

Personality Rights In European Tort Law The Common Core Of European Private Law

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The Rights of War and Peace Richard Tuck 2001-09-06 The Rights of War and Peace is the first fully historical account of the formative period of modern theories of international law. It sets the scene with an extensive history of the theory of international relations from antiquity down to the seventeenth century. Professor Tuck then examines the arguments over the moral basis for war and international aggression, and links the debates to the writings of the great political theorists such as Hobbes, Locke, Rousseau, and Kant. This is not only an account of international law: as Professor Tuck shows, ideas about inter-state relations were central to the formation of modern liberal political theory, for the best example the kind of agent which liberalism presupposes was provided by the modern state. As a result the book illuminates the presuppositions behind much current political theory, and puts into a new perspective the connection between liberalism and imperialism.

European Tort Law Cees van Dam 2013-03-21 This textbook provides insight into the differences, commonalities and mutual influence of the tort law systems of various European jurisdictions, bringing together national tort law, comparative law, EU law, and human rights law.

The Commercial Appropriation of Personality Huw Beverley-Smith 2002-08-15 Commercial exploitation of attributes of an individual's personality, such as name, voice and likeness, forms a mainstay of modern advertising and marketing. Such indicia also represent an important aspect of an individual's dignity which is often offended by unauthorized commercial appropriation. This volume provides a framework for analysing the disparate aspects of the problem of commercial appropriation of personality and traces, in detail, the discrete patterns of development in the major common law systems. It also considers whether a coherent justification for a remedy may be identified from a range of competing theories. The considerable variation in substantive legal protection reflects more fundamental differences in the law's responsiveness to commercial practices and different attitudes towards the proper scope and limits of intangible property rights.

A Company's Right to Damages for Non-Pecuniary Loss Vanessa Wilcox 2016-08-15 This detailed examination explores the extent to which non-pecuniary damages can properly be awarded to companies.

Risks and Wrongs Jules L. Coleman 1992-11-27 Jules Coleman discusses the conflict between the goals of justice and economic efficiency in the allocation of risk, especially risk pertaining to safety.

Evidential Uncertainty in Causation in Negligence Gemma Turton 2016-05-19 This book undertakes an analysis of academic and judicial responses to the problem of

evidential uncertainty in causation in negligence. It seeks to bring clarity to what has become a notoriously complex area by adopting a clear approach to the function of the doctrine of causation within a corrective justice-based account of negligence liability. It first explores basic causal models and issues of proof, including the role of statistical and epidemiological evidence, in order to isolate the problem of evidential uncertainty more precisely. Application of Richard Wright's NESS test to a range of English case law shows it to be more comprehensive than the 'but for' test that currently dominates, thereby reducing the need to resort to additional tests, such as the Wardlaw test of material contribution to harm, the scope and meaning of which are uncertain. The book builds on this foundation to explore the solution to a range of problems of evidential uncertainty, focusing on the Fairchild principle and the idea of risk as damage, as well as the notion of loss of a chance in medical negligence which is often seen as analogous with 'increase in risk', in an attempt to bring coherence to this area of the law.

Fundamental Rights and Private Law in Europe Nuno Ferreira 2011-05-19 The book explores, from a comparative and inter-disciplinary perspective, the relationship between fundamental rights and private law in Europe, a debate usually referred to as *Drittwirkung* or 'horizontal effect of fundamental rights'. It discusses the different models of 'horizontal effect' and the impact that fundamental rights may have in shaping tort law, especially the position of child tortfeasors. The book concentrates on several European jurisdictions, namely France, Italy, Germany, Portugal, Sweden, Finland, and England and Wales. At a crossroad between human rights and European private law, this study draws insights from several legal fields (international, European, tort, constitutional and child law), sociology, psychology, and feminist studies. It also considers policy implications and advances proposals which would ensure the optimisation of the effect, and maximisation of the effectiveness, of fundamental rights in tort law, and more generally in private law. This book departs from traditional legal doctrines and offers a more pragmatic, comprehensive and just legal analysis of the role of fundamental rights in private law. It will be of interest to undergraduate and postgraduate students, academics, practitioners, policy-makers and activists with an interest in human rights, tort law, comparative law, children's rights and European private law.

Japanese Imperialism, 1894-1945 William G. Beasley 1987 This is a study of the origins and nature of Japanese imperialism from the Sino-Japanese war of 1894-1895 through to 1945. Japan is the only Asian country in

modern times to have built both a successful industrial economy and an empire, and it is Professor Beasley's contention that these two phenomena are closely related. Japan's aims were influenced by its experience of western imperialism and its own growing industrialization, but as external circumstances changed and Japan's capacity grew, so did its needs and ambitions. The creation of the Japanese empire is one of the most remarkable exploits of the twentieth century. Professor Beasley has provided a much-needed scholarly investigation into its development, expansion, and eventual destruction.

Personality Rights in European Tort Law Gert Brüggemeier 2010-04-15 This volume provides a comprehensive analysis of civil liability for invasion of personality interests in Europe. It is the final product of the collaboration of twenty-seven scholars and includes case studies of fourteen European jurisdictions, as well as an introductory chapter written from a US perspective. The case studies focus in particular on the legal protection of honour and reputation, privacy, self-determination and image. This volume aims to detect hidden similarities (the 'common core') in the actual legal treatment accorded by different European countries to personal interests which in some of these countries qualify as 'personality rights', and also to detect hidden disparities in the 'law in action' of countries whose 'law in the books' seem to protect one and the same personality interest in the same way.

Encyclopedia of Private International Law Jürgen Basedow 2017-09-29 The Encyclopedia of Private International Law quite simply represents the definitive reference work in the field. Bringing together 195 authors from 57 countries the Encyclopedia sheds light on the current state of Private International Law around the globe, providing unique insights into the discipline and how it is affected by globalization and increased regional integration. The role and character of Private International Law has changed tremendously over the past decades. With the steady increase of global and regional inter-connectedness the practical significance of the discipline has grown. And so has the number of legislative activities on the national, international and, most importantly, the European level. The Encyclopedia is a rich and varied resource in four volumes. The first two volumes provide comprehensive coverage of topical aspects of Private International Law in the form of 247 alphabetically arranged entries. The third volume provides insightful detail on the national Private International Law regimes of 80 different countries. The fourth volume presents invaluable, and often unique, English language translations of the national codifications and provisions of Private International Law in those countries. Key Features: * 247 substantive entries * 80 national reports * Entries organized alphabetically for ease of navigation * Fully cross-referenced * Entries written by the world's foremost scholars of Private International Law * National codifications in English collected together into a single volume for quick reference * World class editor team.

Sceptical Essays on Human Rights Tom Campbell 2001 This collection, written by an array of international scholars, raises serious and profound concerns about the entrenchment of human rights generally and into UK law in particular. This is the only book on the market to take a sceptical approach to recent developments in human rights law. Written throughout in an engaging and accessible style, this book is essential reading for all those with an interest in law or politics.

Tort Liability of Public Authorities in European Laws Giacinto della Cananea 2021-01-15 Administrative law permeates all areas of law, and this series focuses on its role both regionally and globally. This volume considers tort liabilities in European public

authorities. It looks at several European countries, using case studies to compare administrative laws across the EU.

Corporate Duties to the Public Barnali Choudhury 2019-01-10 Today's economic and social context demands that corporations - once seen only as private actors - owe duties to the public.

Fundamental Rights and Private Law in the European Union: Comparative analyses of selected case patterns Gert Brüggemeier 2010 "Comparative study carried out by the Research Training Network on Fundamental Rights and Private Law in the European Union"--P. [iv] of cover, Vol. 1-2.

European Product Liability Piotr Machnikowski 2016 Thirty years after the entry into force of the Directive on liability for defective products (Council Directive 85/374/EEC), and in the light of the threat to user safety posed by consumer goods that make use of new technologies, it is essential to assess and determine whether the Directive remains an adequate legal response to the phenomenon of products brought to market that fail to ensure appropriate levels of safety for their users. European Product Liability is the result of an extensive international research project funded by the Polish National Science Centre. It brings together experienced scholars associated with the European Group on Tort Law (EGTL) and the European Research Group on Existing EC Private Law (Acquis Group). Individual country reports analyse the implementation of the Directive in the domestic law of several EU and EEA Member States (namely Austria, Czech Republic, Denmark, England, France, Germany, Italy, Netherlands, Norway, Poland, Spain, and Switzerland) and the relationship of the implemented rules with the already existing rules of tort law. The country reports show that the practical significance of product liability differs widely in the various Member States. Also taking into account non-EU countries (Canada, Israel, South Africa and the USA), this book examines whether EU law will ensure sufficient safety for individuals using goods that have been produced using new technologies that are currently under development, such as major advances in mechatronics, nanotechnology, regenerative medicine and contour crafting. Together with an economic analysis of product liability it makes the book valuable for academics, practitioners, policy makers and all those interested in the subject.

Refining Privacy in Tort Law Patrick O'Callaghan 2012-09-14 This book is about privacy interests in English tort law. Despite the recent recognition of a misuse of private information tort, English law remains underdeveloped. The presence of gaps in the law can be explained, to some extent, by a failure on the part of courts and legal academics to reflect on the meaning of privacy. Through comparative, critical and historical analysis, this book seeks to refine our understanding of privacy by considering our shared experience of it. To this end, the book draws on the work of Norbert Elias and Karl Popper, among others, and compares the English law of privacy with the highly elaborate German law. In doing so, the book reaches the conclusion that an unfortunate consequence of the way English privacy law has developed is that it gives the impression that justice is only for the rich and famous. If English courts are to ensure equalitarian justice, the book argues that they must reflect on the value of privacy and explore the bounds of legal possibility.

The Legal Protection of Personality Rights Ken Oliphant 2018-03-06 This book aims to investigate the way in which personality rights are protected in China through a comparative and cross-cultural lens drawing on perspectives from Europe and elsewhere in the world. Currently, the question whether or not to incorporate a special law on personal rights – the right to life, the right to health, and the rights to reputation and

privacy – into a future Chinese Civil Code is heatedly debated in the Chinese legal community.

Comparative Tort Law Thomas Kadner Graziano 2018-03-20 Comparative Tort Law promotes a 'learning by doing' approach to comparative tort law and comparative methodology. Each chapter starts with a case scenario followed by questions and expertly selected material, such as: legislation, extracts of case law, soft law principles, and (where appropriate) extracts of legal doctrine. Using this material, students are invited to:

- solve the proposed scenario according to the laws of several jurisdictions;
- compare the approaches and solutions they have identified;
- evaluate their respective pros and cons; and
- reflect upon the most appropriate approach and solution.

This book is essential reading for all students and scholars of comparative tort law and comparative law methodology and is the ideal companion for those wishing to both familiarise themselves with real-world materials and understand the many diverse approaches to modern tort law.

Essential Cases on Damage Benedict Winiger 2012-01-01 With an emerging *ius commune* in the field of tort law, the extensive range of experiences derived from national court practice on the basis of prior laws will in certain respects be of comparatively less importance. A major lacuna is thus apparent: While publications of court decisions and databases exist, none provide access to a comparative selection of recurring issues in the various European legal systems. Along the lines of the previous Digest project on Causation, this study covers another key element of tort law – damage. The publication contains a systematic selection of cases from 27 countries across Europe in addition to ECJ case-law, with each case benefiting from an analysis and commentary from a national and, where appropriate, a comparative perspective. Further, the impact of these rulings on a future European law of torts is highlighted. Finally, the publication also looks into how key cases would be resolved under unified European tort law drafts. The object of the study is thus to bridge domestic case-law with the new body of uniform tort law thus facilitating the continuity of legal development in Europe.

Human Rights and European Law Mary Arden 2015 In light of recent criticism of the EU and Strasbourg, Mary Arden makes an invaluable contribution to the debate on transnational courts and human rights. Drawing on years of experience as a senior judge, she explains clearly how human rights law has evolved, and the difficult balances that judges have to strike when interpreting it.

Tort Law Ernest J. Weinrib 2018-04-27 This title was first published in 2002. The first series of The International Library of Essays in Law and Legal Theory has established itself as a major research resource. The rapid growth of theoretically interesting scholarly work in law has increased a demand for a Second Series which includes significant recent work and also gives an opportunity to include additional areas of law. The new series follows the successful pattern established in the first of reproducing entire essays with the original page numbers as an aid to comprehensive research and accurate referencing. Volume editors have selected not only the most influential essays but those which they consider will be of greatest continuing importance. Each volume has an introduction which explains the context and the significance of the essays chosen.

Invasions of personality rights by the media Axel Beater 2005 "Internationales Symposium in Greifswald, 6.-9. Mai 2004."

The Draft Common Frame of Reference as a "Toolbox" for Domestic Courts Marta Santos Silva 2017-07-03 This book investigates whether national courts could and should import innovative solutions from abroad in the

adjudication of complex legal disputes. Special attention is paid to the concept of "legally relevant damage" and its importance in overcoming the deadlock created by the category of "pure economic loss" in the Portuguese and German tort law systems. These systems are essentially based on the concept of unlawfulness ("Rechtswidrigkeit"), which limits the compensation for pure economic loss to where a protective rule is infringed. These losses have nevertheless been compensated for through the extensive interpretation of rules and the appeal to near-contractual devices, which has been detrimental to legal certainty, the equality before the law, and subjects' freedom of action. This book explains why courts can and should take a proactive role and apply DCFR-based solutions in order to compensate for every loss that is worthy of legal protection.

Justice, Rights, and Tort Law M.E. Bayles 1983-08-31 The essays in this volume are the result of a project on Values in Tort Law directed by the Westminster Institute for Ethics and Human Values. We are indebted to the Board of Westminster College for its financial support. The project involved two meetings of a mixed group of lawyers and philosophers to discuss drafts of papers and general issues in tort law. Beyond the principal researchers, whose papers appear here, we are grateful to John Bargo, Dick Bronaugh, Craig Brown, Earl Cherniak, Bruce Feldthusen, Barry Hoffmaster and Steve Sharzer for their helpful discussion, and to Nancy Margolis for copy editing. All of these papers except one have appeared before in the journal *Law and Philosophy* (Vol. 1 No.3, December 1982 and Vol. 2 No.1, April 1983). Chapman's paper which was previously published in *The University of Western Ontario Law Review* (Vol. 20 No.1, 1982) appears here with permission. Westminster Institute for Ethics and Human Values, M.D.B. Westminster College, London, Canada B.C. vii INTRODUCTION The law of torts is society's primary mechanism for resolving disputes arising from personal injury and property damage.

The Influence of Human Rights and Basic Rights in Private Law Verica Trstenjak 2015-12-16 This book provides a comparative perspective on one of the most intriguing developments in law: the influence of basic rights and human rights in private law. It analyzes the application of basic rights and human rights, which are traditionally understood as public law rights, in private law, and discusses the related spillover effects and changing perspectives in legal doctrine and practice. It provides examples where basic rights and human rights influence judicial reasoning and lead to changes of legislation in contract law, tort law, property law, family law, and copyright law. Providing both context and background analysis for any critical examination of the horizontal effect of fundamental rights in private law, the book contributes to the current debate on an important issue that deserves the attention of legal practitioners, scholars, judges and others involved in the developments in a variety of the world's jurisdictions. This book is based on the General Report and national reports commissioned by the International Academy of Comparative Law and written for the XIXth International Congress of Comparative Law in Vienna, Austria, in the summer of 2014.

The Cambridge Handbook of International and Comparative Trademark Law Irene Calboli 2020-09-30 Trade in goods and services has historically resisted territorial confinement, but trademark protection remains territorial, albeit within an increasingly important framework of multilateral treaties. Trademark law therefore demands that practitioners, policy-makers and academics understand principles of international and comparative law. This handbook assists in that endeavour, with chapters describing and critically analyzing international and regional frameworks, and

providing comparative perspectives on the substantive issues in trademark law and related fields, such as geographic indications, advertising law, and domain names. Chapters contrast common law and civil law approaches while focusing on the US and EU trademark systems in light of the role these systems have played in the development of trademark laws. Additionally, this handbook covers other jurisdictions, both common law and civil law, on the Asia-Pacific, African, and South American continents. This work should be read by anyone seeking a better understanding of trademark law around the world.

The Business of Judging Tom Bingham 2011-09-08 Tom Bingham (1933-2010) was the 'greatest judge of our time' (The Guardian), a towering figure in modern British public life who championed the rule of law and human rights inside and outside the courtroom. The Business of Judging collects Bingham's most important writings during his period in judicial office before the House of Lords. The papers collected here offer Bingham's views on a wide range of issues, ranging from the ethics of judging to the role of law in a diverse society. They include his reflections on the main contours of English public and criminal law, and his early work on the incorporation of the European Convention on Human Rights and reforming the constitution. Written in the accessible style that made *The Rule of Law* (2010) a popular success, the book will be essential reading for all those working in law, and an engaging inroad to understanding the role of the law and courts in public life for the general reader.

Damages for Violations of Human Rights Ewa Bagińska 2015-10-20 This volume analyses the legal grounds, premises and extent of pecuniary compensation for violations of human rights in national legal systems. The scope of comparison includes liability regimes in general and in detail, the correlation between pecuniary remedies available under international law and under domestic law, and special (alternative) compensation systems. All sources of human rights violations are embraced, including historical injustices and systematic and gross violations. The book is a collection of nineteen contributions written by public international law, international human rights and private law experts, covering fifteen European jurisdictions (including Central and Eastern Europe), the United States, Israel and EU law. The contributions, initially prepared for the 19th International Congress of Comparative Law in Vienna (2014), present the latest developments in legislation, scholarship and case-law concerning domestic causes of action in cases of human rights abuses. The book concludes with a comparative report which assesses the developments in tort law and public liability law, the role of the constitutionalisation of the right to damages as well as the court practice related to the process of enforcement of human rights through monetary remedies. This country-by-country comparison allows to consider whether the value of protection of human rights as expressed in international treaties, *ius cogens* and in national constitutional laws justifies the conclusion that the interests at stake should enjoy protection under the existing civil liability rules, or that a new cause of action, or even a whole new set of rules, should be created in national systems.

Rights of Personality in Scots Law Niall Whitty 2014-02-08 Explores the law on rights of personality in Scotland compared to other jurisdictions Taking a comparative perspective, this book explores the trends and issues affecting the law on rights of personality in jurisdictions drawn from the families of common law, civilian law, and mixed legal systems. The main focus is on the private law of personality rights, with due regard paid to the impact of constitutional legislation and other instruments protecting human rights.

Transnational Legal Activism in Global Value Chains Miriam Saage-Maaß 2021-08-01 This open access book documents and analyses the various interventions – legal, political, and even artistic – that followed the Ali Enterprises factory fire in Karachi, Pakistan, in 2012. It illuminates the different substantive and procedural aspects of the legal proceedings and negotiations between the various local and transnational actors implicated in the Ali Enterprises fire, as well as the legal and policy reforms sparked by the incident. This endeavour serves to embed these legal cases and reform efforts in the larger context of human and labour rights protection and global value chain governance. It also offers a concrete case study relevant for ongoing debates around the role of transnational approaches in making human rights litigation, advocacy, and law reform more effective. In this regard, the book interrogates and critically reflects on such legal campaigns and local and transnational reform work with a view to future transformative legal and social activism.

Unification of Tort Law: Wrongfulness Francesco Donato Busnelli 1998-11-18 Covers various European countries and South Africa.

Causation in European Tort Law Marta Infantino 2017-12-28 This book takes an original and comparative approach to issues of causation in tort law across many European legal systems.

Prescription in Tort Law Israel Gilead 2020-05-22 Prescription is a major legal defence that bars civil actions after the expiry of the prescription period on the claim. This book canvases in-depth the law of 15 selected jurisdictions and extensively analyses in comparative perspective the elements of prescription, their interrelations, and the policy considerations (including economic analysis). While the book focuses on prescription of tort claims the analysis, comparisons and conclusions are most pertinent to most civil actions.

Tort Law Mark Lunney 2008 Each section begins with a clear overview of the key points of the law, before fully explaining and illustrating the topic through substantial case extracts and further commentary."--BOOK JACKET.

The Recovery of Non-Pecuniary Loss in European Contract Law Vernon V. Palmer 2015-07-02 A pioneering work capturing the recent rise of moral damages in modern European contract law.

Philosophical Foundations of Tort Law David G. Owen 1995 This exceptional collection of twenty-two essays on the philosophical fundamentals of tort law assembles many of the world's leading commentators on this particularly fascinating conjunction of law and philosophy. The contributions range broadly, from inquiries into how tort law derives from Aristotle, Aquinas, and Kant to the latest economic and rights-based theories of legal responsibility. This is truly a multi-national production, with contributions from several distinguished Oxford scholars of law and philosophy and many prominent scholars from the United States, Canada, and Israel. A provocative closing essay by one of the world's leading moral philosophers illuminates how tort law enables philosophers to observe the abstract theories of their discipline put to the concrete test in the legal resolution of real-world controversies based on principles of right and wrong.

Violations of Personality Rights Through the Internet: Jurisdictional Issues Under European Law Edina Márton 2016-03

Cross-Border Infringement of Personality Rights via the Internet Symeon C. Symeonides 2021-01-11 Conflicts of laws arising from injuries to rights of personality—such as defamation or invasion of privacy—have always been difficult, if only because they implicate conflicting societal values about the rights of freedom of speech and access to information, on the one hand, and

protection of reputation and privacy, on the other hand. The ubiquity of the internet has dramatically increased the frequency and intensity of these conflicts. This book explores the ways in which various Western countries have addressed these conflicts, but also advances new, practical ideas about how these conflicts should be resolved. These ideas are part of an international model law unanimously adopted by a Resolution of the Institut de droit international, which addresses jurisdiction, choice of law, and recognition and enforcement of foreign judgments. The book provides extensive article-by-article commentary, which explains the philosophy and intended operation of the Resolution. *Principles of European Tort Law* European Group on Tort Law 2009-09-02 The European Group on Tort Law presents the results of its extensive research project, the Principles of European Tort Law. They were drafted on the basis of several comparative studies on the most

fundamental questions of tortious liability and the law of damages. The Principles are not a mere restatement of the common core of tort law in Europe, but rather a proposal for a comprehensive system of tortious liability for the future, though necessarily linked to existing regimes. They are meant to stimulate discussion both among academics and practitioners and could serve as guidelines for national legislatures, thereby fostering gradual harmonization. The text of the Principles, which is offered in English and several other languages, is accompanied by commentaries on the various parts elaborating their intended meaning and interplay.

Philosophical Foundations of the Law of Torts John Oberdiek 2014-02 This book offers a rich insight into the law of torts and cognate fields, and will be of broad interest to those working in legal and moral philosophy. It has contributions from all over the world and represents the state-of-the art in tort theory.