

Examining the Types of the Right of Lien in the Convention of the International Sale of Goods and Possibility of Accepting and Applying Them in Iranian Law

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DOI: 10.22096/LAW.2023.139719.1808

[Received Date: 28/11/2020 Acceptance Date: 13/03/2022]

Abstract

The Convention on the International Sale of Goods refers to right of lien in five articles: Article 58 regarding reciprocal exchanges and the possibility of delay in payment of the price after inspection of the goods, Articles 85 and 86 about the cost of maintaining the seller for the seller if the customer fails to pay the price or receipt of the seller and for the customer if he wants to refuse the goods. For example, if it does not match, use it. Article 81 regarding the return of the parties after termination and dissolution of the contract and Article 71 deals with the time of suspension of the contract in the foreseeable breach. Iranian civil law does not mention the right of lien in the general rules of contracts, but because of jurisprudential books in the part of sale, Article 377 Iranian civil law without mentioning its name, briefly talked only rules of lien about reciprocal exchanges. However, the other cases mentioned in the convention are not mentioned.

Some considered it against the rule, thus with a narrow interpretation of this article, only the prescribed cases are considered subject to the right of lien. In this essay, with study the types and rulings of the right of lien in the Convention and Iranian law and their basics, had been tried to examining the possibility of accepting and applying other prescribed items in convention which are silent in Iranian law.

Keywords: Right of Lien; Justice and Fairness; Eliminate Potential Losses; Convention of the International Sale of Goods.

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