



Session 35

Contract Law 1

Cases 1

Case 1

B, law student, shares an apartment close to the University with another student C. C parts to a study trip for one year and sublets the room to D. D turns out to be insolvent and does not pay his part of the rent. What can B do?

Tasks

- *Identify the parties involved*
- *Identify the legal issue(s)*
- *Outline their contractual relationship*
- *Identify applicable sources of law*
- *Identify the debtor & creditor party*
- *Identify the legal risks of each party (what are likely to lose if the case goes to court)*
- *Answer the question*

Case 2

The Swiss FOODIMPORT company orders wheat from the Algerian company AGRICOLA COOP. The contract foresees the application of the Swiss right, with the exception of the Vienna convention. The wheat must be transported by the company CARGOFORWARD Ltd. Arrived at the port of Marseille, the agent of FOODIMPORT Ltd notices that the wheat is rotten. The inquiry demonstrates that the holds of the vessel were flooded during the transport. What can the Swiss company do?

Tasks

- *Identify the parties involved*
- *Identify the legal issue(s)*
- *Outline their contractual relationship*
- *Identify applicable sources of law*
- *Identify the debtor & creditor party*
- *Identify the legal risks of each party (what are likely to lose if the case goes to court)*
- *Answer the question*

Case 3

V is a company that sells Oriental carpets with branches all over the world. A, an antiques collector of Italian nationality established in France, intends to buy three carpets of collection held by the Swiss branch of V. To this end, he comes especially from Paris to estimate the value of carpets. One week later, he receives an offer of sale of the Swiss branch of V and hurries to send his acceptance. Some hours later, while this acceptance did not reach in V yet, the three carpets are destroyed in a fire. He gets to know of this only when he came to get the carpets in Geneva. What can V do?

Tasks

- *Identify the parties involved*
- *Identify the legal issue(s)*
- *Outline their contractual relationship*
- *Identify applicable sources of law*
- *Identify the debtor & creditor party*
- *Identify the legal risks of each party (what are likely to lose if the case goes to court)*
- *Answer the question*

Case 4

In violation of a contract of exclusive distribution concluded with K, V (Switzerland) sells electronic equipment made by K, in A (Germany). The contract foresees that it is about a sale DDU (delivery duty unpaid) (München). V entrust the goods in T, road hauler and contracts a transport insurance with X. During the transportation, the electronic material catches fire because of a defect of manufacturing. In panic, T collides with tourist bus making a package tour by agency S. One of these tourists is burned in the third degree. What can he do?

Tasks

- *Identify the parties involved*
- *Identify the legal issue(s)*
- *Outline their contractual relationship*
- *Identify applicable sources of law*
- *Identify the debtor & creditor party*
- *Identify the legal risks of each party (what are likely to lose if the case goes to court)*
- *Answer the question*

Case 5

Angela received a call from a heating company offering to replace her hot water tank. She agreed to sign up for the service because the person on the phone was very pushy, but almost immediately after hanging up the phone she regretted agreeing to anything. She does not want to go through with the agreement and wants to cancel it right away or as soon as possible. She calls back but the heating company refuses to cancel the agreement. What can she do?

Tasks

- *Identify the parties involved*
- *Identify the legal issue(s)*
- *Outline their contractual relationship*
- *Identify applicable sources of law*
- *Identify the debtor & creditor party*
- *Identify the legal risks of each party (what are likely to lose if the case goes to court)*
- *Answer the question*