
COMMENTARIO AL CODICE CIVILE

a cura di **Paolo Cendon**

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The Principles of European Contract Law Ole Lando, 2023-09-29 An arbitrator has to decide a case under a contract to be governed by internationally accepted principles of law A business person is negotiating a contract with a company in another EU state but neither party wishes to apply the law of the other party's country A lawyer is advising parties to contracts involving parties in other States An EU official is drafting a new Directive affecting contracts A professor of law wants her students to gain a solid understanding of the way in which contracts are treated by the laws of the different Member States and to understand the common principles All these need to know the fundamental principles of contract law shared by the legal systems of the Member States and to have a concise comprehensive and workable statement of them The Principles of European Contract Law provides this The Principles have been drawn up by an independent body of experts from each Member State of the EU under a project supported by the European Commission and many other organisations The Principles are stated in the form of articles with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder A particularly valuable feature is that each article also has extensive comparative notes surveying the national laws and other international provisions on the topic The Principles of European Contract Law Parts I II covers the core rules of contract formation authority of agents validity interpretation contents performance non performance and remedies The articles previously published in Part I 1995 are included in a revised and re ordered form

The Foundations of Restitution for Wrongs Francesco Giglio, 2007-03-06 Restitution for wrongs or restitutionary damages is the judicial award which compels the wrongdoer to give up to the victim the benefit obtained through the perpetration of the wrong independently of any loss suffered by the victim The establishment of a civil trial in Roman law which left

compensation as the main response and a widespread loss centred interpretation of the Aristotelian theory of corrective justice explain but do not justify the difficulties encountered by modern attempts to account for restitutionary damages. Mistakes in the classification of this institution have complicated the picture. To overcome some of these problems this study considers the basic structure of restitutionary damages from different angles. In part one the topic is analysed from a comparative perspective. Although the focus remains on English law the German the Italian and the Roman jurisdictions provide research data which in part two support the development of a theory of restitution for wrongs as corrective justice.

Information Sources in Law J.R. Winterton, Elizabeth M. Moys, 2012-06-21 The aim of each volume of this series Guides to Information Sources is to reduce the time which needs to be spent on patient searching and to recommend the best starting point and sources most likely to yield the desired information. The criteria for selection provide a way into a subject to those new to the field and assists in identifying major new or possibly unexplored sources to those who already have some acquaintance with it. The series attempts to achieve evaluation through a careful selection of sources and through the comments provided on those sources.

Codice della legge notarile Gennaro Mariconda, Giovanni Casu, Vera Tagliaferri, 2013-11-20 L'Opera contiene l'intero commento alla legge notarile attraverso l'esame della disciplina dei singoli articoli e della relativa giurisprudenza. Inoltre una parte consistente dell'opera dedicata all'analisi dell'atto pubblico informatico introdotto dal D. Lgs. 2 luglio 2010 n. 110. L'Opera aggiornata alla recentissima normativa e giurisprudenza un utile strumento per la pratica quotidiana del professionista. In particolare il volume aggiornato al D. L. 24.1.2012 n. 1 Disposizioni urgenti per la concorrenza, lo sviluppo delle infrastrutture e la competitività in tema di esercizio delle funzioni notariali in tema di onorari e altri diritti del notaio e delle spese e in tema di applicazione delle sanzioni disciplinari dei provvedimenti cautelari e delle riabilitazioni e al D. L. 18.10.2012 n. 179 Ulteriori misure urgenti per la crescita del Paese in tema di forma degli atti notariali. PIANO DELL'OPERA Legge notarile L. 16.2.1913 n. 89 Titolo I Disposizioni generali Titolo II Dei notari Titolo III Degli atti notariali Titolo IV Dei collegi e dei consigli notariali Titolo V Degli archivi notariali Titolo VI Della vigilanza sui notari sui consigli e sugli archivi Delle ispezioni delle sanzioni disciplinari delle misure cautelari e dei procedimenti per la applicazione delle medesime Disposizioni finali e transitorie Atto pubblico informatico 23 bis 23 ter L. notarile 47 bis 47 ter L. notarile 52 bis L. notarile 62 bis 62 quarter L. notarile 66 bis 66 ter L. notarile 68 bis 68 ter L. notarile Registro generale dei testamenti Legge 25 maggio 1981 n. 307

Gifts Richard Hyland, 2009-06-05 Gifts: A Study in Comparative Law is the first broad based study of the law governing the giving and revocation of gifts ever attempted. Gift giving is everywhere governed by social and customary norms before it encounters the law and the giving of gifts takes place largely outside of the marketplace. As a result of these two characteristics the law of gifts provides an optimal lens through which to examine how different legal systems engage with social practice. The law of gifts is well developed both in the civil and the common laws. Richard Hyland's study provides an excellent view of the ways in which different civil and common law jurisdictions confront

common issues The legal systems discussed include principally in the common law those of Great Britain the United States and India and in the civil law the private law systems of Belgium and France Germany Italy and Spain Professor Hyland also serves a critique of the dominant method in the field which is a form of functionalism based on what is called the praesumptio similitudinis namely the axiom that once legal doctrine is stripped away developed legal systems tend to reach similar practical results His study demonstrates to the contrary that legal systems actually differ not only in their approach and conceptual structure but just as much in the results

Foundations of Property Law Christian von Bar, 2023-08-10

Foundations of Property Law Things as Objects of Property Rights is an abridged translation of the first volume of Christian von Bar's *Gemeineuropäisches Sachenrecht* a milestone in European private law theory and in comparative property law more broadly Radical in content and scope the English version examines the dynamics of interaction between the objects contents and holders of property The conceptual framework of property law is presented as a domain of erga omnes monopoly rights that govern the relationship between persons and objects of value Within that framework a reciprocal relationship is illustrated between property rights and their objects property rights play a role in constituting the very objects things in which they are held With comprehensive comparative analysis insights are gleaned from all the jurisdictions of the European Union and the United Kingdom presenting a critical evaluation of property law systems in both Common and Civil Law traditions This book joins all the national legal systems in a single inquiry treating their traditions and arguments with the respect they deserve and taking advantage of the knowledge embodied in the diversity of European private law A scholastic work offering deep and unique insights into the European property law systems *Foundations of Property Law* will quickly become a go to resource for anyone interested in European private law and comparative property law

Contract Law in Italy Pier Giuseppe Monateri, Filippo Andrea Chiaves, Mauro Balestrieri, 2021-01-22 Derived from the renowned multi volume *International Encyclopaedia of Laws* this practical analysis of the law of contracts in Italy covers every aspect of the subject definition and classification of contracts contractual liability relation to the law of property good faith burden of proof defects penalty clauses arbitration clauses remedies in case of non performance damages power of attorney and much more Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology application and procedure from one legal system to another as well as the international aspects of contract law Throughout the book the treatment emphasizes drafting considerations An introduction in which contracts are defined and contrasted to torts quasi contracts and property is followed by a discussion of the concepts of consideration or cause and other underlying principles of the formation of contract Subsequent chapters cover the doctrines of relative effect termination of contract and remedies for non performance The second part of the book recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it describes the nature of agency sale lease building contracts and other types of contract Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in

varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in Italy will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative contract law *Il contratto* Pasquale Fava,2012

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