

Andreas Bergmann

Die nichtberechtigte fiduziarische Belastung fremder Sachen

[The Disposition of Objects by an Unauthorised Person.]

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The German Civil Code recognises security rights that are acquired in good faith. In contrast to the secured creditor, however, the hands of the rightful owner are tied. Claims that can be made against the unauthorized provider of the securities are therefore even more important. But in § 816 (1) of the code, a relevant claim for compensation is perpetuated. Andreas Bergmann questions the legislator's surprisingly shortsighted stance in this little researched area.

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