

## OPINION

on the Final Qualification Work of JIANG WEN,

a student at St. Petersburg State University, level of education – Master,

main educational program: BM.5848.2020

«Transnational Legal Practice (in English)

“SELLER’S OBLIGATION TO DELIVER GOODS FREE FROM RIGHTS OF THIRD PARTIES BASED ON INTELLECTUAL PROPERTY UNDER THE UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS”

The Final qualification work of JIANG Wen is devoted to topical issues relating to one of the seller’s obligations under the United Nations Convention on Contracts for the International Sale of Goods (CISG) – the obligation of the seller to deliver goods free from any right or claim of a third party based on intellectual property (Arts. 42 and 43 of the CISG). In the modern world, intellectual property is an indispensable element of trade in goods, which has to be taken into consideration while planning and performing international sales transactions.

The author first explores the relevant provisions of the CISG as the uniform sales convention, which was adopted by 94 States including Russia and China, and discusses unclear wording of these provisions.

The author then turns to the analysis of current issues regarding intellectual property related to sales contracts under the CISG and makes, inter alia, a detailed investigation of the phenomenon of parallel import in the context of the CISG.

The third part is devoted to the Chinese practice regarding the interpretation and implementation of the IP-related provisions of the CISG. The author showed the current problems of the application of the CISG in Chinese courts, which were reluctant to apply the Convention, and gave recommendations on how to improve the situation.

The author used numerous academic publications and legal texts in different languages. It shall be underlined that that JIANG Wen, inter alia, used

numerous Chinese sources that are not available in foreign languages, which gives the reader a unique opportunity to have an insider look into the Chinese legal system. This contribution can therefore be regarded as the first research work on this topic with the use of original sources at St. Petersburg State University and, probably, in Russia.

The author was very interested in the research, he was open to discussion and ready to work on further improvements and developments of the text. The author's conclusions are original, well-grounded ideas based on independent research.

The Final qualification work of JIANG Wen meets all necessary requirements for such papers, can be admitted to the public defence and deserves a high grade.

Recommended grade – «excellent».

24 May 2022

Associate Professor, Ph.D.



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