
Kommunikationsdeliktsrecht Eine Transnationale Un

Comparative Concepts of Criminal Law
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 The European Union and Deprivation of Liberty

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MAYRA MARQUES

Comparative Concepts of Criminal Law

Bloomsbury Publishing
 The European Union and Deprivation of Liberty examines the EU legislative and judicial approach to deprivation of liberty from the perspective of the following fundamental rights and principles: the principle of legality and proportionality of penalties; the right to liberty; and the principle that criminal penalties must aim for the social reintegration of the offenders. The book measures the relevant EU law against those rights; this constitutes the very core of the relationship between public powers and individual liberty. The analysis shows that the ultimate goal of the Union is the creation and preservation of the EU as a borderless area. The holistic approach

adopted in the book explains how different legal phenomena connected to deprivation of liberty have come into being in EU law. It also shows that those phenomena call for solutions suitable for the peculiarities of the EU legal order. *Rationing the Constitution* Edward Elgar Publishing

In this groundbreaking analysis of Supreme Court decision-making, Andrew Coan explains how judicial caseload shapes the course of American constitutional law and the role of the Court in American society. Compared with the vast machinery surrounding Congress and the president, the Supreme Court is a tiny institution that can resolve only a small fraction of the constitutional issues that arise in any given year. *Rationing the Constitution* shows that this simple yet frequently ignored fact is essential to

understanding how the Supreme Court makes constitutional law. Due to the structural organization of the judiciary and certain widely shared professional norms, the capacity of the Supreme Court to review lower-court decisions is severely limited. From this fact, Andrew Coan develops a novel and arresting theory of Supreme Court decision-making. In deciding cases, the Court must not invite more litigation than it can handle. On many of the most important constitutional questions—touching on federalism, the separation of powers, and individual rights—this constraint creates a strong pressure to adopt hard-edged categorical rules, or defer to the political process, or both. The implications for U.S. constitutional law are profound. Lawyers, academics, and social activists pursuing social reform through the courts must consider whether their goals can be accomplished within the constraints of judicial capacity. Often the answer will be no. The limits of judicial capacity also substantially constrain the Court's much touted—and frequently lamented—power to overrule democratic majorities. As *Rationing the Constitution* demonstrates, the Supreme Court is David, not Goliath.

A New History of the Humanities

Oxford University Press, USA

This volume explores key issues in the law of succession from a variety of perspectives: national, historical and comparative.

Freedom of expression in the internet society Routledge

Promoting a 'learning-by-doing' approach to comparative contract law and comparative methodology, this updated second edition of *Comparative Contract Law* updates the first true student reader on the subject. Bringing

together extracts from legislation and court practice this textbook lets students experience comparative law in action, and presents a unique guide to European and International contract law.

Copyright Law and Derivative Works Key Editore

Offers the first overarching history of the humanities from Antiquity to the present.

International Encyclopedia of Comparative Law Routledge

Jan Oster prägt den Begriff des "Kommunikationsdeliktsrechts" als Teilgebiet des Informations- und Kommunikationsrechts. Ausgehend von den drei Rechtsordnungen Deutschland, England und Wales sowie dem Bundesrecht der USA entwickelt er Theorie und Dogmatik eines transnationalen

Kommunikationsdeliktsrechts. Am Beispiel des privatrechtlichen Ehrschutzes arbeitet er Möglichkeiten und Grenzen internationaler Vereinheitlichungstendenzen heraus. Wo es an Rechtsvereinheitlichung fehlt, kommt dem Internationalen Privatrecht entscheidende Bedeutung zu; der internationalen Zuständigkeit und dem anwendbaren Recht ist daher ein eigenes Kapitel gewidmet. Schliesslich untersucht der Autor die Haftung von Kommunikationsintermediären sowie den Datenschutz als neues Instrument des Kommunikationsdeliktsrechts.

Diritto Privato Europeo Springer

The study analyses the provisions of article 10 of the European Convention of Human Rights, which protects freedom of expression, in the context of the Internet society. Recent landmark ECHR and ECJ judgments, useful to explain the peculiar mechanism of protection of freedom of expression in the field, are examined in the text. A special attention

is given to the ECHR Grand Chamber *Delfi v. Estonia* judgment, delivered in 2015, which clearly set the position of the Information service providers, their powers and duties to filter and block illegal data, and their responsibility for defamation brought by Internet users.

The Limits of Criminal Law Mohr Siebeck

Copyright law regulates creativity. It affects the way people create works of authorship ex-ante and affects the status of works of authorship significantly ex-post. But does copyright law really understand creativity? Should legal theories alone inform our regulation of the creative process? This book views copyright law as a law of creativity. It asks whether copyright law understands authorship as other creativity studies fields do. It considers whether copyright law should incorporate non-legal theories, and if so, how it should be adjusted in their light. For this purpose, the book focuses on one of the many rights that copyright law regulates – the right to make a derivative work. A work is considered derivative when it is based on one or more preexisting works. Today, the owner of a work of authorship has the exclusive right to make derivative works based on her original work or to allow others to do so. The book suggests a new way to think about both the right, the tension, and copyright law at large. It proposes relying on non-legal fields like cognitive psychology and genre theories, and offers new legal-theoretical justifications for the right to make derivative works. As the first book to consider the intersection between copyright law, creativity and derivative works, this will be a valuable resource for students, scholars, and practitioners interested in intellectual property and copyright law.

The Object of Copyright Cambridge

University Press

Recent years have seen a number of pressing developments in copyright law: there has been an enormous increase in the range and type of work accorded protection; the concept of the 'original work' has entered into national copyright acts; and intangible entities are now entitled to protection by copyright. All these are consequences of legislative and technological developments that can be traced back over two centuries and more. The result. This book presents an interdisciplinary study of the growth of copyright law, largely based on archival research and on archival materials only recently made available online. The new history here articulated helps to explain why print is no longer today the sole or even the chief object of copyright protection. Taking its key examples from British, French and Danish copyright law, the book begins by exploring how the earliest copyright laws emerged out of the technological understanding of a printed 'copy,' and out of the philosophical notions of originals and copies, tangibles and intangibles. Dr Teilmann-Lockgoes on to examine the concept of the 'work' as it develops both conceptually and legally, as the object of protection, and then explains how, in a curious consequence, 'the work' turns the 'copy' into the 'mere' material instantiation of the intangible 'original'. The book concludes by addressing the considerable and complicated problems now emerging in copyright law following the inclusion of design within the scope of its protection. In this field Danish law, striving to protect Danish design, has been setting the trend for over a hundred years. In its examination of terminological exchanges between the diverse legal traditions and philosophical discourse, and in its

thorough investigation of particular terms central to copyright legislation, this interdisciplinary book will be of great interest to scholars and students of copyright and intellectual property law; it also makes an important contribution to literary studies, legal history and cultural theory.

Judicial Power Harvard University Press
The power of national and transnational constitutional courts to issue binding rulings in interpreting the constitution or an international treaty has been endlessly discussed. What does it mean for democratic governance that non-elected judges influence politics and policies? The authors of *Judicial Power* - legal scholars, political scientists, and judges - take a fresh look at this problem. To date, research has concentrated on the legitimacy, or the effectiveness, or specific decision-making methods of constitutional courts. By contrast, the authors here explore the relationship among these three factors. This book presents the hypothesis that judicial review allows for a method of reflecting on social integration that differs from political methods, and, precisely because of the difference between judicial and political decision-making, strengthens democratic governance. This hypothesis is tested in case studies on the role of constitutional courts in political transformations, on the methods of these courts, and on transnational judicial interactions.
Comparative Contract Law, Second Edition

This book contains selected contributions presented during the workshop "Establishing Filiation: Towards a Social Definition of the Family in Islamic and Middle Eastern Law?", which was convened in Beirut, Lebanon in November 2017. Filiation is a

multifaceted concept in Muslim jurisdictions. Beyond its legal aspect, it encompasses the notion of inclusion and belonging, thereby holding significant social implications. Being the child of someone, carrying one's father's name, and inheriting from both parents form important pillars of personal identity. This volume explores filiation (nasab) and alternative forms of a full parent-child relationship in Muslim jurisdictions. Eleven country reports ranging from Morocco to Malaysia examine how maternal and paternal filiation is established - be it by operation of the law, by the parties' exercise of autonomy, such as acknowledgement, or by scientific means, DNA testing in particular - and how lawmakers, courts, and society at large view and treat children who fall outside those legal structures, especially children born out of wedlock or under dubious circumstances. In a second step, alternative care schemes in place for the protection of parentless children are examined and their potential to recreate a legal parent-child relationship is discussed. In addition to the country-specific analyses included in this book, three further contributions explore the subject matter from perspectives of premodern Sunni legal doctrine, premodern Shiite legal doctrine and the private international law regimes of contemporary Arab countries. Finally, a comparative analysis of the themes explored is presented in the synopsis at the end of this volume. The book is aimed at scholars in the fields of Muslim family law and comparative family law and is of high practical relevance to legal practitioners working in the area of international child law. Nadjma Yassari is Leader of the Research Group "Changes in God's Law: An Inner-Islamic

Comparison of Family and Succession Law” at the Max Planck Institute for Comparative and International Private Law while Lena-Maria Möller is a Senior Research Fellow at the Max Planck Institute and a member of the same Research Group. Marie-Claude Najm is a Professor in the Faculty of Law and Political Science at Saint Joseph University of Beirut in Lebanon and Director of the Centre of Legal Studies and Research for the Arab World (CEDROMA).

Intestate Succession

"This handbook ... fills a legal educational gap by exploring basic concepts of substantive criminal law in three major European legal systems: the common law system of England and Wales and the civil law systems of Germany and the Netherlands. Each chapter focuses on a specific concept or doctrine that is necessary to determine criminal liability (e.g. actus reus, mens rea, defences, inchoate offences). Throughout the book the authors also highlight and discuss some recent legislative and judicial developments that broaden the scope of criminal liability in our modern culture of control"-
-Back cover.

Ukrainian Private Law and the European Area of Justice

Intestate Succession is the second volume in the Comparative Succession Law series which examines the principles of succession law from a comparative and historical perspective. This volume discusses the rules which apply where a person dies either without leaving a valid will, or leaving a will which fails to dispose of all of the person's assets. Among the questions considered are the following: What is the nature of the rules for the disposal of the deceased's assets? Are they mechanical

or is there an element of discretion? Are particular types of property dealt with in particular ways? Is there entitlement to individual assets (as opposed to money)? Do the rules operate in a parentelic system or a system of some other kind? Are spouses treated more favourably than children? What provision is made for extra-marital children, for adopted children, for step-children? Does cohabitation give rise to entitlement? How are same-sex couples treated? Broader questions also arise of a historical and comparative nature. Where, for example, do the rules in intestate succession come from in particular legal systems? Have they been influenced by the rules in other countries? How are the rules explained and how are they justified? To what extent have they changed over time? What are the long-term trends? And finally, are the rules satisfactory, and is there pressure for their reform? As in the first volume, this book will focus on Europe and on countries which have been influenced by the European experience such as Australia, New Zealand, South Africa, the United States of America, Quebec, and the countries of Latin America. Further chapters are devoted to Islamic Law and Nordic law. Opening with a discussion on Roman law and concluding with an assessment of the overall development of the law in the countries surveyed, this book will provide a wider reflection on the nature and purpose of the law of intestate succession.

Filiation and the Protection of Parentless Children

From a framework of core principles, 'The Limits of Criminal Law' explores the normative and performative limits of criminal law at the borders of crime with tort, non-criminal enforcement, medical

law, business regulation, administrative sanctions, terrorism and intelligence law. It carefully juxtaposes and compares English and German law on each of these borders, drawing out underlying concepts and building a detailed picture of what shapes criminal law, where its limits come from, and what might motivate legal systems to strain, ignore or strengthen those limits.

Exploring the Law of Succession

The present collection of essays addresses the development of Ukrainian private law in the course of its ongoing Europeanization. This process is determined by the Association Agreement between the EU and Ukraine, which was concluded in 2014 and obliges Ukraine to implement a diverse number of European legal acts in its

national legal system, aiming to achieve the economic integration of Ukraine into the EU internal market. Nevertheless, it would be inaccurate to describe the process of integrating Ukrainian private law into the European Area of Justice as solely the implementation of the Community acquis. Rather, the Europeanization of Ukrainian private law is part of a value-based Europeanization of the entire Ukrainian society. With contributions by: Jurgen Basedow, Danilo Flores, Caroline von Gall, Christa Jessel-Holst, Vitalii Korolenko, Volodymyr Kochyn, Volodymyr Korol, Eugenia Kurzynsky-Singer, Rainer Kulms, Roman Majdanyk, Natalia Pankevich

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