

Tilman Niedermaier

Schieds- und Schiedsverfahrensvereinbarungen in strukturellen Ungleichgewichtslagen

Ein deutsch-U.S.-amerikanischer Rechtsvergleich mit Schlaglichtern auf weitere Rechtsordnungen

[Arbitration Agreements and Agreements on Arbitral Procedure Between Parties of Unequal Bargaining Power. A Comparison of German and U.S. Law With Consideration of Further Legal Systems.]

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The German Arbitration Law of 1998 is particularly intended to meet the requirements of international commerce. One characteristic of international commercial disputes is a balance of power between the parties. However, structural imbalances between parties do occur not only in domestic and non-commercial disputes. In the recent years, issues raised by such imbalances in arbitration have received increasing attention in case law and legal scholarship in the United States.

Tilman Niedermaier compares the law in Germany and the United States. Taking into account recent developments in EU law, he assesses to what extent the interests of parties with unequal bargaining power in arbitration can be safeguarded under German law.

Tilman Niedermaier Geboren 1980; Studium der Rechtswissenschaften in München und Genf; 2010 LL.M. (University of Chicago); 2013 Promotion (Göttingen); derzeit in München im Bereich Schiedsverfahren und Prozessführung als Rechtsanwalt tätig.



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