

# Contents

<i>Preface</i>	vii
<i>Table of Cases</i>	xi
1. INTRODUCTION	1
1. General	1
2. The CISG	2
3. The UPICC	5
4. The PECL	7
5. Purposes, scope, and structure of the book	9
<b>I General Part</b>	
2. GENERAL PART OF THE LAW OF DAMAGES	17
1. Definition and purpose of damages	17
2. Basis for the right to claim damages	20
3. Basic measure of damages	25
4. The idea of limiting damages	35
3. CATEGORIES OF LOSS	39
1. General	39
2. Expenditure wasted as a result of the breach	40
3. Additional expenditure incurred as a result of the breach	44
4. Damage to the ‘performance interest’	52
5. Loss caused by the change in the value of currency	54
6. Damage to reputation and goodwill	58
7. Loss of profit	64
8. Loss of a chance	70
9. Future losses	75
<b>II Methods of Limiting Damages</b>	
4. CAUSATION	79
1. General	79
2. Factual and legal causation	80
3. Multiple sufficient causation	82
4. Hypothetical alternative causation	84
5. Intervening cause	85
6. Causation and calculation	94
7. Injured party’s contribution to the other party’s failure to perform	96

x *Contents*

5. FORESEEABILITY	101
1. General	101
2. The foreseeability test	103
3. Foreseeability of what?	113
4. Time of foreseeability and degree of probability	119
5. Concluding remarks	121
6. MITIGATION	125
1. General	125
2. Scope of the mitigation rule	130
3. Reasonable measures	132
4. Mitigation and events subsequent to the breach	143
5. The recoverability of costs incurred in mitigating loss	146
6. Burden of proof	147
<b>III Proof of Loss and Calculation of Damages</b>	
7. STANDARDS OF PROVING LOSS AND DETERMINING THE AMOUNT OF DAMAGES	153
1. General	153
2. The standard of ‘reasonable certainty’	154
3. Judicial discretion	161
4. Standards of proving losses and determining the amount of damages under the CISG	162
5. Loss of a chance and judicial discretion	169
8. CALCULATION OF DAMAGES (PART I)	171
1. General	171
2. Calculation in case of the avoidance of the contract	172
3. Non-conforming delivery	215
4. Delay in delivery	224
5. Other cases: lost profits	225
9. CALCULATION OF DAMAGES (PART II)	229
1. General	229
2. Anticipatory breach	229
3. Long-term contracts	239
4. Currency losses	248
5. Loss of a chance	255
6. Damage to business reputation and goodwill	257
7. Currency of damages	262
<i>Bibliography</i>	267
<i>Index</i>	281