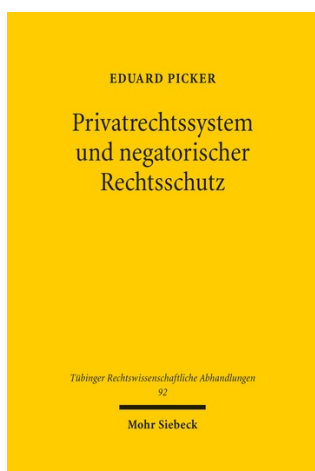


Eduard Picker

Privatrechtssystem und negatorischer Rechtsschutz

[Private Law, Rights to Prevention, and Injunctive Relief.]



Published in German.

This volume includes seven essays on the German doctrine of »Negatorischer Rechtsschutz« (injunctive relief), presented by Eduard Picker. Together, these essays serve a dual purpose. The first is to synthesize the current law as a system for the protection of substantive rights. The law uses a specific doctrinal mechanism, namely to specify the scope of protection of subjective rights and then to accord rights to prevention, alongside rights to damages for harm caused. The second goal is to establish the principle of injunctive relief against illicit infringement of the protected sphere as a distinct and separate category of liability. Liability for harm-caused preventive liability runs parallel to and is contingent on a violation of the protected sphere, whether continuing or threatened; but, other than liability in damages, it dispenses with the element of causation. One important area where rights to prevention loom large, and which is therefore analyzed at length in the present volume, is the responsibility of online platforms and other internet intermediaries.

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