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Hugh Beale, Bénédicte Fauvarque-Cosson, Jacobien Rutgers, Stefan Vogenauer

The German Law of Torts Basil S Markesinis,Hannes Unberath,2002-06-10 This edition has been extensively rewritten and enlarged and is an ideal tool for those interested in comparative torts and comparative methodology.

Cases, Materials and Text on Property Law Sjef van Erp,Bram Akkermans,2012-07-23 This casebook presents a deep comparative analysis of property law systems in Europe (ie the law of immovables, movables and claims), offering signposts and stepping stones for the reader wishing to explore this fascinating area. The subject matter is explained with careful attention given to its history, foundations, thought-patterns, underlying principles and basic concepts. The casebook focuses on uncovering differences and similarities between Europe's major legal systems: French, German, Dutch and English law are examined, while Austrian and Belgian law are also touched upon. The book combines excerpts from primary source materials (case law and legislation) and from doctrine and soft law. In doing so it presents a faithful picture of the systems concerned. Separate chapters deal with the various types of property rights, their creation, transfer and destruction, with security rights (such as mortgages, pledges, retention of title) as well as with harmonising and unifying efforts at the EU and global level. Through the functional approach taken by the *Ius Commune Casebooks* this volume clearly demonstrates that traditional comparative insights no longer hold. The law of property used to be regarded as a product of historical developments and political ideology, which were considered to be almost set in stone and assumed to render any substantial form of harmonisation or approximation very unlikely. Even experienced comparative lawyers considered the divide between common law and civil law to be so deep that no common ground - so it was thought - could be found. However economic integration, in particular integration of financial markets and freedom of establishment, has led to the integration of particular areas of property law such as mortgage law and enforceable security instruments (eg retention of title). This pressure towards integration has led comparative lawyers to refocus their interest from contract, tort and unjustified enrichment to property law and delve beneath its surface. This book reveals that today property law systems are closer to one another than previously assumed, that common ground can be found and that differences can be analysed in a new light to enable comparison and further the development of property law in Europe.

Dalhuisen on Transnational Comparative, Commercial, Financial and Trade Law Volume 3 Jan H Dalhuisen,2019-06-13 This is the seventh edition of the leading work on transnational and comparative commercial, financial, and trade law, covering a wide range of complex topics in the modern law of

international commerce and finance. As a guide for students and practitioners it has proven to be unrivalled. The work is divided into three volumes, each of which can be used independently or as part of the complete work. Volume 3 deals with financial products and financial services; the structure and operation of banking and of the capital markets; the role of modern commercial and investment banks; and financial risk, stability and regulation, including the fallout from the 2008 financial crisis and the subsequent regulatory responses in the US and Europe. In sections on products and services, the blockchain and its potential are noted in the payment system, in the custodial holdings of investment securities, and in the derivative markets. A section on regulation critically reviews the need for macro-prudential supervision and an independent macro-prudential supervisor, the role of resolution authorities, the operation of the shadow banking system, and the extraterritorial reach and international recognition of financial regulation. All three volumes may be purchased separately or as part of a single set.

The German Law of Contract Basil S Markesinis, Hannes Unberath, Angus C Johnston, 2006-02-27
Recently the contract section of the German Civil Code was amended after one hundred years of unaltered existence. The German Law of Contract, radically recast, enlarged, and re-written since its first edition, now details and explains for the first time these changes for the benefit of Anglophone lawyers. One hundred and twenty translated contract decisions also make this work a unique source-book for students, academics, and practitioners. Along with its companion volume, *The German Law of Torts*, the two volumes provide one of the fullest accounts of the German Law of Obligations available in the English language. Through its method of presentation of German law, the book represents an original contribution to the art of comparison. An additional feature of the Contract volume is the way in which it reveals the growing impact which European Directives are having upon the traditional, liberal, contract model, thereby bringing German and English law closer to each other, especially in the area of consumer protection.

Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law Volume 5 Jan H Dalhuisen, 2022-06-16 "... presents a very different case: that of a civilized and cultivated cosmopolitan legal scholar, with a keen sense of international commercial and financial practice, with an in-depth grounding in both comparative legal history and comparative law, combined with the ability to transcend conventional English black-letter law description with critical judgment towards institutional wisdom and intellectual fashions." (International and Comparative Law Quarterly) Volume 5 of this new edition uses the insights developed in Volumes 3 and 4 to deal with financial products and financial

services, the structure and operation of banking and of the capital markets, and the role of modern commercial and investment banks. Sections on products and services address the blockchain and its potential in the payment system, in securitisations, in the custodial holdings of investment securities, and in the derivative markets. The complete set in this magisterial work is made up of 6 volumes. Used independently, each volume allows the reader to delve into a particular topic. Alternatively, all volumes can be read together for a comprehensive overview of transnational comparative commercial, financial and trade law.

The Common European Sales Law in Context Gerhard Dannemann, Stefan Vogenauer, 2013-03-21
European Contract Law unification projects have recently advanced from the Draft Common Frame of Reference (2009) to a European Commission proposal for an optional Common European Sales Law (2011) which is to facilitate cross-border marketing. This book investigates for the first time how CESL and DCFR rules would interact with various aspects of domestic law, represented by English and German law. Nineteen chapters, co-authored by British and German scholars, examine such interface issues for eg pre-contractual relationships, notions of contract, formation, interpretation, and remedies, extending to non-discrimination, third parties, transfers or rights, aspects of property law, and collective proceedings. They go beyond a critical analysis of CESL and DCFR rules by demonstrating where and how CESL rules would interact with neighbouring areas of English and German law before English and German courts, how domestic traditions might influence the application, which aspects might motivate sellers and buyers to choose or reject CESL, and which might serve as model for national legislators. The findings are summarized in the final two chapters.

Judicial Recourse to Foreign Law Basil Markesinis, Jorg Fedtke, 2012-12-06
Accessible and clearly structured, this is the first book to include examinations of public and private law in the discussion about access to foreign laws. With commentaries by an international collection of leading judges in the field, it looks at the practice in a range of countries spread across the globe. In jurisprudence an exchange of ideas is essential, as there is no monopoly of wisdom. Legal convergence is particularly beneficial to both public law, as constitution building is done in so many parts of the world, and to commercial law, where enhanced communication, trade and information mean that people have to work more closely together. This book: examines the theme of judicial mentality and how it helps or hinders recourse to foreign ideas raises and addresses the dangers that accompany comparative law and judicial creativity looks at the practice in America, Canada, England, France, Germany, Italy, Israel, South Africa and at the European Court of Justice. Ideal for practitioners and academics, it is an

essential read for those working in or studying jurisprudence at undergraduate or postgraduate level.

The German Law of Obligations B. S. Markesinis, Werner Lorenz, Gerhard Dannemann, 1997

Contract Law Hugh Beale, Bénédicte Fauvarque-Cosson, Jacobien Rutgers, Denis Tallon, Stefan Vogenauer, 2010-11-09 This is the second edition of the widely acclaimed and successful casebook on Contract in the *Ius Commune* Series, developed to be used throughout Europe and aimed at those who teach, learn or practise law with a comparative or European perspective. The book contains leading cases, legislation and other materials from the legal traditions within Europe, with a focus on English, French and German law as the main representatives of those traditions. The book contains the basic texts and contrasting cases as well as extracts from the various international restatements (the Vienna Sales Convention, the UNIDROIT Principles of International Commercial Contracts, the Principles of European Contract Law, the Draft Common Frame of Reference and so on). Materials are chosen and ordered so as to foster comparative study, and complemented with annotations and comparative overviews prepared by a multinational team. The whole Casebook is in English. The principal subjects covered in this book include: General (including the distinctions between Contract and Property, Tort and Restitution) ; Formation; Validity; Interpretation and Contents; Remedies; Supervening Events; and Third Parties. Please click on the link below to visit the series website: www.casebooks.eu/contractLaw.

Comparative Law in the Courtroom and Classroom B. S. Markesinis, 2003-03-20 This is an original, deliberately controversial and disturbing appraisal of the state of comparative law at the beginning of the 21st century.

Non-Contractual Liability Arising out of Damage Caused to Another Christian von Bar, 2009-08-17

Non-contractual liability arising out of damage caused to another is one of the three main non-contractual obligations dealt with in the DCFR. The law of non-contractual liability arising out of damage caused to another (in the Common Law known as tort law or the law of torts, but in most other jurisdictions referred to as the law of delict) is the area of law which determines whether one who has suffered a damage can on that account demand reparation (in money or in kind) from another with whom there may be no other legal connection than the causation of damage itself. Besides determining the scope and extent of responsibility for dangers of one's own or another's creation, this field of law serves to protect fundamental rights in the private law domain, that is to say horizontally between citizens *inter se*. Based on pan-European comparative research which annotates the work, this volume presents model rules on liability. Explanatory comments and illustrations amplify the policy

decisions involved. During the drafting process, comparative material from over 25 different EU jurisdictions has been taken into account. The work therefore is not only a presentation of a future model for European rules to come but provides also a fairly detailed indication of the present legal situation in the Member States.

The Worlds of the Trust Lionel Smith, 2013-08-22 Despite the common belief that they are found only in the common law tradition, trusts have long been known in mixed jurisdictions even where they have a civilian law of property. Trusts have now been introduced by legislation in a number of civilian jurisdictions, such as France and China. Other recent developments include the reception of foreign trusts through private international law in Italy and Switzerland and the inclusion of a chapter on trusts in Europe's Draft Common Frame of Reference. As a result, there is a growing interest in the ways in which the trust can be accommodated in civil law systems. This collection explores this question, as well as general issues such as the juridical nature of the trust, the role and qualifications of the trustee and particular developments in specific jurisdictions.

Remedies for International Sellers of Goods [2009] - II Dennis Campell, 2009-08-03 2009
RELEASE: Remedies for International Sellers of Goods, a three-volume set with more than 1,800 pages, provides reports by business practitioners in North and South America, Asia and the Pacific, the Middle East, and Europe, reviewing the steps required to assure secured sales transactions and the remedies available in their respective countries to those involved in disputes over the crossborder sale of goods. The reports are prepared by local business practitioners. Order volumes I and III to complete the set. The publication is replaced by updated volumes annually. A 25% discount applies to a subscription for three years of updates. Discounts are applied after purchase by rebate from publisher.

Auf der Suche nach den Grenzen vertraglicher Leistungspflichten Jochen Emmert, 2001 English summary: With the beginning of the First World War, the law of contract almost broke down under the weight of the history being made at that time. In an epidemic number of cases, the courts were called upon to define the boundaries of contractual obligation when the lawmakers and the contracting parties could or would not act. Jochen Emmert traces this development and examines its background from the perspective of history and legal theory. German description: Mit dem ersten Weltkrieg brach die Geschichte in das Vertragsrecht ein. Die Gerichte waren in einer epidemischen Vielzahl von Fällen aufgerufen, der vertraglichen Verpflichtung dort Grenzen zu ziehen, wo Gesetzgeber und Vertragsparteien nicht handeln konnten oder wollten. Jochen Emmert begleitet den Weg dieser

Entwicklung und beleuchtet ihre geschichtlichen und rechtstheoretischen Hintergründe. Seit Beginn des Ersten Weltkriegs musste sich das Reichsgericht verstärkt mit Fällen von Leistungsstörungen befassen. Als der Krieg verloren war und die Inflation voranschritt, wuchs die Zahl der Fälle zu einer Epidemie an, und die Situation beruhigte sich erst ab 1923 wieder. Jochen Emmert zeigt in seiner Untersuchung die Folgen dieses Einbruchs der Geschichte in das Vertragsrecht auf. Er nimmt dabei Bezug auf die Unmöglichkeitstheorie, die Wertvorstellungen, Rechtsideen und deren Umsetzung sowie die Analyse wegweisender Fälle der Krisenjahre. Das Reichsgericht entfernte sich in diesen bewegten Jahren von dem gesetzlichen Leitbild einer buchstäblich bis zu den Grenzen des Möglichen reichenden Leistungsverpflichtung und entwickelte jene Rechtsfiguren, die bei der anvisierten Reform des BGB unter den amtlichen Überschriften 'Grenzen der Leistungspflicht' und 'Störung der Geschäftsgrundlage' nunmehr ausdrücklich die Weihen des Gesetzgebers erhalten sollen.

Reform of the Federal Criminal Laws United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Criminal Laws and Procedures, 1971

Cases, Materials and Text on Contract Law Hugh Beale, Bénédicte Fauvarque-Cosson, Jacobien Rutgers, Stefan Vogenauer, 2019-02-28 This is the third edition of the widely acclaimed and successful casebook on contract in the *Ius Commune* series, developed to be used throughout Europe and beyond by anyone who teaches, learns or practises law with a comparative or European perspective. The book contains leading cases, legislation and other materials from English, French and German law as the main representatives of the legal traditions within Europe, as well as EU legislation and case law and extracts from the Principles of European Contract Law. Comparisons are also made to other international restatements such as the Vienna Sales Convention, the UNIDROIT Principles of International Commercial Contracts, the Draft Common Frame of Reference and so on. Materials are chosen and ordered so as to foster comparative study, complemented with annotations and comparative overviews prepared by a multinational team. The third edition includes many new developments at the EU level (including the ill-fated proposal for a Common European Sales Law and further developments linked to the digital single market) and in national laws, in particular the major reform of the French Code civil in 2016 and 2018, the UK's Consumer Rights Act 2015 and new cases. The principal subjects covered in this book include: An overview of EU legislation and of soft law principles, and their interrelation with national law The distinctions between contract and property, tort and restitution Formation and pre-contractual liability Validity, including duties of disclosure Interpretation and contents; performance and non-performance Remedies Supervening events Third

parties.

Hearings, Reports and Prints of the Senate Committee on the Judiciary United States. Congress. Senate. Committee on the Judiciary, 1971

Tort Law in Germany Oliver Rieckers, Simon Gerdemann, Andreas Seidel, 2023-12-18 Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides ready access to how the legal dimension of prevention against harm and loss allocation is treated in Germany. This traditional branch of law not only tackles questions which concern every lawyer, whatever his legal expertise, but also concerns each person's most fundamental rights on a worldwide scale. Following a general introduction that probes the distinction between tort and crime and the relationship between tort and contract, the monograph describes how the concepts of fault and unlawfulness, and of duty of care and negligence, are dealt with in both the legislature and the courts. The book then proceeds to cover specific cases of liability, such as professional liability, liability of public bodies, abuse of rights, injury to reputation and privacy, vicarious liability, liability of parents and teachers, liability for handicapped persons, product liability, environmental liability, and liability connected with road and traffic accidents. Principles of causation, grounds of justification, limitations on recovery, assessment of damages and compensation, and the role of private insurance and social security are all closely considered. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for lawyers in Germany. Academics and researchers will also welcome this very useful guide, and will appreciate its value not only as a contribution to comparative law but also as a stimulus to harmonization of the rules on tort.

The Transformation of Private Law – Principles of Contract and Tort as European and International Law Maren Heidemann,

Deliktshaftung und juristische Person Detlef Kleindiek, 1997

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