

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-3.3.

***NACHFRIST* NOTICE: DEMAND
FOR PERFORMANCE TO BUYER
(ARTICLES 63 AND 64(1)(B))**

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 [INSERT PERFORMANCE] 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:/themselves and counsel, if warranted, and to obtain a hard copy of the communication.

Dear [INSERT NAME]:

This letter is in reference to the [INSERT DESCRIPTION OF GOODS] delivered on or about [INSERT DATE OF DELIVERY] pursuant to our [CONTRACT, INVOICE OR AGREEMENT] dated [INSERT DATE] in which you failed to [INSERT NONPERFORMANCE]. THIS NOTICE IS SENT PURSUANT TO ARTICLE 63 OF THE UNITED NATIONS CONVENTION ON CONTRACT FOR THE INTERNATIONAL SALE OF GOODS THAT [INSERT NAME OF COMPANY] HEREBY GIVES YOU UNTIL [INSERT DATE AND TIME LIMITATION] TO PERFORM YOUR OBLIGATIONS UNDER THE [INSERT CONTRACT AND DATE]. Your failure to fulfill said request will result in a termination of the [CONTRACT, INVOICE OR

A PRACTICAL GUIDE TO THE CISG

AGREEMENT] dated [INSERT DATE] and we shall seek the appropriate remedy in accordance with our contract and applicable law.

Sincerely,

[INSERT NAME]

[BUSINESS CONTACT NUMBER]

[ADDRESS OF BUSINESS]

[FACSIMILE]

[ELECTRONIC MAIL]

ATTACHMENTS