

Materialien zum ausländischen und internationalen Privatrecht

Edited by the Max-Planck-Institut für ausländisches und internationales Privatrecht
Directors: Holger Fleischer, Ralf Michaels, and Reinhard Zimmermann

The *Materialien zum ausländischen und internationalen Privatrecht* series was founded in 1951. It deals mainly with fundamental sources and texts on the reform and practice of private international law.

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ISSN: 0543-0194 - Suggested citation: MatIPR

Last updated: 18/05/2022. Prices are subject to change.

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Das reformierte japanische Schuldrecht

Erläuterungen und Text

Herausgegeben von Keizo Yamamoto und Gabriele Koziol

Volume 56
2021. XII, 372 pages.

ISBN 9783161611421
cloth 89,00 €

ISBN 9783161611438
eBook PDF 89,00 €

On April 1, 2020, a comprehensive reform of the Japanese Civil Code entered into force. The book contains a German translation of the relevant parts of the Civil Code (General Part and Law of Obligations) as well as ten contributions by Japanese experts commenting on the most important issues of the reform.

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Keizo Yamamoto : Die Schuldrechtsreform 2020 und die Rechtsvergleichung – *Atsuko Kimura* : Irrtumsrecht – *Fumihito Nagano* : Verjährung – *Tomohiro Yoshimasa* : Der Erfüllungsanspruch und seine Grenzen – *Yoshio Shiomi* : Schadensersatz wegen Nichterfüllung – *Hisakazu Matsuoka* : Bürgschaft – *Katsuyuki Wada* : Das Recht der Forderungsabtretung – *Mizuho Nakamura* : Rücktritt und Gefahrtragung – *Yutaka Yamamoto* : Standardisierte Geschäftsbedingungen – *Hiroshi Tanaka* : Kauf
Übersetzung des novellierten Zivilgesetzes 2020 – Übersicht über die Reformvorschläge und die Entwürfe zum Zivilgesetz 2020

Handbuch des chinesischen Zivilprozessrechts

Analyse und Materialien

Hrsg. v. Knut Benjamin Pißler

Volume 55
2018. XXXII, 869 pages.

ISBN 9783161562884
cloth 119,00 €

ISBN 9783161562891
eBook PDF 119,00 €

The present work is the first German-language publication to comprehensively detail the law of civil procedure in the People's Republic of China. The contributions address not only the applicable legislation but also relevant judicial interpretations issued by the Supreme People's Court and lower court decisions. The book's authors are scholars and practitioners who stand as recognized experts in the field of Chinese law. The work offers an in-depth analysis of the civil judgment process, ranging from procedural requirements, court adjudication, the issuance and enforcement of judgments, and special characteristics of proceedings involving a foreign element. In addition, the book is annexed with the Civil Procedure Law of 2017, the 2015 Judicial Interpretations of the Supreme People's Court on the Civil Procedure Law, and other important judicial interpretations, in each case reproduced in the original Chinese alongside a German translation. Also included is an introductory chapter discussing the evolution of Chinese civil procedure law, principles of procedural law, and the judiciary in China, with an emphasis placed on empirical findings as related to judicial civil practice.

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OR 2020 – Die schweizerische Schuldrechtsreform aus vergleichender Sicht

Hrsg. v. Jan Dirk Harke u. Karl Riesenhuber



Volume 54
2016. IX, 317 pages.

ISBN 9783161542121
cloth 79,00 €

ISBN 9783161542138
eBook PDF 79,00 €

A group of academics drawn from all Switzerland's law faculties presented an obligations law reform proposal in 2013. The innovative proposal is worthy of comment and is of international legal interest in that it also contributes to the ongoing debate on a European law of obligations. This volume presents the collected proceedings of a joint conference held with the universities of Bochum and Würzburg. Following an introduction from a Swiss perspective, German jurists discuss the proposal from a comparative point of view. (A multi-lingual version of the proposal with comparative references is available at www.or2020.ch).

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Kohärenz im Internationalen Privat- und Verfahrensrecht der Europäischen Union

Hrsg. v. Jan von Hein u. Giesela Rühl

Volume 53
2016. XVII, 389 pages.

ISBN 9783161533501
cloth 79,00 €

ISBN 9783161541971
eBook PDF 79,00 €

Since adopting the Treaty of Amsterdam in 1997, the European Union has enacted a large number of regulations in the field of Private International Law and International Civil Procedure. Resultant reconciliation and coordination problems were the subject of a 2014 conference in Freiburg im Breisgau. The findings presented here shed light on incoherences, describe the requirements for a more coherent regulation and discuss perspectives for a future European codification in the field of Private International Law..

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Private International Law in Mainland China, Taiwan and Europe

Ed. by Jürgen Basedow and Knut B. Pißler

Volume 52
2014. XIII, 470 pages.

ISBN 9783161533563
cloth 84,00 €

ISBN 9783161533570
eBook PDF 84,00 €

Over the last decades, private international law has become the target of intense codification efforts. Inspired by the stimulating initiatives taken by some European countries, by the Brussels Convention and the Rome Convention, numerous countries in other regions of the world started to enact comprehensive legislation in the field. Among them are Taiwan and mainland China. Both adopted statutes on private international law in 2010. In light of the rising significance of the mutual economic and societal relations between the jurisdictions involved and of the legal innovations laid down in the new instruments, the Max Planck Institute for Comparative and International Private Law convened scholars to present the conflict rules adopted in Europe, in mainland China and in Taiwan across a whole range of private law subjects. This book collects the papers of the conference and presents them to the public, together with English translations of the acts of Taiwan and mainland China.

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Piñler, Knut Benjamin

Wohnungseigentum in China

Darstellung und Rechtsgrundlagen

Volume 51
2012. XI, 210 pages.

ISBN 9783161524073
cloth 69,00 €

ISBN 9783161524080
eBook PDF 69,00 €

With the promulgation of the Property Law of the People's Republic of China in 2007, Chinese condominium law was based on a new legal foundation. However, the law regulates the related questions only very minimally. Knut Benjamin Piñler provides for a systematic overview on Chinese condominium law according to all the relevant administrative regulations and judicial interpretations of the Supreme People's Court, which are also attached to this work in a Chinese-German version.

Private Law in Eastern Europe

Autonomous Developments or Legal Transplants?

Ed. by Christa Jessel-Holst, Rainer Kulms and Alexander Trunk

Volume 50
2010. XV, 503 pages.

ISBN 9783161505898
cloth 84,00 €

ISBN 9783161512971
eBook PDF 84,00 €

More than 20 years have passed since the downfall of socialist systems. To accelerate transformation processes utmost priority was given to the recognition of property rights, an indispensable requirement for free market economies. Regulators soon came to realize that the success of transformation was conditioned on a more systematic approach towards codified civil law and business law. Numerous comparative law studies on individual Eastern European states have been undertaken, but they fail to portray the dynamic in its full scope. Studies adopting long-term perspectives and offering multi-nation comparisons are particularly rare. In March 2009, a symposium was held at the Hamburg Max Planck Institute for Comparative and International Law to address these shortcomings. In this conference volume Christa Jessel-Holst, Rainer Kulms, and Alexander Trunk assemble the contributions by international policy advisors and scholars from Eastern and South Eastern Europe (Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Poland, Romania, Russia, Serbia, Slovenia and Ukraine) assessing codification processes in classic civil law fields and company and capital market laws. In spite of comparable transformation problems, the individual processes are moving forward quite disparately, oscillating between 'old' socialist codifications, legislative projects faithful to the *acquis communautaire* and new codifications with a distinctly autonomous approach. Nonetheless, most transformation states are united in their effort to establish efficient court systems which can handle the *acquis* without being positivistic.

Contributors:

Jürgen Basedow, Rainer Kulms, Michel Nussbaumer, Frederique Dahan, Thomas Meyer, Alexander Komarov, Volodymyr Kossak, Jelena Perović, Camelia Toader, Verica Trstenjak, Christian Takoff, Tatjana Josipović, Meliha Powlakić, Dušan Nikolić, Mirko Vasiljević, Alexandra Makovskaya, Oleg Zaitsev, Ionuț Radulețu, Tania Bouzeva, Radu Catană, Andrés Kisfaludi, Krzysztof Oplustil, Arkadiusz Radwan



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Intellectual Property in the Global Arena

Jurisdiction, Applicable Law, and the Recognition of Judgments in Europe, Japan and the US

Ed. by *Jürgen Basedow*, *Toshiyuki Kono* and *Axel Metzger*

Volume 49
2010. X, 404 pages.

ISBN 9783161512964
eBook PDF

The private international law of intellectual property is currently much debated both in Europe and abroad. Art. 8 of the Rome II Regulation of 2007, which codifies a territorial approach for the infringement of intellectual property, has provoked an intensive discussion in Europe as to whether the *lex loci* protection is still appropriate for intellectual property litigation in the age of worldwide networks. A condensed outcome of this debate is summarized in the »Principles for Conflict of Laws in Intellectual Property« (CLIP Principles) drafted by the European Max Planck Group on Conflict of Laws in Intellectual Property (CLIP), published recently in a second preliminary draft. On the international scale, the American Law Institute's »Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes« of 2007 (ALI Principles) are the focal point of the debate. A Japanese project (»Transparency Proposal«) was finalized in 2009. This volume provides a comparative analysis of the three proposals. It compiles papers presented at an international conference held in Tokyo in May 2009.

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Annex II: Principles for Conflict of Laws in Intellectual Property

Annex III: Transparency Proposal on Jurisdiction, Choice of Law, Recognition and Enforcement of Foreign Judgments in Intellectual Property

Japanese and European Private International Law in Comparative Perspective

Ed. by *Jürgen Basedow*, *Harald Baum* and *Yuko Nishitani*



Volume 48
2008. XVIII, 434 pages.

ISBN 9783161512957
eBook PDF 99,00 €

The idea of national codification is advancing on a global scale in conflict of laws. A large number of legislative projects dealing with codifying and modernizing private international law, both on the national and the supranational level, have been launched in the past few years. Among such recent initiatives, the advances taken by the European and the Japanese legislators are particularly reflecting these developments. On January 1, 2007, the new Japanese 'Act on General Rules for Application of Laws' entered into force replacing the outdated conflict of laws statute of 1898. This major reform finds its parallels in the current efforts of the European Union to create a modern private international law regime for its member states.

This volume presents the first comprehensive analysis of the new Japanese private international law available in any western language and contrasts it with corresponding European developments. Most of the contributors from Japan are scholars who were actively involved in and responsible for preparing the new Act. All of them are renowned experts in the field of private international law. Leading European experts in the conflict of laws supplement the Japanese analyses with comparative contributions reflecting the pertinent discussion of parallel endeavours in the EU. To guarantee better understanding, English translations of both the present and the former Japanese statutes have been added.

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Vorschläge und Berichte zur Reform des europäischen und deutschen internationalen Gesellschaftsrechts

Vorgelegt im Auftrag der zweiten Kommission des Deutschen Rates für Internationales Privatrecht,
Spezialkommission Internationales Gesellschaftsrecht

Hrsg. v. Hans J. Sonnenberger

Volume 47
2007. XI, 625 pages.

ISBN 9783161493072
cloth 119,00 €

ISBN 9783161512940
eBook PDF 119,00 €

This volume contains proposals for the reorganization of the international conflict of laws for corporations. These were developed by the special commission for international corporate law which was appointed by the German Council for International Private Law. The commission was appointed to provide advice following the decisions pertaining to corporate law made by the European Court of Justice on the freedom of establishment for corporations. These made it necessary to find a new concept for international corporate law. This publication contains those proposals presented to the German Federal Minister of Justice for a European and by an alternative method for a German regulation along with the expertises and the reports of the proceedings provided for the commission. Due to the significance of this subject for all of Europe, the proposals are given in German, English and French.

Deutsches Internationales Privatrecht im 16. und 17. Jahrhundert

Band 2: Materialien, Übersetzungen, Anmerkungen

Hrsg. v. Christian von Bar u. Peter Dopffel, u. Mitw. v. Hans J. Hilling

Volume 42/2
2001. XXVI, 758 pages.
ISBN 9783161475313
cloth 229,00 €

This is the second volume of a two-volume book that makes accessible for the first time the fundamental historical sources of German private international law from its beginning until approximately 1700, thus providing the essential background for understanding the conflict of laws theory. The two volumes cover the major works of eighteen German authors from 1481 to 1719 in the original Latin and give a translation into modern German. It is an excellent reference work on the history of private international law permitting a deeper insight into present day private international law.

Das japanische Zivilprozeßrecht

Zivilprozeßgesetz und Zivilprozeßverordnung nach der Reform von 1996

Hrsg. v. Christopher Heath u. Anja Petersen

Volume 41
2002. XI, 211 pages.

ISBN 9783161477607
cloth 64,00 €

After years of study and discussion, the Japanese Code of Civil Procedure was significantly amended in 1996. Purposes of the amendment were a speeding up of the notoriously slow procedure, improvements in the discovery of documents, limitations of the appeal procedure and new, user-friendly rules for small claims. The book contains a translation of the Code of Civil Procedure, the Supreme Court's Rules of Civil Procedure and the provisions on arbitration proceedings. The introductory overview explains the history of civil litigation in Japan, covers the 1996 amendments in detail, and concludes with statistical data on the subject.

Volume 40
1997. XIV, 259 pages.

ISBN 9783161468285
cloth 149,00 €

Vorschläge und Gutachten zur Umsetzung des EU-Übereinkommens über Insolvenzverfahren im deutschen Recht

Vorgest. v. Hans Stoll

Volume 39/1
1995. XXX, 648 pages.

ISBN 9783161464485
cloth 224,00 €

Deutsches Internationales Privatrecht im 16. und 17. Jahrhundert

Band 1: Materialien, Übersetzungen, Anmerkungen

Hrsg. v. Christian von Bar u. Peter Dopffel, u. Mitw. v. Dirk Effertz, Franz Nieper u. Thomas Stäcker

Volume 38
1994. XII, 178 pages.

ISBN 9783161462122
cloth 109,00 €

Aspekte des Internationalen Versicherungsvertragsrechts im Europäischen Wirtschaftsraum

Referate und Diskussionsberichte eines deutsch-österreichisch-schweizerischen Kolloquiums

Beitr. v. Jürgen Basedow, Fritz Reichert-Facilides, Wulf H. Roth u.a.

Volume 37/4
1993. XIV, 325 pages.

ISBN 9783161461033
cloth 189,00 €

Internationale Rechtsprechung zum Genfer einheitlichen Wechsel- und Scheckrecht

4. Folge: 1974–1984. Eine Übersicht über die Rechtsprechung von Belgien, Deutschland, Frankreich, Italien, Luxemburg, Niederlande, Österreich und der Schweiz

Hrsg. v. Karl Kreuzer, Bearb. v. Hans J. Ahrens

Volume 36
1992. XIV, 311 pages.

ISBN 9783161458552
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Cross-Border Insolvency: National and Comparative Studies

Reports delivered at the XIII International Congress of Comparative Law, Montreal 1990

Hrsg. v. Ian F. Fletcher



Volume 35
1992. XVIII, 338 pages.

ISBN 9783161457609
cloth 164,00 €

Stellungnahmen und Gutachten zur Reform des deutschen internationalen Insolvenzrechts

Im Auftrag der Sonderkommission 'Internationales Insolvenzrecht' des Deutschen Rates für
Internationales Privatrecht vorgelegt von Hans Stoll
Bearb. v. Fotios Karatzenis u. Gerwin Janke

Volume 34
1991. XVI, 268 pages.

ISBN 9783161457593
cloth 134,00 €

Stellungnahmen und Gutachten zum Europäischen Internationalen Zivilverfahrens- und Versicherungsrecht

Hrsg. i. Auftr. d. II. Kommission d. Deutschen Rates f. Internationales Privatrecht v. Hans Stoll

Volume 33
1991. XVII, 202 pages.

ISBN 9783161456374
cloth 114,00 €

Vorschläge und Gutachten zur Reform des deutschen internationalen Sachen- und Immaterialgüterrechts

Hrsg. v. Dieter Henrich

Volume 32
1988. XVI, 514 pages.

ISBN 9783166447995
cloth 179,00 €

Vorschläge und Gutachten zum Entwurf eines EG-Konkursübereinkommens

Im Auftrag einer Sonderkommission des Deutschen Rates für internationales Privatrecht
Hrsg. v. Gerhard Kegel. Bearb. v. Jürgen Thieme