

CONTRATOS INTERNACIONALES CELEBRADOS A TRAVÉS DE MEDIOS ELECTRÓNICOS: ¿CUÁL ES LA LEY APLICABLE?

Por Luciana B. Scotti

RESUMEN

El presente trabajo procura analizar uno de los problemas clásicos del Derecho Internacional Privado: la determinación de la ley aplicable, en un tema particular como es la contratación internacional celebrada a través de medios electrónicos, en especial Internet. El análisis se divide en dos partes: una primera mirada general en donde se exponen las soluciones que la doctrina, la jurisprudencia y el derecho comparado han encontrado, y una segunda parte, en la cual estudiamos el tema desde la perspectiva del derecho argentino de fuente interna y convencional. Finalmente, compartimos algunas reflexiones y realizamos algunas propuestas concretas.

PALABRAS CLAVE

CONTRATOS INTERNACIONALES – MEDIOS ELECTRÓNICOS – INTERNET – LEY APLICABLE

INTERNATIONAL CONTRACTS CELEBRATED BY ELECTRONIC MEANS: WHICH IS THE APPLICABLE LAW?

By Luciana B. Scotti

ABSTRACT

This work tries to analyze one of the classic problems of the Private International Law: the determination of the applicable law, in a particular topic: the international contracts celebrated by electronic means, especially Internet. The analysis is divided in two parts: the first part in which we expose the solutions that the doctrine, the jurisprudence and the compared law have found, and the second part, in which we study this topic from the perspective of the Argentine law (legislative and conventional source). Finally, we share some reflections and specific proposals.

KEY WORDS

INTERNATIONAL CONTRACTS – ELECTRONIC MEANS – INTERNET – APPLICABLE LAW

Electronic Data International Contracts

Ihab Abdel Salam Amro



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Electronic Signatures in International Contracts Carolina M. Laborde, 2010 Originally presented as the author's thesis doctoral Freiburg Breisgau University 2008

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The United Nations Convention on the Use of Electronic Communications in International Contracts Amelia H. Boss, Wolfgang Kilian, 2008-01-01 Error in electronic communications and problems of identity and data integrity Several authors provide in-depth analysis of the interaction between ECC provisions and other relevant legal regimes including the United States ASEAN the EU Sri Lanka India and China as well as the interrelations between the ECC and ICC rules rules under the CISG and the trade usages of the lex mercatoria The various contributors highlight issues arising from each ECC provision and provide well-informed insight into how remaining problems are likely to be resolved as the Convention enters into force Stakeholders from all concerned sectors of the legal community businesspersons and their counsel IGO and government officials and academics will benefit greatly from the detailed information analysis and guidance offered here

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
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
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