

Stefan Enchelmaier

Übertragung und Belastung unkörperlicher Gegenstände im deutschen und englischen Privatrecht

[Assignment and Encumbrances of Intangibles in German and English Law.]

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This comparative Anglo-German study considers proprietary transactions in intangibles, that is, debts, shares and intellectual property rights. These assets represent the lion's share of the value created and traded in modern economies. Nevertheless, English law has not always found it easy to accommodate intangibles within a conceptual framework of property law whose medieval roots are still omnipresent, particularly in the law of assignment. The German civil code of 1900, by contrast, introduced a thoroughly modern and comprehensive system of proprietary transactions in intangibles. All the same, a plethora of questions remain to be explored here too, including some of a fundamental nature. Not the overall layout of English law, but a number of its individual solutions can provide inspiration for parallel questions that arise in German law.

Stefan Enchelmaier Geboren 1967, Studium der Rechtswissenschaften, Philosophie und Lateinischen Philologie an den Universitäten Köln, Hamburg, Edinburgh; 1995 Dr. iur. (Bonn), 2001 M.A. (Oxford); 2012 Habilitation (München); 1996–97 Rechtsanwalt in Bonn; 1997–2003 DAAD-Lecturer und Deputy Director, Institute of European and Comparative Law, University of Oxford; Fellow and Tutor in Law, Wadham College, University of Oxford; 2003–08 Wissenschaftlicher Referent, Max-Planck-Institut für Immaterialgüter- und Wettbewerbsrecht, München; 2008–13 Professor of European and Comparative Commercial Law, York Law School, University of York; seit 2013 Professor of European and Comparative Law, University of Oxford; Fellow and Tutor in Law, Lincoln College, University of Oxford.



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