CONTENTS

Contributors ix

Foreword xi

Introduction xiii

FABIEN GÉLINAS

PART I NATIONAL PERSPECTIVES ON USAGES AND IMPLIED TERMS

CHAPTER 1. Customs and Usages in England: Achieving Interpretive Accuracy by Giving Effect to Unexpressed Intent 3

GEOFF R. HALL

CHAPTER 2. Usages and Implied Terms under French and Belgian Positive Law: A Subjective Approach Tending toward Objectivity 21

LYDIE VAN MUYLEM

CHAPTER 3. White Space, Implied Terms, and the Concept of Usage in Quebec 37

MARIE-CLAUDE RIGAUD

CHAPTER 4. Usages and Implied Terms in Italy 59

LUCA G. RADICATI DI BROZOLO & GIACOMO MARCHISIO
Contents

CHAPTER 5. Not Merely Facts: Trade Usages in German Contract Law

HELGE DEDEK

CHAPTER 6. Usages and Implied Terms in the United States

CHRISTOPHER R. DRAHOZAL

PART II TRADE USAGES AND IMPLIED TERMS IN TRANSNATIONAL LAW


GENEVIEVE SAUMIER

CHAPTER 8. Usages and Implied Obligations under the UNIDROIT Principles of International Commercial Contracts

LAURO GAMA, JR.

CHAPTER 9. Trade Usages in ICC Arbitration

EMMANUEL JOLIVET, GIACOMO MARCHISIO & FABIEN GÉLINAS

PART III TOWARD A TRANSNATIONAL LAW OF TRADE USAGES

CHAPTER 10. The Law Merchant and Choice of Law

H. PATRICK GLENN

CHAPTER 11. Trade Usages as Transnational Law

FABIEN GÉLINAS

Appendix – Provisions on Trade Usages in International Arbitration and Transnational Contract Instruments

Index