

Stefan Enchelmaier

Übertragung und Belastung unkörperlicher Gegenstände im deutschen und englischen Privatrecht

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

Published in German.

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.

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2014. XXI, 709 pages. BtrIPR 106

ISBN 978-3-16-152761-6

DOI 10.1628/978-3-16-152761-6

eBook PDF 119,00 €

ISBN 978-3-16-152760-9

cloth 119,00 €

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