

Tobias Miethaner

AGB-Kontrolle versus Individualvereinbarung

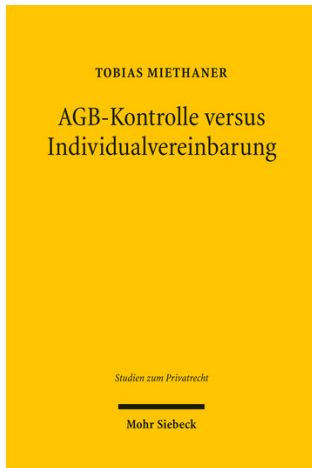
Zweck und Grenzen der Inhaltskontrolle vorformulierter Klauseln

[Preformulated Contract Term versus Negotiated Contract Clause. Purpose and Limitations of the Unfairness Test of Standard Form Clauses.]

Published in German.

It is of great importance when formulating a contract to know whether or not one of the terms is subject to the unfairness test for preformulated contract clauses. In this work, the author defines the scope of individually negotiated contract clauses which are not subject to the judicial unfairness test. He discusses this subject from the perspective of constitutional law, legal theory and European law, and presents a concept which leaves more room for agreements not subject to control, especially in business transactions, but also considers the requests of consumer protection. The author's approach, which includes typical cases, is compared to the judgments of the Federal Court of Justice.

Tobias Miethaner Geboren 1979; Studium der Rechtswissenschaft in Regensburg und Aberdeen; 2009 Promotion; seit 2008 Staatsanwalt bei der Staatsanwaltschaft München II.



2010. XVI, 289 pages. StudPriv 6

ISBN 978-3-16-150331-3
sewn paper 89,00 €

Order now:

https://www.mohrsiebeck.com/en/book/agb-kontrolle-versus-individualvereinbarung-9783161503313?no_cache=1

order@mohrsiebeck.com

Phone: +49 (0)7071-923-17

Fax: +49 (0)7071-51104