

# INTERNATIONAL SALES DISPUTE RESOLUTION

## ABSTRACT

This dissertation deals with judicial resolution of disputes arising from cross-border commercial relationships, more precisely from international sales contract as their common representative.

The introduction defines the term of international sales contract (chapter one) and the process of its formation (chapter two) under the United Nations Convention on Contracts for the International Sale of Goods (“CISG”). It addresses *inter alia* the gap filling of the CISG, uniform interpretation or commercial usages. Some comparative notes are also provided. Further, it examines a phenomenon called “battle of forms” that often occurs in practice when dealing with standard terms and conditions.

The focal point of the thesis is the rules of jurisdiction set out in the Brussels I Regulation Recast (“Regulation”) which are analysed from the perspective of an international commercial relationship. The emphasis is on the prorogation of jurisdiction under the Regulation. The third chapter deals with the territorial, temporal and material scope of application of the Regulation, as well as with its autonomous interpretation. It also discusses the role of the Regulation in arbitration. Chapter four reviews the rules of jurisdiction applicable when there is no valid choice of court agreement. Chapter five addresses a choice of court agreement. It examines its main characteristics, requirements, as well as potential drawbacks related to its formation and enforcement. It defines the position of an agreed exclusive jurisdiction among other types of jurisdiction. In this context, attention is also paid to the jurisdiction established by submission of the defendant. The thesis also concerns various issues related to prorogation agreements, including controversial designation of a court of a non-member state or choice of a foreign court in wholly domestic cases. The rest of Chapter five scrutinizes in detail the questions related to formal and material validity of a jurisdiction agreement and *lis pendens* rules.

Chapter six attends to the Hague Convention on Choice of Court Agreements and its applicability within international commercial litigation, and it also looks into the distinctions between this instrument and the Regulation.

**Keywords:** International sales contract  
Choice of court agreement  
Brussels I recast Regulation  
Hague Convention  
CISG