



**United Nations Commission
on International Trade Law**

**UNCITRAL Digest of case law on the United Nations
Convention on the International Sale of Goods***

Article 13

For the purposes of this Convention “writing” includes telegram and telex.

1. The goal of this provision, which is based upon article 1 (3) (g) of the 1974 UNCITRAL Convention on the Limitation Period in the International Sale of Goods, is to make sure that declarations that take the form of a telegram or telex met any writing requirement where such a requirement exists at all.
2. In case law, this provision has been referred to very rarely. In one case¹, a court had to decide whether the avoidance of a lease contract via telefax met the writing requirement of the applicable domestic law. On that occasion, the court stated that if the Convention were applicable, a message sent by telefax should be considered valid on the basis of article 13 of the Convention. The court then stated

¹ See Oberster Gerichtshof, Austria, 2 July 1993, published on the Internet at <<http://www.unilex.info/case.cfm?pid=1&do=case&id=165&step=FullText>>.

* The present digest was prepared using the full text of the decisions cited in the Case Law on UNCITRAL Texts (CLOUT) abstracts and other citations listed in the footnotes. The abstracts are intended to serve only as summaries of the underlying decisions and may not reflect all the points made in the digest. Readers are advised to consult the full texts of the listed court and arbitral decisions rather than relying solely on the CLOUT abstracts.

that article 13 of the Convention is applicable only to international sales contracts and should not be applied by analogy to lease or other contracts. In another case,², that same court reaffirmed its view according to which article 13 of the Convention cannot be applied by analogy, justifying it on the grounds that article 13 contains an exception and that exceptions have always to be interpreted restrictively.

² Oberster Gerichtshof, Austria, 26 April 1997, published on the Internet at <http://www.cisg.at/6_51296.htm>.
