

Personality Rights in European Tort Law



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CAMBRIDGE

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P. G. Monateri



Personality Rights In European Tort Law Personality Rights In European Tort Law:

Personality Rights in European Tort Law Gert Brüggemeier, Aurelia Colombi Ciacchi, Patrick O'Callaghan, 2010-04-15 This volume provides a comprehensive analysis of civil liability for invasion of personality interests in Europe It is the final product of the collaboration of twenty seven scholars and includes case studies of fourteen European jurisdictions as well as an introductory chapter written from a US perspective The case studies focus in particular on the legal protection of honour and reputation privacy self determination and image This volume aims to detect hidden similarities the common core in the actual legal treatment accorded by different European countries to personal interests which in some of these countries qualify as personality rights and also to detect hidden disparities in the law in action of countries whose law in the books seem to protect one and the same personality interest in the same way

Personality Rights in European Tort Law Aurelia Colombi Ciacchi, Gert Brüggemeier, Patrick O'Callaghan, 2010 This collection of case studies from fourteen European legal systems analyses the legal protection of personality interests in Europe

The Legal Protection of Personality Rights Ken Oliphant, Zhang Pinghua, Chen Lei, 2018-04-24 This book aims to investigate the way in which personality rights are protected in China through a comparative and cross cultural lens drawing on perspectives from Europe and elsewhere in the world Currently the question whether or not to incorporate a special law on personal rights the right to life the right to health and the rights to reputation and privacy into a future Chinese Civil Code is heatedly debated in the Chinese legal community The essential topics that are addressed in this book include general issues of personality rights personality rights in Constitutional law personality rights in private law the legislative development of personality rights in China case studies of the right to privacy personality rights in the mass media and the internet competition law aspects of the right of publicity the protection of patients personal information and personality rights in the family context The book offers a broad investigation of personality rights protection in both China and Europe and provides the first substantive comparison of the Chinese and European regimes The project is conceived as a joint effort on the part of a carefully chosen team of Chinese and European academics working closely together The team consists of both senior scholars and young researchers led by well known experts in the field of comparative tort law

Tort Law in the Jurisprudence of the European Court of Human Rights Attila Fenyves, Ernst Karner, Helmut Koziol, Elisabeth Steiner, 2011-11-30 The goal of this study is to provide a general overview and thorough analysis of how the European Court of Human Rights deals with tort law issues such as damage causation wrongfulness and fault the protective purpose of rules remedies and the reduction of damages when applying art 41 of the European Convention on Human Rights ECHR These issues have been examined on the basis of a comprehensive selection and detailed analysis of the Court's judgments and the results compared with different European legal systems Austria Belgium England and Wales France Germany Hungary Ireland Italy Poland Romania Scandinavia Spain Switzerland and Turkey EC Tort Law and the Principles of European Tort Law The introduction of art 41 ex art 50 ECHR in 1950 as a

compromise and the issues it raises now the methodological approaches to the tort law of the ECHR the perspectives of human rights and tort law and public international law as well as the question of whether the reparation awarded to victims of ECHR violations can be considered real just satisfaction are addressed in five special reports two of which are also available in German Concluding remarks try to summarise the outcome

EXPLORING LEGAL SAFEGUARDS FOR PERSONALITY RIGHTS IN THE ERA OF ARTIFICIAL INTELLIGENCE Dr. Amit Singh , Ms. Nidhi Shanker,2024-05-31

Artificial Intelligence AI encompasses the ability of computers or robots to execute tasks that typically require human capabilities Such tasks include speech recognition language translation decision making and visual perception AI is categorized into narrow AI artificial general intelligence AGI and artificial super intelligence ASI AGI aims to match human level performance across all tasks while ASI surpasses human intelligence in all areas Currently AI focuses on specific tasks with AGI development largely undisclosed

Tort Liability of Public Authorities in European Laws Giacinto della Cananea,Roberto Caranta,2020-12-15 This series argues that there is a common administrative core to European legal systems that can be better understood in comparative terms This volume examines government liability in tort using case studies to explore different government responses Part I sets the stage for the project and the parameters followed by the scholars involved Part II expands on the legal systems chosen for comparison setting up their general tort procedures Part III presents case studies from Austria the European Union France Germany Hungary Italy Poland Romania Spain Switzerland and the United Kingdom Each case study has a theoretical response detailing what would happen should that case occur within each country s borders Part IV compares and contrasts the information provided in Part III It examines both the commonalities and the distinctive traits of these legal systems with a view to understand the nature of their common core This volume is an essential tool for anyone involved in administrative and constitutional law and government liability in tort

Tort Law in Portugal Nuno Manuel Pinto Oliveira,André Gonçalo Dias Pereira,2025-07-22 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 Portugal 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 Portugal 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 *Tort Law in the European Union* Gert Brüggemeier, 2018-06-14 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 the European Union 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 the European Union 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 Emergence of Personal Data Protection as a Fundamental Right of the EU** Gloria González Fuster, 2014-04-28 This book explores the coming into being in European Union EU law of the fundamental right to personal data protection Approaching legal evolution through the lens of law as text it unearths the steps that led to the emergence of this new right It throws light on the right s significance and reveals the intricacies of its relationship with privacy The right to personal data protection is now officially recognised as an EU fundamental right As such it is expected to play a critical role in the future European personal data protection legal landscape seemingly displacing the right to privacy This volume is based on the premise that an accurate understanding of the right s emergence is crucial to ensure its correct interpretation and development Key questions addressed include How did the new right surface in EU law How could the EU Charter of Fundamental Rights claim to render more visible an invisible right And how did EU law allow for the creation of a new right while ensuring consistency with existing legal instruments and case law The book first investigates the roots of personal data protection studying the redefinition of privacy in the United States in the 1960s as well as pioneering developments in European countries and in international organisations It then analyses the EU s involvement since the 1970s up to the introduction of legislative proposals in 2012 It grants particular attention to changes triggered in law by language and specifically by the coexistence of languages and legal systems that determine meaning in EU law Embracing

simultaneously EU law's multilingualism and the challenging notion of the untranslatability of words this work opens up an inspiring way of understanding legal change This book will appeal to legal scholars policy makers legal practitioners privacy and personal data protection activists and philosophers of law as well as more generally anyone interested in how law works

English, French & German Comparative Law Raymond Youngs, 2014-06-13 This comparative analysis considers the differing approaches to important areas of law in England France and Germany In particular constitutions sources of law rights against the state to prevent abuse of power and rights of private individuals and organisations against each other in tort and contract are examined and compared and the system of courts is also considered Updated and revised each sub topic is introduced with the relevant material in the English system allowing easy comparison and assimilation of the other systems The text includes translations of relevant French and German codal material and references to relevant cases from all of the jurisdictions This new edition includes constitutional changes in France and the United Kingdom in particular the new procedure for challenging existing legislation before the Conseil constitutionnel It examines the consequences of the Lisbon Treaty as well as other recent codal and legislative changes Comprehensive and topical the text explores a wide variety of new case law on issues such as preventive detention the use of evidence obtained by torture the balance between suppression of terrorism and personal freedom the internet email monitoring artificial reproductive techniques use of global positioning systems GPSs deoxyribonucleic acid DNA and closed circuit television CCTV the wearing of religious clothing such as the headscarf and symbols such as the cross circumcision methods of crowd control the prevention of human trafficking the preservation of privacy especially for celebrities and the legality of pre nuptial agreements and success fees for lawyers Designed for students on comparative law courses this textbook will also prove valuable to students who are familiar with English law but require a readily comprehensible introduction to French or German law **Elgar**

Encyclopedia of Comparative Law J. M. Smits, 2006 This is a very important and immense book Single handedly Smits has reviewed and checked this immense work to bring it to its final high standard in quality and accuracy and selection of laws The Criminal Lawyer This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library Sally Ramage The Criminal Lawyer The entries are written in a lucid and accessible style with appropriate references being given for further research All in all a substantial work which will delight enthusiasts of comparative law The Commonwealth Lawyer The breadth of topics plus the bibliographies allows a reader to use the Elgar Encyclopedia as an initial entry into a field of law a specific topic or a legal system Any law library business library large public library or academic library supporting the study of international law or international business will want to have it in its collection This

work is highly recommended Ladyjane Hickey American Reference Books Annual Comparative law is the comparison of law and legal systems from around the world At one time it was a field of limited interest and academic participation However increasing globalization whether of commerce or culture makes it imperative that citizens learn more about the law of other countries That is the premise of this comprehensive new research tool designed for general readers Some 70 articles address topics as diverse as accident compensation legal culture the European Civil Code and the law and legal systems of a selected set of nations This single volume work provides an excellent comprehensive overview of the current state of affairs in comparative law Highly recommended Lower level undergraduates and above general readers J E Stephens Choice The timely publication of this encyclopedia reflects what is happening in international law and in a field where works even student textbooks are often expensive it comes at an attractive price Stuart Hannabuss Reference Reviews The Elgar Encyclopedia of Comparative Law looks set to become an indispensable source for the ever increasing body of lawyers needing accurate information on the structure and working of foreign systems as well as on points of a substantive law Edited by Professor Jan Smits of Maastricht University the Encyclopedia is the work of an extremely strong international team of noted specialists Comprising articles on the nature methodology and focus of comparative law on the legal systems of particular jurisdictions and on matters of substantive law the work should be a very significant contribution to the literature It seems likely that the contributions on the comparative state of affairs in particular fields of substantive law will be an especially valuable aspect of the work There will be 37 such articles from accident compensation to unjustified enrichment with mistake personality rights product liability and transfer of moveable property only a sample of what the work will offer Casting over this list one is again struck by the wealth of established expertise brought together in the Encyclopedia I have little doubt that I can speak for the worldwide community of comparative lawyers in saying that the Elgar Encyclopedia of Comparative Law is eagerly awaited David L Carey Miller University of Aberdeen UK Comparative law is moving swiftly from a long infancy to teenage maturity and Jan Smits provides the essential tonic In this outstanding work he has gathered together leading scholars each his her o

Research Handbook on EU Tort Law Paula Giliker, 2017-10-27 The Research Handbook on EU Tort Law focuses on the study of the law of tort delict non contractual liability of the European Union and examines the institutional liability of the EU Francovich liability and liability arising from a variety of EU secondary legislation directives regulations The impact of EU tort law on national legal systems is wide ranging covering areas such as consumer law competition law data protection law employment law insurance law and financial services law It also discusses the potential development of a European culture of tort law and harmonisation This comprehensive Research Handbook contains contributions from leading authors in their field representing a cross section of European jurisdictions It offers an authoritative reference point for academics students and practitioners studying or working in this field but one which is also accessible for those approaching the subject for the first time

European and International Media Law Jan

Oster,2016-11-28 This book is the first to incorporate current academic literature and case law on European transnational and international media law into a comprehensive overview intended primarily for students It introduces the legal framework for globalised communication via mass media and considers the transformative effect globalisation has had on domestic media law Engaging case examples at the beginning of each chapter and questions at the end give students a clearer idea of legal problems and encourage them to think critically A wide variety of topics including media economics media technology and social norms concerning media publications are discussed in relation to media law and numerous references to case law and suggestions for further reading allow students to conduct independent research easily *Methods of Comparative Law*

P. G. Monateri,2012-01-01 Comprising an array of distinguished contributors this pioneering volume of original contributions explores theoretical and empirical issues in comparative law The innovative interpretive approach found here combines explorative scholarship and research with thoughtful qualitative critiques of the field The book promotes a deeper appreciation of classical theories and offers new ways to re orient the study of legal transplants and transnational codes *Methods of Comparative Law* brings to bear new thinking on topics including the mutual relationship between space and law the plot that structures legal narratives identities and judicial interpretations a strategic approach to legal decision making and the inner potentialities of the comparative law and economics approach to the field Together the contributors reassess the scientific understanding of comparative methodologies in the field of law in order to provide both critical insights into the traditional literature and an original overview of the most recent and purposive trends A welcome addition to the lively field of comparative law *Methods of Comparative Law* will appeal to students and scholars of law comparative law and economics Judges and practitioners will also find much of interest here *Media Law in Greece*

Ioannis Iglezakis,2017-03-06 Derived from the renowned multi volume *International Encyclopaedia of Laws* this analysis of media law in Greece surveys the massively altered and enlarged legal landscape traditionally encompassed in laws pertaining to freedom of expression and regulation of communications Everywhere a shift from mass media to mass self communication has put enormous pressure on traditional law models An introduction describing the main actors and salient aspects of media markets is followed by in depth analyses of print media radio and television broadcasting the Internet commercial communications political advertising concentration in media markets and media regulation Among the topics that arise for discussion are privacy cultural policy protection of minors competition policy access to digital gateways protection of journalists sources standardization and interoperability and liability of intermediaries Relevant case law is considered throughout as are various ethical codes A clear comprehensive overview of media legislation case law and doctrine presented from the practitioner s point of view this book is a valuable time saving resource for all concerned with media and communication freedom Lawyers representing parties with interests in Greece will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative media law **Causation in European Tort Law**

Marta Infantino,Eleni Zervogianni,2017-12-28

Through a comprehensive analysis of sixteen European legal systems based on an assessment of national answers to a factual questionnaire *Causation in European Tort Law* sheds light on the operative rules applied in each jurisdiction to factual and legal causation problems It highlights how legal systems features impact on the practical role that causation is called upon to play as well as the arguments of professional lawyers Issues covered include the conditions under which a causal link can be established rules on contribution and apportionment the treatment of supervening alternative and uncertain causes the understanding of loss of a chance cases and the standard and the burden of proving causation This is a book for scholars students and legal professionals alike A Company's Right to Damages for Non-Pecuniary Loss Vanessa Wilcox,2016-09-01

Applying appropriate legal rules to companies with as much consistency and as little consternation as possible remains a challenge for legal systems One area causing concern is the availability of damages for non pecuniary loss to companies a disquiet that is rooted in the very nature of such damages and of companies themselves In this book Vanessa Wilcox presents a detailed examination of the extent to which damages for non pecuniary loss can be properly awarded to companies The book focusses on the jurisprudence of the European Court of Human Rights and English law with a chapter also dedicated to comparative treatment While the law must be adaptable Wilcox concludes that considerations of coherency certainty and ultimately justice dictate that the resulting rules should conform to certain core legal principles This book lays the foundation for further comparative research into this topic and will be of interest to both the tort law and broader legal community

Transfer of Immovables in European Private Law Luz M. Martínez Velencoso,Saki Bailey,Andrea Pradi,2017-05-25 This volume explores the law relating to the transfer of immovables in seventeen countries within Europe European Condominium Law Cornelius Van Der Merwe,2015-02-26 The first comprehensive comparative treatment in English of condominium apartment ownership commonhold law in the 21 most important European jurisdictions *The Europeanisation of English Tort Law* Paula Giliker,2014-12-01 Tort law is often regarded as the clearest example of traditional common law reasoning Yet in the past 40 years the common law of England and Wales has been subject to European influences as a result of the introduction of the European Communities Act 1972 and more recently the implementation of the Human Rights Act 1998 in October 2000 EU Directives have led to changes to the law relating to product liability health and safety in the workplace and defamation while Francovich liability introduces a new tort imposing State liability for breach of EU law The 1998 Act has led to developments in privacy law and made the courts reconsider their approach to public authority liability and freedom of expression in defamation law This book explores how English tort law has changed as a result of Europeanisation broadly defined as the influence of European Union and European human rights law It also analyses how this influence has impacted on traditional common law reasoning Has Europeanisation led to changes to the common law legal tradition or has the latter proved more resistant to change than might have been expected

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