

DANIEL DAMLER

Das gesetzlich
privilegierte Muster
im Privatrecht

Mohr Siebeck

Das Gesetzlich Privilegierte Muster Privatrecht

Peter McColgan



Das Gesetzlich Privilegierte Muster Privatrecht:

Das gesetzlich privilegierte Muster im Privatrecht Daniel Damler, 2015-07-08 English summary Model contracts and especially model articles of association privileged by the legislator seem to be a promising new form of regulation according to the principles of a libertarian paternalism Daniel Damler analyses their advantages and disadvantages from a legal perspective German description Optionsmodelle stehen gegenwartig im Privatrecht hoch im Kurs Aus der Perspektive des libertaren Paternalismus gelten sie als Via regia einer Verhaltenssteuerung ohne gravierende Eingriffe in die Privatautonomie Seit einiger Zeit experimentiert der Gesetzgeber mit einer vielversprechenden Alternative zum dispositiven Recht In der Absicht Rechtssicherheit und ausgewogene Vertragsbeziehungen zu fordern stellt er Muster zur Verfung die dem Normenadressaten die Erfullung seiner Pflichten erleichtern Daniel Damlers Studie ist die erste Untersuchung die das gesetzlich privilegierte Muster als ein ubergreifendes Phanomen des Privatrechts würdigt Anhand von Beispielen wie dem GmbH Musterprotokoll und der Musterwiderrufsbelehrung analysiert der Autor die Konsequenzen für die Methoden und Rechtsgeschäftslehre die sich aus dem eigentumlichen Spannungsverhältnis zwischen individuellen und überindividuellen Regulierungsabsichten ergeben **Commentaries on European Contract Laws** Nils Jansen, Reinhard

Zimmermann, 2018-07-12 The book provides rule by rule commentaries on European contract law general contract law consumer contract law the law of sale and related services dealing with its modern manifestations as well as its historical and comparative foundations After the collapse of the European Commission's plans to codify European contract law it is timely to reflect on what has been achieved over the past three to four decades and for an assessment of the current situation In particular the production of a bewildering number of reference texts has contributed to a complex picture of European contract laws rather than a European contract law The present book adopts a broad perspective and an integrative approach All relevant reference texts from the CISG to the Draft Common European Sales Law are critically examined and compared with each other As far as the *acquis commun* ie the traditional private law as laid down in the national codifications is concerned the Principles of European Contract Law have been chosen as a point of departure The rules contained in that document have however been complemented with some chapters sections and individual provisions drawn from other sources primarily in order to account for the quickly growing *acquis communautaire* in the field of consumer contract law In addition the book ties the discussion concerning the reference texts back to the pertinent historical and comparative background and it thus investigates whether and to what extent these texts can be taken to be genuinely European in nature ie to constitute a manifestation of a common core of European contract law Where this is not the case the question is asked whether and for what reasons they should be seen as points of departure for the further development of European contract law **Transnationale Verträge im nationalen Recht** Torsten Kindt, 2023-09-04 Weltweit vereinheitlichte

Musterverträge bestimmen die Vertragsgestaltung im grenzüberschreitenden Finanzverkehr Diese Musterverträge werden

von privaten Organisationen wie der International Chamber of Commerce ICC der Loan Market Association LMA und der International Swaps and Derivatives Association ISDA geschaffen Torsten Kindt zeigt dass auf Grundlage der Muster ein bereichsspezifisches transnationales Vertragsrecht entsteht das jedoch auf vielfaltige Weise mit dem staatlichen Recht verwoben bleibt Er entwickelt Leitlinien fur einen responsiven Umgang mit musterbasierten transnationalen Vertragen im staatlichen Kollisions Vertrags und Internationalen Zivilverfahrensrecht die auch uber den Finanzbereich hinaus zu einem produktiven Zusammenwirken privater und staatlicher Ordnung beitragen können

Große Gesellschaftsverträge aus Geschichte und Gegenwart Holger Fleischer, Sebastian Mock, 2021-07-19 Große Gesellschaftsverträge und Satzungen gehören zu den Schlüsseltexten des Gesellschaftsrechts Dieser Band versammelt ausgewählte Statuten erläutert sie in begleitenden Essays und wirft einen Blick auf die hinter ihnen stehenden Unternehmen und Organisationen Zeitlich reicht der Bogen von der altrömischen *societas* über die Florentiner Medici die Augsburger Fugger und die niederländisch-ostindische Compagnie bis hin zur Gründung von Google Sachlich wird fast das gesamte Spektrum von Zweckzusammenschlüssen abgedeckt von den Industrieschergewichten Siemens Allianz und Deutsche Telekom über den Massenverein ADAC und die HSV Fußball AG bis hin zur Bucerius Law School Ein Stück deutscher Wirtschaftsgeschichte erzählen die Statuten der IG Farben von Auto Union und Alfred Krupp von Bohlen und Halbach Stiftung Insgesamt laden die 27 Einzelbeiträge ein zu einer Neubefassung der Rechtswissenschaft mit Gesellschaftsverträgen und schlagen zugleich die Brücke zur Wirtschafts und Unternehmensgeschichte

Abschied vom Informationsmodell im Recht allgemeiner Geschäftsbedingungen Peter McColgan, 2020-04-14 Die meisten Menschen lesen allgemeine Geschäftsbedingungen nicht Dennoch schreibt 305 Abs 2 BGB die Möglichkeit zur Kenntnisnahme als Einbeziehungsvoraussetzung vor Dieser Widerspruch ist Ausprägung des Informationsmodells das versucht den Empfänger von AGB durch Informationspflichten vor widrigen Klauseln zu schützen Peter McColgan hinterfragt diese Schutzkonzeption mit Blick auf ihre Effektivität sowie ihre dogmatischen Grundlagen Dabei wird deutlich dass zwar Einigkeit über das Ob einer AGB Kontrolle besteht das Wie der Inhaltskontrolle jedoch nicht zwingend ist Insbesondere ist die aktuelle Rechtsgestaltung nicht mit einer Rückbindung der AGB Kontrolle in der ökonomischen Analyse des Rechts vereinbar Der Autor kritisiert diesen fehlenden Grundlagenbezug und arbeitet Alternativen heraus Dabei konzentriert er sich auf drei Hauptfelder der AGB Kontrolle Die Einbeziehungsvoraussetzungen das Transparenzgebot sowie die AGB Kontrolle im unternehmerischen Geschäftsverkehr

Das Recht der Mitgliedschaft Lars Howe , 2024-12-13 Das Recht der Mitgliedschaft und ihre Rechtsnatur sind seit dem 19 Jahrhundert Gegenstand intensiver Diskussionen in Literatur und Rechtsprechung Inzwischen hat sich eine herrschende Theorie der Mitgliedschaft entwickelt die über konkrete Rechtsfragen anhand der abstrakt systematischen Einordnung der Mitgliedschaft als subjektives Recht entscheidet Lars Howe stellt dem ein kontextbezogenes Vorgehen gegenüber das rechtsmethodisch auf der Relativität der Rechtsbegriffe beruht und die Frage nach der Einordnung der Mitgliedschaft als subjektives Recht für jede

Vorschrift gesondert beantwortet Exemplarisch greift er das Rechtsverkehrsrecht heraus dessen Wertungen er zunächst ausführlich analysiert Auf dieser Grundlage entwickelt er eine differenzierte und in sich konsistente Lehre von der Mitgliedschaft als Gegenstand von Übertragungen und Belastungen *Karlsruher juristische Bibliographie* ,1995

Enjoying the Tune of Appearance: An Mental Symphony within **Das Gesetzlich Privilegierte Muster Privatrecht**

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