

Allgemeines Schuldrecht

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RODRIGO MARIANA

Impossibility in Modern Private Law Herbert Utz Verlag
 Das „Schuldrecht“ von Fikentscher (Allgemeiner und Besonderer Teil in einem Band) hat schon viele Generationen von Studierenden der Rechts- und Wirtschaftswissenschaften sicher zum Examen begleitet. In der 10. Auflage haben erstmals Wolfgang Fikentscher und Andreas Heinemann gemeinsam die Neubearbeitung des Werkes besorgt. Die Neuauflage berücksichtigt insbesondere die durchgreifenden Änderungen, die durch die Schuldrechtsreform veranlasst waren. Dem Studierenden eine thematisch lückenlose und systematische Darstellung des gesamten Schuldrechts zu bieten, bleibt weiterhin die didaktische Zielsetzung des Werkes. Dabei richtet sich der Blick auch auf handels- und wirtschaftsrechtliche Bezüge, die um rechtsvergleichende Gesichtspunkte ergänzt werden. Mit der 10. Auflage ist das Standardwerk zum Schuldrecht wieder auf dem neuesten Stand. Sie berücksichtigt Gesetzgebung, Rechtsprechung und Schrifttum bis Frühjahr 2006.
Turkish Contract Law Bloomsbury Publishing
 TO SWEDISH LAW VOLUME I AN INTRODUCTION TO SWEDISH LAW VOLUME I EDITED BY STIG STROMHOLM SPRINGER SCIENCE+BUSINESS MEDIA, LLC ISBN 978-94-017-4349-5 ISBN 978-94-017-4347-1 (eBook) DOI 10. 1007/978-94-017-4347-1 ©Springer Science+Business Media New York 1981 Originally published by Kluwer Deventer, The Netherlands in 1981 Softcover reprint of the hardcover 1st edition 1981 All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior written permission of the publisher. EDITOR'S PREFACE The purpose of this book is to provide a fairly broad survey of the Swedish legal system. In order to avoid possible disappointment, it would seem important to make clear from the outset what kind of questions the authors propose to answer and what groups of readers they are addressing. The easiest way to do this is to set out what we are not purporting to do. Thus, the book is not intended to serve as a primer for students who possess no knowledge of "the law", i. e. of the concepts, ideas and solutions of at least one legal system. Nor is it the purpose of the authors to give practitioners the kind of precise, technical answers to isolated questions that they need when advising their clients on the proper course of action in business, or litigation, conducted within the framework of the legal system described.
Socialism and Legal History transcript Verlag
 Swiss contract law is among the most frequently chosen laws for commercial contracts. This practice-oriented book provides a comprehensive description of the basics of Swiss contract law

with an emphasis on topics and contracts that are frequently in dispute between commercial parties. Grounded in a remedies-based approach, the analysis draws primarily on a thorough examination of the Swiss Federal Supreme Court's case law. With numerous references to decisions of that court and informal translations of the most important parts, the issues and topics covered include the following: relationship between the Civil Code and the Code of Obligations; legal capacity to enter into a contract; required scope of the parties' mutual expressions of intent; defects in consent; amending the content of a contract due to changed circumstances; performance of contractual obligations; concluding a contract via a third party; multiple creditors and/or debtors; breach of contract and legal remedies; termination of contracts; and specific contracts of particular commercial relevance (sales contract, contract for work, mandate agreement, settlement agreement). The remedies at the centre of the book make its details particularly accessible to foreign practitioners, notably those with a common law background. With its focus on dispute resolution, the book will equip practitioners with a confident understanding of how Swiss law regulates the creation, performance, termination, and enforcement of commercial contracts. It will prove of immeasurable value to corporate counsel and international law firms.
Guide to Foreign Legal Materials OUP Oxford
 Das Repetitorium: Dieses Examens-Repetitorium zum Allgemeinen Schuldrecht bietet eine vertiefende, wissenschaftlichen Ansprüchen genügende Darstellung zentraler Fragen des Rechtsgebietes zur Vorbereitung auf die Juristischen Staatsprüfungen. Die Fähigkeit zur eigenständigen Problemlösung wird in besonderem Maße gefördert. Es ist ein wichtiges Anliegen, die Bezüge des Allgemeinen Schuldrechts zum Besonderen Teil und zu den anderen Büchern des BGB und den "Nebengesetzen" darzustellen. Auch spielen handelsrechtliche und zivilprozessuale Folgefragen eine wichtige Rolle im Zusammenhang mit Regressfällen. Die Darstellung wurde in allen Teilen aktualisiert, neueste Rechtsprechung und Literatur sind bis zum Frühjahr 2015 berücksichtigt. Die Reihe: Die Reihe UNIREP JURA dient der gezielten Vorbereitung auf die Erste Juristische Prüfung in den Pflichtfächern und vermittelt entscheidende Wertungsgrundlagen, Strukturverständnis und damit die Fähigkeit zur eigenständigen Fallbearbeitung. Es sind die Kernthemen des jeweiligen Stoffgebietes dargestellt, wobei Grundstrukturen als bekannt vorausgesetzt und mehr vorsorglich in aller Kürze, etwa durch Schaubilder, Definitionen oder Zusammenfassungen behandelt werden. Dem didaktischen Anliegen der Reihe entsprechend dienen Beispielfälle der Veranschaulichung. Examenstypische Probleme und Fallkonstellationen werden erläutert und durch eine (Muster-) Lösung erschlossen. Formulierungsvorschläge und Hinweise zu Aufbauschwierigkeiten treten ergänzend hinzu. Dem

vertiefenden Studium dienen das gezielte und sparsame Zitieren weiterführender Literatur sowie der einschlägige Beleg aus der Rechtsprechung ("leading case").

An Introduction to German Law Cambridge University Press Die 2., überarbeitete Auflage des Lehrbuchs bietet eine optimale Einführung in alle Bereiche des Wirtschaftsrechts, die sowohl als Vorlesungsinhalte im Rahmen des Studiums und der Klausurvorbereitung in nicht-juristischen Studiengängen an Hochschulen als auch in der späteren betrieblichen Praxis von Relevanz sind. Dabei wird ein einfacher, komprimierter, verständlicher und praxisnaher Einblick in die wesentlichen Inhalte des bürgerlichen Rechts, des Handels-, Gesellschafts- und Wettbewerbsrechts, des gewerblichen Rechtsschutzes, des öffentlichen Wirtschaftsrechts, des Rechts der neuen Medien, des Datenschutzrechts sowie des Arbeitsrechts vermittelt. Ergänzt um zahlreiche Fallbeispiele, Übungsfälle, Kontrollfragen sowie umfassende Lernhilfen und Übersichten wird der Leser an die juristische Arbeitsweise und Falllösungstechnik herangeführt.
Varieties of European Economic Law and Regulation Mohr Siebeck
 German Legal System and Laws provides a comprehensive introduction to the German legal system and the core areas of substantive law. Constitutional law is the foundation of German law and this area has been given fuller consideration in this fourth edition. The constitutional organs of state, basic rights and administrative law are all thoroughly explained. The text has been fully amended and updated with regard to a wealth of legislation and case law which has radically altered the course of German law with considerable attention being given to the development of private law. Also included are expanded and updated extracts from the Grundgesetz and fully revised glossaries of German legal terms.
Petersen, Examens-Repetitorium Allgemeines Schuldrecht Kluwer Law International B.V.

The Cambridge Yearbook of European Legal Studies provides a forum for the scrutiny of significant issues in European Union Law, the Law of the Council of Europe, and Comparative Law with a "European" dimension, and particularly those which have come to the fore during the year preceding publication. The contributions appearing in the collection are commissioned by the Centre for European Legal Studies (CELS) Cambridge, which is the research Centre of Cambridge University Law Faculty specialising in European legal issues. The papers presented are all at the cutting edge of the fields which they address, and reflect the views of recognised experts drawn from the University world, legal practice, and the civil services of both the EU and its Member States. Inclusion of the comparative dimension brings a fresh perspective to the study of European law, and highlights the effects of globalisation of the law more generally, and the resulting cross fertilisation of norms and ideas that has occurred

among previously sovereign and separate legal orders. The Cambridge Yearbook of European Legal Studies is an invaluable resource for those wishing to keep pace with legal developments in the fast moving world of European integration. **INDIVIDUAL CHAPTERS** Please click on the link below to purchase individual chapters from Volume 5 through Ingenta Connect: www.ingentaconnect.com **SUBSCRIPTION TO SERIES** To place an annual online subscription or a print standing order through Hart Publishing please click on the link below. Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access.

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Wirtschaftsrecht an Hochschulen Springer Science & Business Media

This standard work is one of the leading authorities on Swiss arbitration law. The fully revised and supplemented Fourth Edition provides up-to-date information on the law and practice of international and domestic arbitration in Switzerland, including on the recent revision of Chapter 12 PILA in 2020 The book provides a comprehensive analysis of all relevant aspects of arbitration, including the concept of arbitration, the sources of arbitration, arbitrability, and all aspects concerning the validity and scope of the arbitration agreement and its autonomy. Other topics include competence-competence, the jurisdiction of the arbitral tribunal, the arbitral procedure, the effects and limits of arbitral awards, setting aside as well as the recognition and enforcement of awards in Switzerland. Frequently referred to in the case law of the Swiss Federal Supreme Court, the book is an indispensable tool for legal scholars dealing in depth with a controversial issue. At the same time, it is an invaluable and user-friendly source of information and reference for arbitration practitioners in Switzerland and abroad. The book's appendices contain useful supplementary materials, including a detailed table of cases and an accurate translation of the arbitration provisions of the Swiss Private International Law Act and the Swiss Code of Civil Procedure.

Schuldrecht I - Allgemeiner Teil Pearson Education

Die Festschrift Soziologische Jurisprudenz stellt sich sowohl im Inhalt als auch in der Form in die Tradition der Arbeiten von Gunther Teubner. Die Beiträge lassen sich auf seine Leitperspektive ein, indem sie die Grenzbeziehungen von Recht und Gesellschaft mit je eigenständigen Akzentuierungen reflektieren.

Varieties of Capitalism sellier. european law publ.

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.

Third-Party Liability of Classification Societies Walter de Gruyter

The book analyses the difficulties the International Criminal Court faces with the definition of those persons who are eligible for participating in the proceedings. Establishing justice for victims is one of the most important aims of the court. It therefore created a unique system of victim participation. Since its first trial the court struggles to live up to the expectancies its statute has generated. The book offers a new approach of how to define victimhood by looking at the different international crimes. It seeks to offer guidance for the right to participate in the different stages of the proceedings by looking at the practice in national jurisdictions. Lastly the book offers insights into the functioning of the reparation regime at the ICC by virtue of the Trust Fund for Victim and its different mandates. The critical analysis of the ICC-

practice with regard to definition, participation and reparation aims at promoting a realistic approach, which will avoid the disappointing of expectations and thus help to enhance the acceptance of the ICC.

Cambridge Yearbook of European Legal Studies Vol 5, 2002-2003 Kluwer Law International B.V.

Bei der Erfüllung handelt es sich um einen zentralen Tatbestand des Schuldrechts, doch ihre Rechtsnatur ist seit jeher umstritten. Gesa Kim Beckhaus verdeutlicht, dass praktische Problemfälle der Erfüllung, etwa im Minderjährigenrecht, bei Unterlassungen, Dauerschuldverhältnissen, Leistungen in Mehrpersonenverhältnissen oder der Lieferung eines melius, nur bei Zugrundelegung einer einseitig subjektiven Rechtsnatur der Erfüllung dogmatisch widerspruchsfrei zu handhaben sind. Zugleich befurwortet die Autorin eine Qualifizierung der Tilgungsbestimmung als empfangsbedürftige Willenserklärung. Ausserdem zeigt sie den Einklang der von ihr entwickelten Theorie des einseitigen Erfüllungsgeschäfts mit dem bereicherungsrechtlichen Leistungsbegriff und Kriterien wie der Vertragstreue, Verkehrsschutzinteressen und der Privatautonomie des Schuldners auf.

The LaTeX Companion Routledge

Die Behauptung, das in Deutschland geltende Schuldrecht ergebe sich aus dem zweiten Buch des BGB, ist nicht nur in dem ganz oberflächlichen Sinn falsch, dass zivil- und insbesondere schuldrechtliche Sachverhalte auch in anderen Gesetzen geregelt und durch europäische Vorgaben geprägt sind. Unrichtig ist der auf den Text des BGB fokussierte Blick auch deshalb, weil Gesetze nicht ohne die Kenntnis ihres Entstehungszusammenhangs begriffen werden können. Dieses wirkt nicht nur dort weiter, wo einzelne römische Regeln naturgetreu als Vorschriften des heutigen Gesetzesrechts übernommen worden sind, sondern bildet auch den Boden für neue Konzepte, die sich vor oder erst in der Kodifikation als Gegenmodelle zum überlieferten Rechtszustand herausgebildet haben und deren Sinn sich gerade aus dem Kontrast zum römischen Vorbild ergibt. Diese gleichermaßen historischen wie aktuellen Zusammenhänge für den wissenschaftlich oder praktisch interessierten Juristen greifbar zu machen und ihm so Perspektiven bei der Entscheidung schuldrechtlicher Fragen zu eröffnen ist das Anliegen dieses Buches.

International and Domestic Arbitration in Switzerland Kohlhammer Verlag

Stability is at the core of every discussion of order, organization or institutionalization. From an »inside« perspective, the stability of each order-constituting element is assumed. In contrast, in critical discourses instability (e.g. through ambiguity or non-control) is located at the outside of the social order as its negative. By treating this argumentative symmetrical structure as »idioms of stability and destabilization«, the articles try to rethink order: How can we describe structures from a perspective in which instability, non-control and irrationality are not contrary to ordering systems, but contribute to their stability? How might the notions of identity, knowledge and institutions in social and cultural studies be contested by this change of perspective?

Springer Science & Business Media

Applying the new economics of organisation and relational theories of the firm to the problem of understanding cross-national variation in the political economy, this volume elaborates a new understanding of the institutional differences that characterise the 'varieties of capitalism' worldwide.

Swiss Contract Law Allgemeines Schuldrecht

The main principles and structures of a legal system are easiest to grasp if seen in a complete overview of various parts. This book addresses the most important subjects for understanding and handling of German law. Law students, foreign students, and practitioners, as well as interested laymen, will find this monograph gives an informative overview about the German legal system. Special regard is given to the effects of the European legal development on German law. This fourth edition considers the current impacts of the European development of law. The volume is part of the extensive series The Legal Systems of the European States which, following a common structure of the contents, deals with the national legal systems of the most important European states. The author is the head of the Institute for European Constitutional Law.

'Fair and Equitable Treatment' in International Investment Law Bloomsbury Publishing

The book is an intellectual history of the work of Western jurists from ancient Rome to the present. It discusses the Roman jurists, the medieval civilians and canon lawyers, the late scholastics, the natural law schools of the 17th and 18th centuries, the positivism and conceptualism of the 19th century and its influence on

common law, and the reaction against conceptualism since the late 19th century. Rarely have jurists worked alone. Rather, they have worked in schools, each of which pursued a different project. The projects of the jurists had one element in common: they were attempts to understand and explain the law. Commitment to that project defines the work of a jurist and distinguishes it from the work of others who take part in fashioning and applying the law. Yet the project of each school of jurists had goals and methods of its own. By identifying them, this study shows how the jurists themselves understood their work and how these goals and methods shaped and limited what each school could achieve.

Zivilrechtliche Haftung für Datenschutzverstöße New York :

Published for the Parker School of Foreign and Comparative Law, Columbia University, by Oceana Publications

As computational power, the volume of available data, IT systems' autonomy, and the human-like capabilities of machines increase, robots and AI systems have substantial and growing implications for the law and raise a host of challenges to current legal doctrines. The main question to be answered is whether the foundations and general principles of private law and criminal law offer a functional and adaptive legal framework for the "autonomous systems" phenomena. The main purpose of this book is to identify and explore possible trajectories for the development of civil and criminal liability; for our understanding of the attribution link to autonomous systems; and, in particular, for the punishment of unlawful conduct in connection with their operation. AI decision-making processes - including judicial sentencing - also warrant close attention in this regard. Since AI is moving faster than the process of regulatory recalibration, this book provides valuable insights on its redesign and on the harmonization, at the European level, of the current regulatory frameworks, in order to keep pace with technological changes. Providing a broader and more comprehensive picture of the legal challenges posed by autonomous systems, this book covers a wide range of topics, including the regulation of autonomous vehicles, data protection and governance, personality rights, intellectual property, corporate governance, and contract conclusion and termination issues arising from automated decisions, blockchain technology and AI applications, particularly in the banking and finance sectors. The authors are legal experts from around the world with extensive academic and/or practical experience in these areas.

German Legal System and Laws C.F. Müller GmbH

This is the first book to comprehensively analyze the work of Hans Micklitz, one of the leading scholars in the field of EU economic law. It brings together analysts, academic friends and critics of Hans Micklitz and results in a unique collection of essays that evaluate his work on European Economic Law and Regulation. The contributions discuss a wide range of Micklitz' work: from his theoretical work on private law beyond party autonomy, with a special focus on its regulatory function, to the illustration of how his work has built the basis for current solutions such as used in solving the financial crisis. The book is divided into sections covering foundations of private law, regulatory law, competition and intellectual property law, product safety law, consumer contract law and the enforcement of law. This book clearly shows the enormous impact of Hans Micklitz' work on the EU legal system in both scholarship and practice.

Allgemeines Schuldrecht OUP Oxford

It is thirteen years since the appearance of the successful second edition of this convenient English-language introduction to the law of Germany. This new edition covers all the significant changes and innovations that have occurred during that period, encompassing the pervasive impacts of European Union law and of globalization, as well as the greatly increased activity of the German legislature in every area addressed in this volume. With fifteen lucid chapters written by academic experts in their respective fields of law, as well as detailed bibliographies, this is the ideal starting point for research whenever a question of German law must be answered. The authors clearly explain the legal concepts, customs, and rules arising from such basic elements as the following: - characteristic problems of German legal unity; - principles and practices of constitutional law; - administrative law and procedure; - the German Commercial Code; - formation and conduct of corporations and partnerships; - contracts; - tort liability; - property rights; - family law; - succession and inheritance; - labor and employment; - issues of private international law; - courts and civil procedure; - the penal code and criminal procedure. Introduction to German Law, Third Edition provides an authoritative description of all issues likely to emerge in the course of normal application of German law in any context.

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