

Excerpt from Allison E. Butler, "A PRACTICAL GUIDE TO THE CISG: NEGOTIATIONS THROUGH LITIGATION," Aspen Publishers (2007 Supplement 2). © Author. Reproduced with permission. For full text, see <<http://cisgw3.law.pace.edu/cisg/biblio/butler6.html>>.

FORM B-3.2

NACHFRIST NOTICE: REPAIR OR SUBSTITUTION OF GOODS (ARTICLES 46 AND 47)

SENT VIA CERTIFIED MAIL, [AND/OR] BY FACSIMILE
[AND/OR] ELECTRONIC MAIL
[INSERT COMPANY NAME]
Attention: [INSERT CONTACT PERSON(S)]
[INSERT ADDRESS]
[INSERT FACSIMILE NUMBER]
[INSERT ELECTRONIC MAIL]

RE: Notice of Demand to Repair or Demand for Substitution of
Goods for [INSERT DESCRIPTION OF GOODS] delivered pursuant
[CONTRACT OR INVOICE] dated [INSERT DATE]

Practical Application: If sending communication via electronic
mail, practitioner is encouraged to advise clients to cc:/or bcc:/them-
selves.

Dear [INSERT NAME]:

This letter is in reference to the [INSERT DESCRIPTION OF
GOODS] delivered on or about [INSERT DATE OF DELIVERY] pur-
suant to our [CONTRACT, INVOICE OR AGREEMENT] dated
[INSERT DATE]. On [INSERT DATE], a certified letter [AND/OR]
and a facsimile [AND/OR] electronic mail was sent to [INSERT
NAME AND ADDRESS] indicating that the [INSERT DESCRIPTION
OF GOODS] fail to conform with the Contract. A copy of said letter is
provided for your reference. In accordance with [ARTICLE 46 (1) OF
THE UNITED NATIONS CONVENTION ON CONTRACTS FOR
THE INTERNATIONAL SALE OF GOODS THIS LETTER IS TO
SERVE AS NOTICE THAT A DEMAND IS HEREBY MADE
THAT YOU SUBSTITUTE THE [DESCRIBE GOODS] BY [INSERT

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SPECIFIC DATE]] or [ARTICLE 46(2) OF THE UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS THIS LETTER IS TO SERVE AS NOTICE THAT A DEMAND THAT YOU REPAIR THE [DESCRIBE GOODS] by [INSERT DATE]]. Your failure to fulfill said request will result in a termination of the [CONTRACT, INVOICE OR AGREEMENT] dated [INSERT DATE].

Sincerely,

[INSERT NAME]
[BUSINESS CONTACT NUMBER]
[ADDRESS OF BUSINESS]
[FACSIMILE]
[ELECTRONIC MAIL]
ATTACHMENTS