

Mark-Oliver Mackenrodt

Technologie statt Vertrag?

Sachmangelbegriff, negative Beschaffenheitsvereinbarungen und AGB beim Kauf digitaler Güter

[Technology instead of a Contract? Liability for Defects, Negative Agreements on Quality, and Standard Contract Terms with Regards to the Purchase of Digital Goods.]

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Mark-Oliver Mackenrodt examines fundamental issues of civil law as exemplified by usage restrictions of digital goods which are equipped with technological protection measures. Taking resort to insights of legal and economic theory he conceptualizes a model which allows for a more coherent legal evaluation of usage restrictions, regardless of whether these restrictions have been implemented by means of a contract or by means of technological design. The normative concept of defects of quality which he develops in this model provides for more legal certainty when dealing with novel technological products.

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