

126 209 (25)

35 (26)

36 (27)

: - **64**

1964

92

(1)

1964

{ 85 }

(2)

{ 86 }

: - 65

1964

14		(3)	1964	
18	offer	{ 87 }	17	
		acceptance		22

- 66

14

(4)

" :

{ 88 }

^{(5)} "

": - 67

(6)

{ 89 }

(8)

(9)

- 68

14

(10)

{ 90 }

134

(11)

- 69

14

{ 91 }

15

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(

{92 }.

⁽¹²⁾

15

withdrawal irrevocable

- 70

{ 93 }

(13)

93

(14)

93

16

- 1 "

- :

- 2

{94 }

()

()

16 (1)

(2)

- 1

- 2

{95 } .⁽¹⁵⁾

(16)

(17)

- 71

17

15

17

{ 96 } .

24

11

1964

92

(18)

{ 97 } . 1980

- 72

18

18

2

1964

{98 }⁽¹⁹⁾

98

(20) "

- - - 18

in itself

{ 99 }

(21)

: - 73

2/18

22

2/18)

{100 }

. (3/18)

(93)

94

-74

96

"

"

"

{101 }

1/19

addition
counter-offer modification limitation

1/7

1/19

1964

19

}. "

{102

2/7

95

95

(22)

2/7

" :

95

"

"

{103 } .

(23) "

1964

2/7

95

2/19

2/19

19

3/19

{104 } }

3/19

(24) "

19

(25)

: **- 75**

" : 1/20

"

2/8

{ **105** }

(26)

(27)

{ 106 }

: - 76

1/21

1/9

(28)

(2/21)

without delay 2/21

10

{ 107 } 3

15

12

: - 77

(29)

(30)

22

" :

10

{108 }

: - 78

(31)

(32)

- 79

23

{ 109 }

24

11

1/15

1/18

23

- 80

reache 24

- 1

{110 } : - 2

()

()

()

24

1/8

{111 }

⁽³³⁾

()

()

()

()

{ 112 }

91

"

"

()

{113 }

- 81

1980

- 82

7

{ 114 }

1/7

()

1/7

()

()

- 83

2/7

{ 115 } :

"

"

(34)

(35)

17

2/7

1964

{ 116 }

: - 84

1/150

150

8

9

8

{117 }

(36)

8

8

{ 118 }

8

8

"

"

2/150

(37)

{ 119 }⁽³⁸⁾

(39)

- 85

1/9

"

"

1/9

(40)

{120 } }

9

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"

11

{ 122 }

11

- 87

12

29 11 ")

96

11 11 - 1
29 { 123 }

22

96

96 - 2

) 29 11 12
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12

2/12

- 3

{ 124 }.

- 88

96

13

40 (1)

	264	103	(13)
	266	265	104
			(14)
		52	(15)
	267	104	(17) (16)
	139	227	(18)
	140	2	(19)
	282	113	(20)
	9	54	(21)
	142	232	(22)
	277	111	(23)
notamment	"	"	(24)
among other things			
		56	(25)
	144	232	(26)
1964			(27)

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. 144 234 (28)

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. 228 81 (30)

. 73 (31)

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. 310 – 309 126 123

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. 154 249 (35)

(36)

58

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. 66 (37)

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150 18 1967 16 (39)

13 1962 24 1005

.963

276 29 23 1972 9

. 951 152 21 1970 2

. 42 (40)

. 41 (41)