

Julia Rieks

Anerkennung im Internationalen Privatrecht



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Online Book Schadensersatz Unionsprivatrecht Ausländischen Internationalen Privatrecht

Peter E. Wild



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Treu und Glauben im Unionsprivatrecht Christian Stempel, 2016-01-28 Es gibt im Unionsprivatrecht wenige Begriffe die über den einzelnen Rechtsakt hinaus von so grosser Bedeutung und zugleich so wenig übergreifend und systematisierend erforscht sind wie Treu und Glauben. Dies mag daran liegen, dass man es mit einem in Anwendungsbereich Inhalt und Rechtsfolgen höchst unbestimmten Grundsatz im Umfeld einer fragmentarischen Rechtsmaterie zu tun hat. Eine nationalrechtliche Vorprägung ist zwar durchgehend vorhanden, fällt jedoch unterschiedlich aus. Christian Stempel untersucht, wie sich vor diesem Hintergrund ein einheitliches Verständnis des unionsprivatrechtlichen Grundsatzes von Treu und Glauben entwickeln kann, der mittlerweile vom Unionsgesetzgeber und auch vom Europäischen Gerichtshof häufig verwendet wird. Er zeigt vorhandene Entwicklungen und Missstände auf, eröffnet aber auch Perspektiven für eine transparentere, einheitlichere und systematischere Handhabung des Grundsatzes auf unionaler wie auf nationaler Ebene.

Schadensersatz im Unionsprivatrecht Christian Heinze, 2017-07-13 Long description Welche Folgen ergeben sich für die Existenz, die Voraussetzungen und den Umfang eines Schadensersatzanspruchs, wenn das verletzte Recht europäisches und nicht nationales Ursprungs ist? Christian Heinze untersucht diese Frage am Beispiel des Kartellrechts, des Verbraucherrechts, der Produkthaftung und des Reise- und Luftbeförderungsrechts. **Schaden und Ersatz** Ulrich Magnus, 1987

Schadensersatz wegen der Verletzung einer internationalen Gerichtsstandsvereinbarung? Jennifer Antomo, 2017-06-02 English summary Parties to international commercial contracts often agree on the exclusive jurisdiction of a certain state's courts. However, such international choice of court agreements are not always respected by the parties, and neither are they binding in some jurisdictions. Remedies such as anti-suit injunctions do not always protect the party relying on the agreement from the consequences of being sued in a derogated forum. Jennifer Antomo examines if it would be possible to claim damages for the breach of an international choice of court agreement. The author analyses relevant foreign case law and discusses the topic's dogmatic and political aspects from the German courts' perspective. She then goes on to explore the differences arising from the application of the Hague Convention on Choice of Court Agreements and the revised Brussels I Regulation. German description Parteien internationaler Handelsverträge vereinbaren häufig die ausschliessliche Zuständigkeit der Gerichte eines bestimmten Staates. Solche Gerichtsstandsvereinbarungen werden von den Vertragspartnern jedoch nicht immer beachtet und sind auch vor den Gerichten mancher Staaten nicht wasserfest. Abwehrmöglichkeiten etwa Prozessführungsverbote sind nur bedingt verfügbar und geeignet, die redliche Partei vor den Folgen einer Klage im derogierten Forum zu schützen. Können aus der Missachtung der Gerichtsstandsvereinbarung Schadensersatzansprüche erwachsen? Jennifer Antomo untersucht die einschlägige ausländische Rechtsprechung und erörtert die dogmatischen und rechtspolitischen Aspekte der Thematik aus Sicht der deutschen Gerichte. Auch die Besonderheiten, die sich aus der Geltung des Haager Gerichtsstandsübereinkommens oder der revidierten EuGVVO ergeben.

konnen werden umfassend diskutiert **Ersatzansprüche wegen immaterieller Einbußen** Johannes Ady,2020 Johannes Ady berpr ft die in der H he sehr unterschiedlich ausfallenden Schmerzensgeldzahlungen in verschiedenen europ ischen Staaten sowie den USA und versucht diese methodisch zu erkl ren Dazu stellt er nach einem berblick ber die Entwicklung des Anspruchs wegen immaterieller Einbu en in Deutschland und anderen Staaten zun chst die aktuelle Rechtslage sowie die zugesprochenen Schadensersatzsummen in ausgew hlten Rechtsordnungen dar Bei einer kritischen berpr fung der Summen aus ausl ndischen Rechtsordnungen arbeitet er heraus welche dort vorgefundenen Schadenspositionen nach deutschem Recht dem immateriellen Schaden unterfallen um eine solide Vergleichsbasis zu erstellen Danach werden Gemeinsamkeiten der Rechtsordnungen herausgestellt und Falltypen gebildet Der Autor untersucht im Anschlu nach welchen Kriterien die Bemessung der Schadenssumme erfolgt Kriterien aus der deutschen und anderen Rechtsordnungen aus der Lehre und der Rechtsprechung werden herausgearbeitet und es wird eine Darstellung alternativer Berechnungsmethoden die in der Lehre entwickelt wurden aufgezeigt Schlie lich wird berpr ft welche der zuvor eruierten Kriterien und Methoden geeignet sind im deutschen Recht angewendet zu werden Anhand dessen unterzieht Johannes Ady die Schadensersatzsummen in Deutschland einer kritischen W rdigung und diskutiert m gliche nderungen Als Ausblick untersucht er ob das Rechtsinstitut immaterieller Schadensersatz als Streitschlichtungselement herangezogen werden kann Strafschadensersatz im internationalen Rechtsverkehr Marc Lendermann,2019-07-26 Strafschadensersatz wie z B punitive damages im US amerikanischen Recht wirft einige Fragen auf wenn europ ische Gerichte mit diesem ausl ndischen Rechtsinstitut befasst sind Ein Rechtsvergleich zwischen Deutschland und Frankreich zeigt L sungen die f r das jeweils andere Land als Inspiration dienen k nnen

Schadensersatz und sonstige Restitutionsformen im internationalen Privatrecht Rolf Birk,1966 **Die Verrechnung im internationalen Privatrecht** Peter E. Wild,1992

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