

Case 550: CISG 19

Spain: Provincial Court of Alicante

176/2003

Promociones Don Sento S.L. v. Promociones Calle Blasco Ibáñez S.L.

3 April 2003

Background: Court of First Instance No. 1 of Elche, 21 October 2002 Full text:

<http://www.uc3m.es/cisg/sespan40.htm>

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The dispute concerned the conclusion of a national sales contract on a property and the consequent fixing of the commission due to the real estate agent. The contract was held not to have been concluded because the counter-offer had not been accepted by the agreed deadline. The court relied on a decision of the Supreme Court of 28 January 2000, which was based on article 19 CISG.

本件は、不動産の国内売買契約の締結およびその結果生じる不動産業者への手数料を巡る紛争である。反対申込みが合意された期間内に承諾されなかったため、本件契約は不成立と判示された。裁判所は、2000年1月28日の最高裁判所判決に拠った。その最高裁判決は CISG19 条に基づいていた。